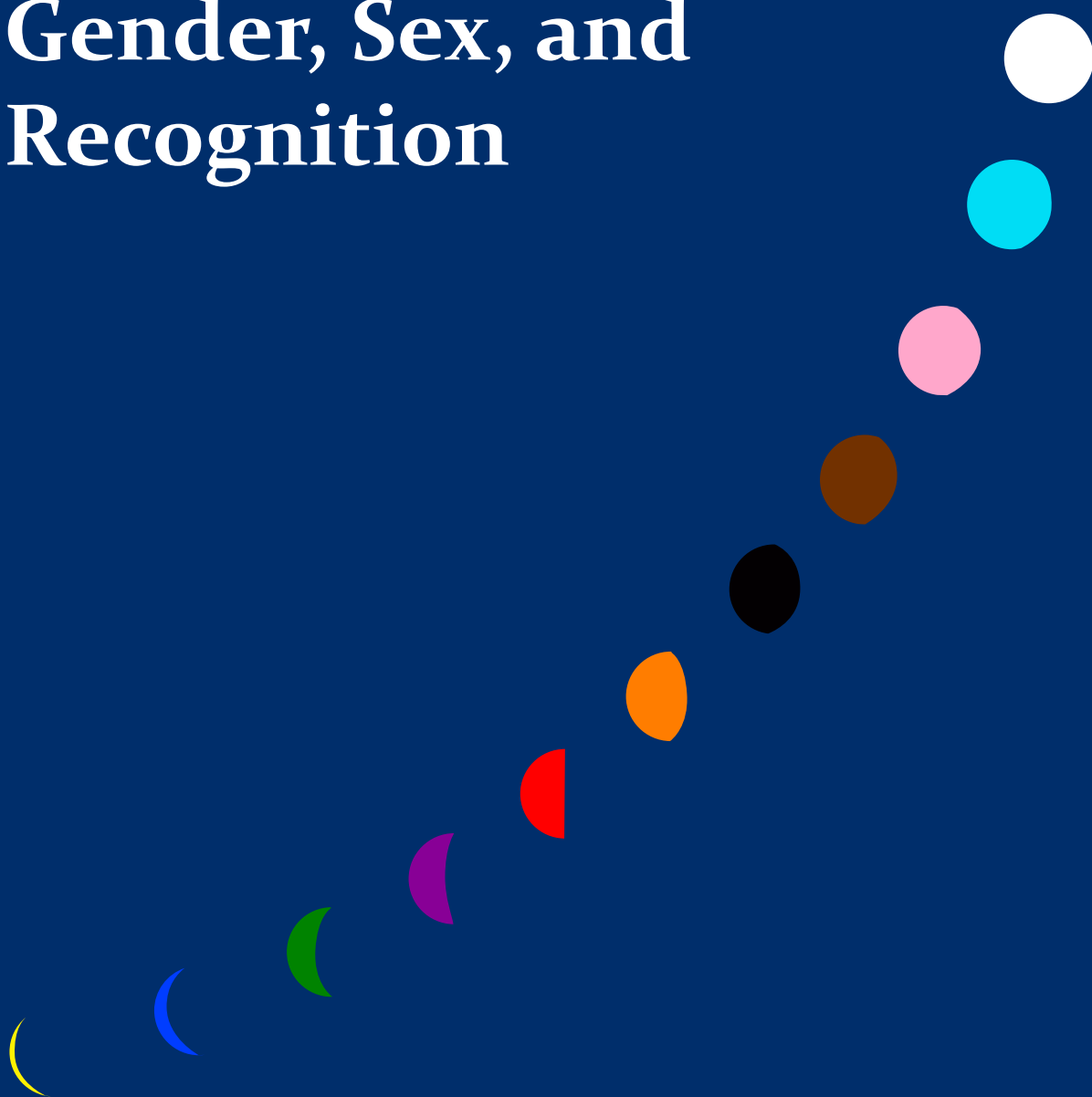


Queering America: Gender, Sex, and Recognition



Guest Editors:
Francesco Bacci
Emanuele Monaco
Chiara Patrizi



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QUEERING AMERICA TODAY: REFLECTIONS AND PRACTICES FOR SOCIAL CHANGE

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On December 1, 1952, Christine Jorgensen became the first US citizen to undergo sex reassignment surgery. As historian Joanne Meyerowitz (2009) notes in *How Sex Changed: A History of Transsexuality in the United States* (2-4), the redefinition of gender identity, as opposed to biological sex, was the ultimate product of a long process that emerged from the medical discourse of the mid-1950s, in the aftermath of Jorgensen's surgery. Since then, a non-binary understanding of gender has been featured increasingly in an ever-expanding debate on inclusiveness, freedom, and equality in the United States—the same ideals that have been central to US myth-making and identity-formation since the founding of the nation, grounded in the 1776 Declaration of Independence, which asserts that “all men are created equal” with inalienable rights such as “life, liberty and the pursuit of happiness.”

In embracing the call to freedom and equality, the use of the term ‘queer’ has significantly evolved during the twentieth and twenty-first centuries. Used as a slur targeting homosexual people for much of the nineteenth century and the better part of the following, this umbrella term began to be reclaimed by US activists in the late 1980s.¹

¹ On the history of the use of the term *queer* see: Somerville, Siobhan B, “Queer,” in *Keywords for American Cultural Studies*, ed. Bruce Burgett and Glenn Hendler (New York: NYU Press), 187-91.

By overcoming dogmatic definitions of gender and sexuality, queer has offered, and continues to offer, an alternative to the mainstream public discourse centered on binary social hierarchies and heteronormative conventions for LGBTQ+ people. Furthermore, in the past three decades, seminal works by critical theorists—including bell hooks, Teresa De Lauretis, Leo Bersani, Eve Sedgwick, Jack Halberstam, and Roderick Ferguson—have also contributed to challenging prescriptive norms of self-representation. Through their writings, these authors have invited reflections on queer identity and the need to embrace marginality and failure as necessary steps to achieve liberation and recognition.

As hooks and Halberstam have respectively posited, only by “mov[ing] away from the space of binaries” (hooks 2013) and reversing “the punishing norms that discipline behavior and manage human development” (Halberstam 2011, 3) can we create new possibilities and pursue our own true aspirations of freedom and equality. It is in this spirit that this special issue aims to meditate on the ongoing importance of queering US identity—its history, literature, culture, myths—in the present moment.

On September 30, 2022, at the onset of “Queering America: Gender, Sex, and Recognition in U.S. History, Culture, and Literature,” the 3rd AISNA Graduates Conference, the members of the organizing committee were particularly excited to host the Graduate Forum’s first in-person event we held in the aftermath of the COVID-19 lockdown. By the end of the day, our enthusiasm had turned into something more, as we realized that attendance and engagement had exceeded our expectations. While the event had produced passionate and thought-provoking dialogue among early-career and established researchers from across Europe, its success did not stem only from a need for in-person interactions after too many online meetings, but rather from a shared intent. The conference theme served as an intellectual catalyst, gathering people and critical perspectives revolving around a timely issue: in the COVID era, reflecting on queerness and its liberating potential offered a space to challenge the blatant contradictions and flaws of the neoliberal system that had surfaced during the pandemic. The conference set out to explore whether there is a space in US society for a queerness that seeks liberation and recognition rather than simple admission to the

status quo—and what this implies for the struggle to promote effective social change. As such, our decision to focus on themes of queerness, gender, and sexual identity emerged from a desire to foster meaningful interdisciplinary discussions, encouraging diverse voices and perspectives. We hence invited scholars from across career stages to present the multiple ways in which their research explores the interplay between gender, sex, and recognition, with an eye to the challenge that conceptualizations of queerness pose to the more conservative components of US culture and society, such as institutional religion, the organization of law, the so-called traditional family, as well as founding myths like that of American individualism and the American Dream.

This issue of *JAm It!* builds upon the critical debate that unfolded during the “Queering America” conference and aspires to provide the readers with current critical practices and debates within various fields that use queerness as a critical lens. Two main trends have emerged in the last few decades of scholarship. The first has conceptualized the very word queer as an umbrella term for all non-normative sexual and gender identities, opening up the field to new possibilities of analysis. In literary and cultural studies, this paradigmatic shift is reflected, for example, by paying attention not only to authors and texts, but also to the reader (Sedgwick 1993; Anzaldúa 1991), whose positionality (including their gender identity and sexuality) can influence the interpretation and reception of any particular work. Such critical conversation also warns us that we cannot assume a simple correspondence between sexual identity and a person’s subjectivity (Anzaldúa 1991), and likewise, queer does not stand in a simple binary opposition to straight, as Cathy Cohen suggests (1997). Not all instances of heterosexuality are granted the status of normative, especially when concepts like race, social class, and religion are also taken into account. Heteronormativity is a concept that therefore appears in this analytical thread as the real opposite of queer, something that is as much racialized as it is gendered, especially in the United States.

Cohen’s observations lead us into a second deployment of *queer*, that is, as an approach that helps us understand normativity itself as “based on interlocking categories of difference and power, including race, caste, indigeneity, gender, class,

nation and religion” (Somerville 2022, 5). Intersectionality and interdisciplinarity are therefore keys in this approach, adding new layers of analysis to previously established academic narratives across scholarly fields. This approach has led to research that analyzes *queer* more in its particular relations to power rather than as a specific identity or an umbrella of identities. The aim of this research is to make visible various practices of liberation and conceptualization of the self in many different historical and cultural contexts, including those that eschew contemporary Western understandings of gender and sex (Golberg and Menon 2005; Dinshaw 2012; Freeman 2010; Freccero 2006). This analytical framework has proven especially useful when *queer* intertwines with concepts like postcolonial and decolonization (Hawley 2001; Asante and Hanchey 2021). Epistemically, moreover, scholars have stressed the need to avoid compartmentalizing queer analysis to the study of a limited set of “legitimate” objects (Butler 1995; Berlant and Warner 1995) and systematizing the approach. If the “uncontainable aspects of queer commentary are its strengths” (Somerville 2021, 7), this concept translates into research that does not bode well with disciplinary norms “founded on divisions between legitimacy and illegitimacy” (Ferguson 2012). Therefore, any attempt to define the field using traditional boundaries becomes exclusionary and partial.

In this spirit of open-endedness, starting from Jorgensen’s legacy, and its challenges to our social understanding of sex and gender, the proposals we received allowed us to engage a wide range of research areas and cultural objects. Applying a queer perspective to the fields of history and political science enables research that examines the inclusion and omission of LGBTQ+ representations in archives, museums, narratives, and political discourse; the treatment of LGBTQ+ identities in medicine and body conceptualization; their relation to military history and exclusions from full citizenship; and how movements over time have defined the boundaries of representation in relation to gender, race, and class in an intersectional manner. Further, in the current political landscape: what queer means in our post-Obergefell and post-Trump world, what the inclusion of cis gays and lesbians within the legislative frame of the American family implies for the other identities within the LGBTQ+ community. Moreover, any analysis that focuses on queerness must broaden its scope

to include the relationship between the United States and the rest of the world, drawing on critical and postcolonial theories. Since the discourse around queer liberation has often centered on expanding the spectrum of legally recognized rights, it is crucial to also research the legal aspects of these issues in a comparative and interdisciplinary manner. This is especially needed at a time in which too many Western governments appear to be threatening the hard-earned rights of various subjugated groups, promoting conservative and dehumanizing laws. Finally, central to our call was the intent to explore how queerness helps us understand literature and the arts and, vice versa, how they define—and contribute to redefining—queerness, including the ways in which literary texts challenge not only the common norms and values of American life, but also the limits of queer political activism in the second half of the 20th century and in the post-Stonewall decades until today. Not only fiction and poetry, but also theater, stories of trans identities, and performance arts—art forms used as expressions of restlessness, joy, and defiance among marginalized identities within the queer community.

From a list of many insightful papers from authors who responded enthusiastically to these themes, a short selection has now become part of this special issue of *JAm It!*, and we believe that the essays in this issue comprise a representative selection of the debate that took place during the “Queering America” conference. In “Queering American History. New Perspectives and the Impact of Archival Activism,” Emanuele Monaco urges us to consider the implications of “queer[ing] our common understanding of American history,” as he reflects on the instruments and methods that can be adopted effectively towards such aim and the implications of such efforts. The path sketched out by Monaco is neither simple nor painless, as Anthony Castet’s contribution, “Subverting Same-Sex Couples’ Equal Dignity: the Perpetuation of a System of Double Binds,” further testifies by exploring the disastrous effects of post-Trump era’s conservative US politics on same-sex couples’ rights in the name of so-called “religious freedom,” through policies targeting and limiting the freedom and equality of the LGBTQ+ community.

Freedom of expression and equality enter also Daniele Atza's analysis of popular representations of non-conforming sexualities in "Let Me Get This Queer: Recognition of Age and Sexuality in *Grace and Frankie*," in which the author argues that the Netflix series provides a liberating space for the portrayal of queer and elderly sexuality, against common ageist biases and misconceptions—while not particularly radical in its form, but effective precisely because it is aimed at a general public on a mainstream platform. Reflecting on taboos regarding sexual orientation through one of the most relevant US intellectuals and writers of the second half of the twentieth century, Francesca Scaccia's contribution, "The Trope of Africanism to Address Homosexuality in *Giovanni's Room* by James Baldwin," explores literary representations of the intersections between queerness and blackness and their subversive implications in the context of the conservative 1950s, as well as the challenges that Baldwin's argument on Africanism posed to a notion of American identity as inherently white, male, and heterosexual. Finally, crossing geographical and temporal borders, Steph Berens's piece "(Re-)Narrating Transgender's Pasts, Presents, and Futures in Casey Plett's *Little Fish*" expands the debate to Canada, offering, through literature, a comparative perspective on US and Canadian queer politics and representations. Plett's novel of "transness," Berens argues, goes beyond and against cisnormative linear narrative canons while reworking time and narrative patterns in order to acknowledge queer and trans experience, liberating them from the temporal strictures of heteronormativity.

These essays effectively convey what we aimed to achieve with our conference. By bringing together different perspectives, identities, personal histories, research areas, and methodological sensibilities, we wanted to explore what a queer understanding of the United States can tell us about the world we live in, how it is changing, and what place we as scholars hold in this change. We recognize our responsibility to critically engage with these complexities and to contribute meaningfully to the ongoing discourse on subjects like sex, gender, and social recognition, with interdisciplinarity and intersectionality as guiding principles. As we try to demonstrate with this issue, a queer understanding of society requires effort on all fronts of academic research. We hope that the enthusiasm we shared and put into

practice through our work will also inspire our readers, inside and outside the walls of academia.

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QUEERING AMERICAN HISTORY: NEW PERSPECTIVES AND THE IMPACT OF ARCHIVAL ACTIVISM

Emanuele Monaco
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ABSTRACT

“[I]n several respects, queer studies and critical history are products of the same post Enlightenment critique; both, for instance, are skeptical of universalist metanarratives, transcendent categories, sequential linearity, narratives of progression and ‘empty sameness’.” (Doan 2013, 6). But what does it mean to queer American history? How might queering it move us to ask new and different questions about it, regardless of whether we write about intimacy, eros, sexuality or love? If early scholarship chronicled the exploits of queer-identified people over time for an audience already open to the history of sexuality, the contemporary methodological struggle is aiming to suggest ways in which queering history might aid us in thinking more critically about how conventions, ideals, norms and, above all, practices gain traction and resonance in our history writing. To queer history instead of just writing histories of queerly situated or queer-identified people is to draw on a wide array of conceptual tools—often from other disciplines—to lay bare common assumptions about the world in which our subjects lived. It means stepping away from the family album approach and adding new layers of complexity to a shared historical past. This paper, in the spirit of decades’ worth of scholarship that sees queer as much as a methodological intervention as an epithet, sketches out: the way queer American history has been defined by academia and the issues and limits that emerged from research and scholarship; what it means to queer our common understanding of American history, untangling it from the excessive focus on the XX century; where queer history gets its fuel, the archive, what it means to reconstruct and preserve the memory of discriminated and written off communities and individuals.

Keywords: queer history; American history; queer archives.

INTRODUCTION

In the 1620s, Thomas Morton broke from Plymouth Colony and founded Merrymount, which celebrated same-sex desire, atheism, and interracial marriage. Transgender evangelist Jemima Wilkinson, in the early 1800s, adopted the name Public Universal Friend, refused to use pronouns, fought for gender equality, and led a congregation in upstate New York. In the mid-nineteenth century, internationally famous Shakespearean actor Charlotte Cushman led an openly lesbian life, including a well-publicized “female marriage.” And in the late 1920s, Augustus Granville Dill was fired by W. E. B. Du Bois from the NAACP’s magazine *The Crisis* after being arrested for

a homosexual encounter. These are just a few moments of queer stories that fill what we call US or American history.

But what does it mean to queer American history? How might queering it move us to ask new and different questions, regardless of whether we write about intimacy, eros, sexuality or love? If early scholarship chronicled the exploits of queer-identified people over time for an audience already open to the history of sexuality, the contemporary methodological struggle is aiming to suggest ways in which queering history might aid us in thinking more critically about how conventions, ideals, norms and, above all, practices gain traction and resonance in our history writing.

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This essay, in the spirit of decades' worth of scholarship that sees *queer* as much as a methodological intervention as an epithet, sketches out: the way queer history has been defined by academia and the issues and limits that emerged from research and scholarship; what it means to queer our common understanding of American history; where queer history gets its fuel, its archive, what it means to reconstruct and preserve the memory of discriminated and written off communities and individuals.

WHAT IS QUEER HISTORY?

In her 2018 historiographical essay “The Power of Queer History,” Regina Kunzel (2018) observed that scholarly efforts “to locate LGBT/queer history in the larger context of power, politics, and the state are more evident than ever” (1561). It has not always been the case. History departments, journals, and conference papers eventually found their way to define the field and contain it within specific boundaries of academic codification. What they found was a groundwork prepared by activists and people trained outside university halls that consisted in fundraising for gay history projects at pride marches and in bars, salvaging letters and photographs, turning rooms of their

houses into living archives. Their objective was of course well outside simple scientific curiosity. Gay and lesbian history was part of a political strategy of liberation, visibility, and representation, especially in the late 1980s. As John D’Emilio (1989) commented in a pioneering article published in the *Journal of American History*, “the practice of lesbian and gay history in its early years is inherently political” (435).

The main effort was concentrated on unearthing stories hidden from previous historical records, at the same time relabeling homosexuality from a medical diagnosis into a social, cultural, and eventually political identity, creating anthologies of lesbian and gay authors (Duberman et al. 1989), with much work focusing on recovering histories of lesbian and gay identity formation, community life, and social activism. The sources of this historical work lie therefore in personal collections, ephemera, oral stories, relabeled items in institutional archives, in an effort to redefine power relationships that previously canceled the lives of many. An effort that, as we will see through this essay, still continues nowadays.

The field’s activist origins in gay and feminist movements of the late 1960s and early 1970s led practitioners to consider how lesbian and gay history could help elucidate larger workings of power. D’Emilio’s essay (1983) “Capitalism and Gay Identity” argued that the emergence of new sexual identities in the US was linked to economic shifts, making gay identities and communities more possible. Anthropologist Gayle Rubin (1984) emphasized the implication of sexuality with larger historical forces in her essay “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality.” She proposed a new field of study that would focus on non-normative sexuality and the policing of sexual difference, aiming to develop new theoretical tools to understand the fallacy of misplaced scale that burdened non-normative sexual practices with the weight of other social anxieties. Rubin’s vision for sexuality studies was expansive, focusing on phenomena such as populations, neighborhoods, settlement patterns, migration, urban conflict, epidemiology, and police technology.

Therefore, in the early days of this new historical field, D’Emilio and Rubin envisioned its engagement with politics, population, governance, and the economy. As Kunzel writes, the maturity and growing influence of the interdisciplinary field of queer

and transgender studies make it a powerful force in shaping historical thinking and practice. Today, the field is more diverse, thanks also to a growing archival body, with its focus shifting from gay identity to power and politics, emphasizing the importance of non-normative sexuality and gender in broader histories.

However, to better understand this process, a clarification of terms is necessary. What we now call *queer history* has been a complex and multifaceted field shaped by various historical approaches and methods, which also informed the way it was called and its relationship to the sources. What began essentially as gay history later evolved into gay and lesbian history. But it wasn't enough. The field had to respond to the epistemic shift of binding sexuality and identity which has been accompanying modern social sciences for more than half a century. Michel Foucault (1980) had already charted a way to understand modern sexuality, by describing how it witnessed a dramatic and consequential shift in the understanding of sex in the mid- to late nineteenth century, one that bound sexual acts and desires to sexual identities. Historians had by then started to excavate unfamiliar configurations of desire, gender, and sexuality in which sexuality was not yet marked off as a separate domain. It wasn't until the twentieth century that people regularly identified themselves using the vocabularies of LGBT's component parts. George Chauncey (1994) documented the use of gay by same-sex-desiring men in the 1940s, originally as a coded insider's vernacular, and later as a term to distinguish its users from gender-variant fairies or queers. *Transgender* is of much newer vintage, coined in a medical text by Dr. John Oliven in 1965 to describe transsexuality, popularized by cross-dressing activist Virginia Prince in 1969 in her newsletter *Transvestia*.¹

“In the decades following the riots at the Stonewall Inn bar in 1969 that had set a movement into the public's eye, declarations of gay pride had been followed by those

¹ See John F. Oliven, *Sexual Hygiene and Pathology: A Manual for the Physician and the Professions* (Philadelphia: Lippincott, 1965); Robert Hill, “Before Transgender: Transvestia's Spectrum of Gender Variance, 1960–1980,” in *The Transgender Studies Reader*, edited by Susan Stryker and Aren Z. Aizura, 364–79 (New York: Routledge, 2013); Susan Stryker, “Transgender History, Homonormativity, and Disciplinarity,” *Radical History Review* 100 (2008): 145–57; Susan Stryker, *Transgender History: The Roots of Today's Revolution* (Berkeley: Seal Press, 2017).

made in the name of other maligned, ignored, or new categories of sexual and gender identity, including lesbian, bisexual, transgender, and, more recently, intersex and asexual” (Hanhardt 2019). The commitment to include all these experiences led to create an ever-expanding acronym, GLB, LGBT, LGBTIA, and more.

Conceived in the 1990s in academic, organizational, and activist circles LGBT is therefore a remarkably recent denomination, an umbrella term used to draw together and represent a political collectivity in the present day, and even adding a plus symbol at the end, constitutes a limit when trying to include the multitudes of categories involved in the study of sexual and gender identities. Moreover, while they have been taken up and transformed around the globe, the sexual languages and assumptions embedded in LGBT are distinctly Western in origin. This is one of the reasons why in the last decades new linguistic dynamics have brought a new terminology to the field, by reclaiming an old term, which, in the words of Hanhardt (2019), “can be a less clunky way to refer to LGBT history but can also signal the study of an expansive or inclusive approach to sex/gender difference and/or power”: queer.

Queer is surely historically bounded, coming into usage in the US in its sexual connotation in the 1910s, lobbed as a slur and appropriated as a term of self-identification among some same-sex-desiring men. Scholars in interdisciplinary queer studies and queer theory forged queer into a powerful analytic that unsettled the notion of sexual identity and focused instead on questions of normativity to explore the processes by which some forms of sexual and gender identity and behavior are rewarded, and others stigmatized.² “Some scholars have found it useful as both a critical and a descriptive tool, attracted by its troubling of sexual identity, its capacious reach

² For conversations between queer studies and queer history, see Lisa Duggan, “Making It Perfectly Queer,” *Socialist Review* 22 (1992): 11–31; Jeffrey Escoffier, Regina Kunzel, and Molly McGarry, “The Queer Issue: New Visions of America’s Lesbian and Gay Past,” *Radical History Review* 62 (1995): pp. For interdisciplinary queer studies’ engagement with history and historical method, see Heather Love, *Feeling Backward. Loss and the Politics of Queer History* (Cambridge: Harvard University Press, 2007); Scott Herring, *Queering the Underworld: Slumming, Literature, and the Undoing of Lesbian and Gay History* (Chicago: University of Illinois Press, 2007); Elizabeth Freeman, *Time Binds: Queer Temporalities, Queer Histories* (Durham: University of North Carolina Press, 2010); Christopher Nealon, *Foundlings: Lesbian and Gay Historical Emotion before Stonewall* (Durham: University of North Carolina Press, 2001). For recent and ambitious efforts to bring queer theory and queer history into conversation, see Valerie Traub, *Thinking Sex with the Early Moderns* (Philadelphia: University of Pennsylvania Press, 2016).

across a range of non-normative sexual and gender subject positions, and its ability to expose taken-for-granted assumptions, institutions, and arrangements beyond the realm of sexuality and gender” (Kunzel 2018, 1565).

Up through the nineteenth century the word was primarily used to mark anything considered odd or outside social norms. It was often but not always offered as epithet and ascribed to others rather than claimed for oneself; and by the twentieth century it was most used for reasons of perceived sexual or gender non-conformity. “In the 1960s and 1970s, a new social movement called for the rejection of labels such as “queer” and even “homosexual” (itself seen as pejorative and medicalizing) in favor of proud proclamations like ‘Gay Is Good’” (Hanardt 2019).

Therefore, that generation of activists was quite surprised to see the term re-emerging in the 1990s, spurred by political organizations, young activists, and academic scholarship. The aim was to set the word into a new play that changed the language and the methods of both social movements and scholarship for years to come. Since its entrance into the mainstream market also as a substitute for an ever-expanding acronym, the term has been entering public debate and discourse ever more. The reaction has been mixed. Previous generations of activists, mindful of previous negative meanings, were suspicious, especially because the word quickly became a marketing tool for TV shows, films, books, bars, food, vacation packages, a capitalist appropriation that diluted any new meaning or political impact. Moreover, the term is not ubiquitous. *Queer politics*, *queer theory* and *queer history* are concepts that do not always coincide, but activism and theory both mainly agree on the fact that sexual identities are socially constructed and historically specific. *Queer* indexed a range of practices and identities that strayed from the ideals of the heterosexual family, be they held by so-called straight or gay people, or that stood outside a particular modern understanding of sexuality as constitutive of the self rather than as a set of situated practices. So, when accompanied by the word “history,” how does all of this fit in?

While Lisa Duggan (1995) noted the issues raising from an approach that borrowed many terms and lenses from a still-new (at the time) social movement, Cathy Cohen (1997) highlighted how the use of queer often defaulted to an understanding of

power based on the binary of heterosexual versus homosexual that ignored the interplay of race, gender, and class. Still today, many works that claim to use the framework of queer history, use it just to describe the social and historical situatedness of sexual and gender identities, referring to those who participate in same-sex intimacy or adopt non-conventional gender and who today might be marked by an L, G, B and/or T. This is what we could call ‘the family album approach.’ However, by anchoring her analysis in a history of black feminism critique, Cohen demonstrated that sexuality and gender are inextricable from race and class, and that they are arranged in different fashions for different purposes and different populations.

Trying to get away from just situating LGBT stories in a wide heteronormative narrative, scholarship has since drawn on insights and frameworks from within and beyond the discipline of history and started to approach gender and sexuality in tandem with racialization and political economy—a move that not only expands which LGBT subjects are analyzed, but that takes the very production of the normative and non-normative as an object of study.³ Considered together, these works provide histories of queer relations that include but are not restricted to same-sex desire, including the domestic arrangements of single immigrant men, the kin care of criminalized women, the movements of other migrants, or the trade of various stigmatized pleasures. These works analyze the broad racial and economic landscape that has defined the parameters for emergent sexual and gender minority identities, emphasizing patterns of economic development and social welfare policies within cities or rural areas, and often looking at how these processes have shaped LGBT social movements.

These works draw on both traditional and less conventional sources to make an argument about desires, practices, and identities that are often left unnamed in the

³ Earliest examples are Siobhan Somerville, *Race and the Invention of Homosexuality in American Culture* (Durham: University of North Carolina Press, 2000); John Howard, *Men Like That: A Southern Queer History* (Chicago: University of Illinois Press, 1999); Nayan Shah, *Stranger Intimacy: Contesting Race, Sexuality and the Law in the North American West* (Berkeley: University of California Press, 2012); Regina Kunzel, *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality* (Chicago: University of Illinois Press, 2008); Stephen Dillon, *Fugitive Life: The Queer Politics of the Prison State* (Durham, University of North Carolina Press, 2018). More recent examples include Julio Capó Jr., *Welcome to Fairyland: Queer Miami before 1940* (Durham: University of North Carolina Press, 2017).

archives of police, migration, and social welfare records, including cultural representations such as plays, film, novels, songs, autobiographies, and material culture. Therefore, *queer* is not just a way to do LGBT-spotting in various moments in history, it is to rewrite our common understanding of social and political processes including a layer of always present but never analyzed sexual and gender identities.

Another example comes from black urban and feminist history. Works by Kwame Holmes (2011) and Treva Ellison show that “ideas of social disorder and strategies of state control conjoined racial and sexual logics about social pathology that most squarely affected black working-class and poor communities, LGBT and not, during late twentieth century economic restructuring” (Hanhardt 2019). Nic John Ramos’s research (2019) on Los Angeles’s hospital system provides a queer perspective on how postwar ideals of healthiness shaped both the provision of services as well as the management of newly defined, marginalized populations, including but not restricted to low-income transgender women of color. Sarah Haley (2016) writes a history of the incarceration of black women in Georgia at the end of the nineteenth and start of the twentieth century, in which she demonstrates how ideas of gendered and racial deviance were used to create the idea of acceptable womanhood and, in turn, violently punish black women.⁴

However, as Kunzel (2018) notes, “the field, even with its substantive investments and theoretical preoccupations remains however largely focused on the U.S. and Western Europe. A growing body of scholarship set in non-Western contexts is drawing attention to the limits of Western terminology and analysis for understanding historical and contemporary sexual practices and identities and calling into question some of the field’s most taken-for-granted assumptions” (1581). Some of the new historical work context is radically questioning the ubiquitous nature of the concepts of lesbian, gay, transgender, and queer to non-Western contexts and marking the distance and

⁴ See also Cheryl D. Hicks, *Talk with You Like a Woman: African American Women, Justice, and Reform in New York, 1890–1935* (Chapel Hill: University of North Carolina Press, 2010).

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dissonance between Western and non-Western sexual worlds.⁵ In his provocative book, Joseph Massad (2007) argues that the notion of homosexuality was alien to Arab same-sex traditions, owing the devaluing of non-normative sexual expressions to Eurocentric influence over Arab culture, characterizing the globalizing of modern sexual and gender identities as part of a colonial project. In his study of the history of non-normative sexuality in southern Africa, Marc Epprecht (2013) considers the story of Western imposition from a different angle, documenting the ways in which homophobia, rather than homosexuality, was imported into the region by European colonists. “As the field expands its scope to engage other political and geopolitical scenarios, we can look forward to work that will further provincialize the U.S. and Western Europe” (Kurzel 2018, 1581).

QUEERING AMERICAN HISTORY: WHAT IT MEANS

Entangling what *queering* means in the field of American History might give us an example of the task many face when dealing with the issue within their own national and global narratives.

Although by now much literature has been published on queer aspects of various moments of US history, much is left to be uncovered and analyzed. Queering America and its place in the world is not a straightforward practice, it operates on multiple levels and registers. From a LGBTQ+ History perspective, it might be a strategy to recover non-conforming experiences in a way that re-writes or completes chapters of the nation’s ample historiography. For others, queering is a more disruptive scientific pursuit, dismembering conventional notions of what constitutes power, how sexuality and identity shape authority, policy, and privilege, and what that entails within the context of the US’ relations with the world. “Queering, as many of the participants in

⁵ Gayatri Gopinath, *Impossible Desires: Queer Diasporas and South Asian Public Cultures* (Durham: University of North Carolina Press, 2005); Megan J. Sinnott, *Toms and Dees: Transgender Identity and Female Same-Sex Relationships in Thailand* (Honolulu, University of Hawaii Press, 2004); Lisa Rofel, *Desiring China: Experiments in Neoliberalism, Sexuality, and Public Culture* (Durham: University of North Carolina Press, 2007); Ruth Vanita, *Queering India: Same-Sex Love and Eroticism in Indian Culture and Society* (New York: Routledge, 2001).

this conversation argue, not only disturbs hetero-normative assumptions about sexuality but ultimately pushes back on how we conceive of power relations in spaces as intimate as the bedroom or as geopolitically capacious as the United Nations” (Belmonte et al. 2016, 19). This paragraph will conceptualize the theoretical terms of this issue, trying to describe ways through which queer can disrupt historical research in and about the United States.

Whether it helps unearthing previously untold stories of queer people or disrupting heteronormative conceptions of power, a queer take on American History could be described more like a lens than a method, a new way of seeing various aspects of a nation’s history. It transforms the nature of archival research, making the archive itself a place of reappropriation and emancipation. Historical research on structurally discriminated communities is not neutral when the historian has to question the very way items and documents were cataloged, buried, discovered, obtained. For these reasons, and as previous work already demonstrates (Chauncey 1994; Dean 2001; Johnson 2004; Canaday 2009), this is not just an academically interesting side narrative. Queer is much more threaded through the history of the United States than we could possibly imagine just a few decades ago.

However, wearing queer lens means primarily changing our own methodological approach and critique, by including what Shanon Fitzpatrick calls “domains of the intimate” in our arguments (Belmonte et al. 2016, 21). This means also engaging closely with queer theory. As Fitzpatrick brilliantly suggests, this interdisciplinary dialogue is key in queering the history of the United States and its relations with the world. Building on Sarah Ahmed’s book *Queer Phenomenology* (2006), and its clever take on the overlap between orientation and the Orient, she suggests that “structures of national and international power produce and reproduce themselves by suppressing and reorienting deviant ways of being and modes of affiliation” (17), through laws, policies, wars and media representation. At the same time, queer identities and political actions disrupt patterns of influence and power. In this context the category of queerness needs to be expanded and redefined constantly to comprehend in a coherent way how the domains of the intimate and identity politics shaped American politics and historical processes.

One field we can use as an example of this is US imperial history. Ann Stoler (2006) already established how imperial power is consolidated and defined through the intimate, and she is not alone in this. Of the same years are the works of Laura Briggs (2002), tracing how reproductive politics played a role in the consolidation of US power in Puerto Rico, and of Mary Renda (2001), demonstrating how the US occupying forces in Haiti in 1915 engaged with the Black Republic using especially matters of the intimate in a paternalistic way. Other historians, even if they did not intend to queer American history per se, gave us useful instruments for such an analysis. For example, the groundbreaking work of David Johnson (2004) on the Lavender Scare that helped redefine the place of political moral panics of the 1950s in the global context of the Cold War, or Joanne Meyerowitz's (2002) book on how Christine Jorgensen helped reshape the concept of sex and gender in the United States.

Their research helps us broaden and widen the definition of queer as a disruption of heteronormativity in historical research. It provides a way for us to understand how national and global processes have “informed, coalesced, redefined, and been in conversation with queer expressions and machinations” (Belmonte et al. 2016, 23). It does this by qualifying subjectivities that defy the traditional hierarchical discourse, privileging the heterosexual, the cisgender, the masculine, the gender-conforming. *Queer* therefore can be used as a noun and a verb, as an object of research, an idea that circulates and scripts personal practices, affects, narratives, and as an action, creating a parallel historiographical strategy that in the end disrupts and rebuilds the national narrative. As Lee Edelman states, “queerness can never define an identity, it can only disturb one” (Edelman, 2004, 17). This is where archives become the main focus of any queer take on American History. The activist origin of the analysis is its main strength, since the historian is able to tell a story starting from how, when and where archival items were obtained and described, the power struggle that lies beneath this process, the act of political revindication that archiving means.

As evident by these few pages, queering history therefore does not mean to write a history of LGBTQ+ people or movements. Just like Gender History is not Women's History, Queer History is not always necessarily LGBTQ+ History. With the help of

queer theory (Sedgwick 1985; Butler 1990), qualifying queer subjectivities is not just an exercise to create and enrich a yearbook-like narrative, it serves the purpose of exposing the ways in which a binary logic of oppositions has been naturalized and primarily used in our historical narratives. Sedgwick identified not only a socially constructed homo/hetero binary, but also other artificial oppositions such as masculine/feminine, natural/artificial, growth/decadence, health/illness, urbane/provincial, and so on. Postcolonial approaches have added many more binaries, concerning race, civilization, modernity, and power politics. In this context, queering explains how constructs of sexuality and otherness within these binaries shaped policies and historical processes, defined notions of citizenship, informed transnational relations of state actors, non-state entities and activists, intersecting the term with constructs of race, gender and privilege. This becomes apparent especially if we analyzed how potent notions of deviance have been deployed to advance domestic and global agendas in the last century, from colonial policies to the scares of the 1950s, to the history of the HIV pandemic, to the recent wave of criminalization of queer identities in many countries.

That is also how a queer take on America can fundamentally change how its history is understood, not simply adding another interesting perspective. Can someone really understand US urban history without taking into account Chancey's *Gay New York*? Can anyone grasp the complexity of the Red Scare without grappling with Johnson's *The Lavender Scare*? Without Canada's *The Straight State* can the US state be analyzed?

In a way these works open the field also to its relationship with a transnational and global space, by complicating a certain narrative of exceptionalism, by unearthing the process of the formation of a straight-defined concept of citizenship. This is evident in Canada's work, but also in Johnson's, as they describe how foreign and domestic policies converged in ways that helped codify that straight state. *Gay New York* demonstrated how working class and ethnic and racial minorities proved critical to the construction of the homo/heterosexual binary that organizes our sexual lives even today. The crystallization of that binary—certainly by World War II—has been used, and rightfully so, as the foundation for so many other studies. These results, while

adding a global lens, leave us with many more questions to be answered. The Italian immigrants Chauncey introduced in his text, for example, did not just appear in New York City. What global processes led them there? How were they gendered? Queered? What about those who got left behind? Similarly, have other states been designed or engineered as straight in the twentieth century? Was the United States, in this case, exceptional?

Similarly, since US power's stakes in the modern world rest largely on what the west understands human rights to be, studying how sexuality became imaginable to American policymakers, lobbyists, activists as a human right might sharpen the views of a historiography that still has little to say about it.

The possibility of a global perspective might very well expand current scholarship, helping it escape an inflationist focus on the recent past and on the retention of a national framework. The turn of the century, for example, offers us many interesting research questions. For instance, how did the transnational network-building and exchanges that characterized the Progressive Era, as explored by Daniel Rodgers (2000) and others, influence the conceptualization of normative and non-normative sexual behaviors and sexed bodies in the United States? How did the growing resources of American philanthropic, scientific, and educational institutions affect global conversations about modern sexuality? How did the far-reaching American *culture industry* that developed in the interwar era codify and disseminate representations of gay identities, appearances, lifestyles, and even structures of intimacy and feeling? How has America's role as a global semiotic center shaped historical patterns and processes of global queering over the course of the twentieth century to the present?

None of this would be directly found in a national archive or official repository, and yet the interconnections between queer and other more established historical perspectives are myriad. The queer historian therefore finds themselves in front of a challenge far greater than the one encountered by their fellow researchers. The archives themselves have been built to replicate forms of violence and inequality over those living in the margins of straight cis citizenship, thus influencing the scholarship of

historians accessing the material. Overcoming the silence of the archives is a fundamental mountain to climb. Building on Touillot's work *Silencing the Past* (1995), the issue is how and if historians can redistribute the inherent power of document depositories and the history institutions meant them to tell, how to recover voices that were literally and figuratively left at the margins without making them complicit in the silencing of them. Creating new archives, through oral histories and community engagement, for instance, remains a critical step, as the next paragraph discusses.

THE QUEER ARCHIVE

This leads to a final point of this essay, the queer archive. This is a field where queer studies go back to the activist nature that characterized their early years. For decades, members of marginalized groups have collected, preserved, and curated collections of materials for and by communities through the work of individual activist archivists. For underrepresented groups the creation of community archives was a political act in defiance of marginalization (Flinn and others, 2009; Stevens and others, 2010). Furthermore, community archives were a way to provide a safe space for community members to come together for study, leisure reading, and socializing. This paragraph will examine, drawing also from the author's personal experience, what challenges they face now that the demand of a queer perspective in historical research has become widespread in mainstream academic institutions. The Invisible Histories Project (IHP) provides a useful case to help us expand our understanding of these issues (Monaco 2021). The project began in Alabama in 2015 when co-founders Joshua Burford and Maigen Sullivan began working on collecting materials and obtained a non-profit status. By 2018 IHP located eighteen new LGBTQ collections in Alabama; identified three repository archive partners; helped develop three undergraduate courses at two state universities; organized and held the inaugural Queer History South Conference; mentored 4 undergraduate and graduate interns/scholars; and started expanding their work into Mississippi and Georgia.

IHP, through the support of a network of local institutions in Alabama, including the University of Alabama, has become a community center serving the Birmingham

area through archival collections, circulating libraries of books and videos, and public programming. Located in the Deep South, IHP is not in an epicenter of queer rights activism, as compared to San Francisco which is home to the larger and more well-known GLBT Historical Society, or the National Gay and Lesbian Archives in Los Angeles and the Lesbian Herstory in New York. However, the smaller scale gives an understanding that may expand our appreciation of queer historical archives, and their work beyond these better-known and more established organizations.

Creating a community archive comes from a need and a void. The lack of representation or access to records from their pasts is the main drive that leads community members to start the long process of collecting materials and finding a place for them. Much of the literature on the matter emphasizes the conflict at the root of this process. Marginalized groups come to distrust institutional archives after seeing their lives and history misrepresented or completely erased. As noted by both Joan Nestle and Maxine Wolfe in their histories of the Lesbian Herstory Archives, there was a great need to create a community archive to document histories that were being lost or ignored (Nestle 1990). As Andrew Flinn (2007) also notes, “when mainstream archival institutions marginalized certain groups these communities created their own archives and collected materials that would otherwise have been lost to the historical record” (158). This is not a new phenomenon. Archivist Elizabeth Knowlton published in 1987 her report *Documenting the Gay Rights Movement*, which showed that institutional archivists had little knowledge of gay archives or gay rights movements more generally. The only queer community records available in these cities were stored in individuals’ homes or in community archives.

The conflict with institutional archives led in time to a strong motivation to maintain control over the communities’ records even when universities and state archives began collecting queer materials as well. As Nestle wrote about the Lesbian Herstory Archives, she and other founders wanted “our story [...] preserved by us” (Nestle 1990, 87). The activist nature of the archive therefore influences the way it is funded, how the material is cataloged and how it can be accessed. The same applies to the IHP. Coming from a similar experience in Charlotte, NC, Burford and Sullivan

viewed their work not as an interesting academic endeavor, but as a journey of self-discovery, for them and for their community. However, creating a queer community archive in these times means to have bigger and better funded institutions competing for the same material, now that queer found its way in established academic research. “Community archives connect people with their history. However, better known institutions are hoovering out smaller communities, taking out of context their story and moving it off site” (Monaco 2021). The project therefore meant for the repositories to stay local, to offer Alabamans a chance to reconnect with a queer history they were not allowed to know or learn in the past, and at the same time to counter a queer narrative that centers on coastal metropolises. How to fund such an endeavor becomes therefore the main challenge.

The literature has shown the importance of community support in maintaining these archives (Bastian and Alexander 2009). In her article about the Lesbian Herstory Archives, Thistlethwaite (1998) emphasized the continuing need to rely on support from lesbian community members in order to preserve and provide access to records. Sometimes the need for funding and at the same time the urge to maintain strict control over the archives leads to decisions like that of the Lesbian Herstory’s, namely, to refuse government funding, as its founders and volunteers do not believe the government can be relied upon and that support must come from lesbian communities.

Other institutions, which encounter serious funding issues, decide instead to partner with institutional archives, donating their collections for safekeeping and continuing public access. This has led in many cases to further conflict and lack of understanding, like in the case of the donation Herstory Archives made to the New York Public Library. The reason for relationships going sour is most of the time due to significantly different approaches. Community archives’ discontinuous influx of funding has an impact on staffing, particularly in terms of whether an archive is managed by paid staff or volunteers (X and others 2009). This diversity in staffing and funding models leads to differing levels of support to the researchers, but also to a different way to manage collections, which can create distrust and confrontation with professional archivists in more established institutions.

When IHP won a Andrew W. Mellon Foundation grant in 2018, they used it to expand the project in neighboring states in Georgia and Mississippi, creating a network of repositories managed by both professional archivists and volunteers. This combined two main objectives of storing this kind of materials, preserving community history and serving a growing academic interest in these issues. “Our objective became twofold: to create a way for us to keep local histories local, while at the same time elevating them to other places. So instead of moving them to New York, we can keep them in the South, and then partner with other organizations nationally, to let them know where these collections are. So, we're bringing people to us instead of the other way around” (Monaco 2021).

Nontraditional ways to fund and staff these archives leads also to a very different kind of materials historians can expect to find. Collection development in community archives, more so than in other archives, is dictated by community members and the nature of their donations. The resultant archival collections reflect the passions and experiences of individual donors and often include material not traditionally considered in/as archival records. IHP's collections include artifacts from Alabama's first pride march held in 1989, to poetry written by a gay Alabaman in the early 1900s, to queer bar guides from across the Southeast, and artifacts from the University of Alabama Gay Student Union.

Buttons, ballroom trophies, uniforms, art and furniture, all these ephemera, commonly thought as museum pieces, find their place in community archives' repositories, making them a place of interconnections among different cultural information sources, and a holistic space for research, uniting the mission of libraries, museums and archives (Trant 2009). The challenge, therefore, is to find a way to describe and make accessible this material.

Descriptive standards, especially those relating to historically marginalized communities, are crucial to how queer history is researched and then written. Sanford Berman's 1971 piece on discrimination in the Library of Congress Subject Headings, together with subsequent work by Ellen Greenblatt (2011) and others, looked at ways to eliminate discriminatory and derogatory words in existing thesauri and have advocated

creating alternatives to use when describing certain collections. Now, many controlled vocabularies and thesaurus are created specifically for cataloging queer collections, like the one created by Dee Michel (Johnson 2007).

The experience of smaller archives like IHP adds information about the need for specific ways to describe the material. One of the main issues Burford and Sullivan faced was the fact that, outside big coastal cities, queer people do not always want to donate to archival collections. “For some it is about privacy, it's about the fact that they have lived in a small town their whole life. And they're nervous about having their name attached to a heading that says gay or lesbian or queer” (Monaco 2021). But the other reason is a deep skepticism towards archival institutions, that until recently have chosen to exclude people and their stories from the mainstream national history, through confused denominations and past censorship. This has led to further work for archivists to change the way these stories were cataloged.

“Archive used to render our histories invisible under obscure terminology and catalogues. Now we are asking people to donate their own life story to us. It's not a small ask” (Monaco 2021). This demonstrates again the influence of community members over the archives, that translated also in different policies of accessibility. Many queer community archives do not have closed stacks, making their materials available for browsing, or have different access policies based on the type of resources, or the availability of volunteers on site. IHP's mission included training for community members on how to preserve their material at home even if it is not their intention to donate yet. That is because for these institutions, like for early queer historians, archiving constitutes political activism. “If we found one t-shirt from the very first gay bar in the deep south, I would rather have that thing touched by a million people until it fell apart, then to have it set in a box for one hundred years, otherwise that would be simple hoarding, not archiving” (ibid.).

What the archivists behind this project realized early on is that collecting material was a powerful gesture that went beyond the confines of academic scholarship. In Burford's words: “We want to give Southern queer history back to the queer South, and so we want to be collecting in as many Southern states as we can, we want to

preserve as much history as we can, and we want the younger generation that's coming behind us to understand they are part of something much larger than they've ever imagined" (Monaco 2021).

Even if researchers have found high levels of involvement in community archives, the archives still face challenges in their continued survival. As the current literature reveals, community archivists must always develop sources of funding and find ways to increase their visibility. Meeker (1999) noted this need in his article on the GLBT Historical Society, emphasizing the importance of community involvement and visibility in generating the funds needed to support the archives' work. Sustainability is one of the most pressing current and future challenges identified by researchers for community archives as they continue to serve their missions of collecting, preserving, and providing access to records by, from, and important to queer communities (Bastian and Alexander 2009, 105).

From an historian's point of view using a queer archive presents more challenges than more established traditional institutions. There are numerous ethical and practical considerations when endeavoring in a historical inquiry into archival records of members of marginalized communities. Being wary of the history of the archive itself, how it operates, what kind of material donation it gets and from whom always provides a useful finding aid. The help of the archivist therefore becomes crucial. Categories and identity that today have become widespread in our public discourse did not exist up until a few decades ago, that is reflected in catalogs and words used in documents. Together with the already mentioned institutional *archival silence*, the first challenge comes from the fact that archival evidence works against queer history purposes.

The example of the Broken Future Project helps visualize the issue. Started in 2019, Broken Futures is a community-based queer heritage project in the United Kingdom, "it explores the history of 'ordinary' men in Berkshire who were charged with buggery, gross indecency and indecent assault between 1861 and 1967 by training community volunteers in archival and genealogical research" (Broken Futures Project 2021).

The challenges faced by archivists and historians in this project are many. First, the concept of *homosexuality* did not exist in the period of interest and this is reflected in the way sources are described and cataloged over the centuries. Therefore, the strategy was to adopt a “acts-based approach, highlighting the same-sex sex that the individuals in our study engaged in but not making any claims to identity categories in the majority of cases” (Broken Futures Project 2021, 5). This of course, has limited the scope and results obtainable from the sources, not being able to describe a full picture of the marginalization of the queer community of Berkshire within the national legal system. The research was also skewed towards cisgender male experiences, since sex between women was not prosecuted and transgender people were not explicitly mentioned in court and police papers. However, absence of evidence is not evidence of absence when researching marginalized communities “we must be aware of historical ways of conceptualizing samesex desire that are linked to gender – especially that which links same-sex desire to effeminacy and a broader gender non-conformity” (Broken Futures Project 2021, 7).

The other ethical conundrum encountered by researchers was around their responsibility towards the people whose lives they were unearthing. Many of these individuals saw with a sense of shame their encounter with the criminal justice system, a low point in their lives and a source of great misery. There was also the danger of *outing* people to their surviving families, especially when studying the recent past. Community archives can help navigate these issues establishing a much-needed dialogue between academia and the queer community.

That is because queer history is not uncontentious. The desire of many today to see their identity finally unearthed and represented in history and archival collections has brought an exciting new era in research, giving us new perspectives on so many national and global phenomena. However, this must be balanced with a full grasp of the ethical implications inherent with dealing with marginalized communities. *Queering* must be seen not as a mandate, or a way to stay up to date with the new academic trends. It is both an opportunity and a responsibility, to encapsulate the troubling setting stage of these stories and the way they were recorded in such a manner that serves

historiographical inquiry and at the same time allows present communities to understand, to engage and to reclaim their past.

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SUBVERTING SAME-SEX COUPLES' EQUAL DIGNITY: THE PERPETUATION OF A SYSTEM OF DOUBLE BINDS

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ABSTRACT

Justice Anthony Kennedy has ascertained a strand of jurisprudence articulated around the concept of equal dignity, which he enshrined in the equal protection clause and the promise of liberty guaranteed by the Fourteenth Amendment. However, in their dissents, so-called originalist justices have framed marriage equality as a way to shift the burden of discrimination onto religious conservatives who claim their right not to recognize LGBTQ+ citizens by invoking religious freedom (First Amendment) and direct democracy. Although it is too early to determine whether the court will be poised to overturn key precedents, I argue that the empowerment of religious conservatives within the federal judiciary has led to an ideological upward shift towards the right, enabling Donald Trump to prioritize traditional religious beliefs, which could potentially undermine Kennedy's legacy. Prior to *Bostock* (2020) and *Dobbs* (2022), Donald Trump, with the grassroots support of his right-wing Christian base, equipped himself with all the tools to hold the leverage he needed to launch a moral crusade against women's reproductive rights or transgender Americans in an attempt to deny them equal protection against sex discrimination and gender-affirming care under the 1964 Civil Rights Act. By referring to *Lawrence* (2003), in dissent, I aim to explore the interpretive foundations of Justice Scalia's opinion, affirming that the right to engage in homosexual sodomy is nowhere to be found in the US Constitution. Such an evidentiary objection has paved the way for a possible path to accommodate Americans' "sincerely held religious beliefs." Similarly, in *Masterpiece Cakeshop* (2018), Kennedy's failed attempt to draw a fine line between sexual orientation discrimination and "religious freedom" on narrow grounds has empowered conservative Christians to claim the right to ignore the symbolic value of same-sex marriages.

Keywords: double binds; LGBTQ+ equality; religious freedom; substantive due process; unequal treatment.

INTRODUCTION

The decision of the Supreme Court in *Dobbs v. Jackson Women's Health Organization* (2022), put an end to a nearly 50-year-old fundamental constitutional protection to an abortion in the US. It is therefore likely to jeopardize the idea of sexual privacy, established in *Griswold* and *Roe*, and the subsequent judicial achievements securing LGBTQ+ equality. In his concurring opinion, Justice Thomas openly displays a political agenda by offering judicial remedies on the notion of substantive due process, which protects written and unwritten fundamental rights, namely life, liberty, or property, against government interference: "For that reason, in

future cases, we should reconsider all of this Court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*. Because any substantive due process decision is "demonstrably erroneous" (*Dobbs v. Jackson*). In other words, the federal right of married persons to use contraceptives (1965), the right to engage in private, consensual sexual acts (2003) and the right to marry for same-sex couples (2015) could be potentially eliminated at the federal level by eviscerating substantive due process and the penumbral approach, given that such rights are not explicitly enumerated in the US Constitution.

However, due process was not always limited to process itself after the Fourteenth Amendment was ratified (1868). With the privileges or immunities clause and the equal protection clause, some courts considered due process to be a basic encompassing principle designed to determine whether the intended effects of a legal provision represented an "undue burden" on the concept of ordered liberty (Ely 1981, 18). Thus, the substantive dimension of law becomes inherent to the issue of recognizing the fundamental rights of minority groups excluded from the constitutional pact of yesteryear. It is now an indispensable lever at the disposal of any judge wishing to access the intrinsic and extrinsic motivations of some legislators who might exceed their prerogatives to infringe upon the fundamental freedoms of marginalized citizens. No wonder such power sparks conservative ire among critics of the concept of a living constitution, who perceive it as the establishment of a government of judges rather than a key component of checks and balances, stemming from the broad power of interpretation granted to judges in *Marbury* (1803).

Referring to substance allows justices to be confronted with the authentic narratives of same-sex couples to unveil the rights and protections they were unfairly deprived of. As Wurman argues (2020), the requirement is embedded within the constitutional framework (*checks and balances*) and the judicial process envisioned to illuminate the truth through the justices' creative power to interpret the meaning of the Constitution (1). As a maverick conservative and a swing justice in enforcing equal protection for gays and lesbians, Justice Kennedy believed that in the context of individual rights challenges, the responsibility of the judiciary was to go beyond history

and tradition artifacts to offer instead a meaningful and comprehensive understanding of the constitutional text to be fixed over time: “[The founders] entrusted to future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning” (*Obergefell v. Hodges*). In that sense, Kennedy’s definition of liberty goes hand in hand with the protection of individual rights against an overbearing government, which is an ancient idea inherited from conservative thinkers dating back to the 18th century. His majority opinion in *Lawrence* (2003) best encapsulates his judicial philosophy on privacy, which breaks away from an originalist interpretation of the Constitution, as advocated by some members of the Federalist Society.

Liberty protects the person from unwarranted government intrusions into a dwelling or other private places. In our tradition the State is not omnipresent in the home. And there are other spheres of our lives and existence, outside the home, where the State should not be a dominant presence. (*Lawrence v. Texas*)

Kennedy meticulously applied the same reasoned judgment in both *Lawrence* and *Obergefell* by relying on a due process model, as a continuous central thread, echoing Wurman’s (2020) thesis that “the clause protects unwritten, unenumerated fundamental rights or prohibits arbitrary and oppressive legislation” (1). More specifically, the principle is rooted not only in the privileges or immunities clause as well as the equal protection clause of the Fourteenth Amendment, but also in the Ninth Amendment.¹

Although the latter should not be interpreted as a vehicle for granting substantive rights (Tribe 1998, 776), it does restrict the actions of an oppressive government determined to curtail fundamental rights like marriage through the trappings of a majoritarian democracy. Justice Thomas’ statement is a stark reminder that despite the doctrine of *stare decisis*, nothing in the court decisions is intangible. Interpreted as “a duty to ‘correct the error’” in the jurisprudence, some conservative

¹ Ninth Amendment to the US Constitution, ratified in 1791: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

justices are poised to strike down *Lawrence* and *Obergefell* in the years to come as they refuse to recognize sexual orientation and gender identity as immutable characteristics inherent to human dignity in the contemporary era; in other words such foundational concepts are not only constitutionally irrelevant, but also politically expedient to regulate non heterosexuality and gender expansiveness as reprehensible conduct that could be changed and/or cured. The result could lead to a patchwork of unequal laws in which same-sex couples would be recognized as married for the purpose of state law but unrecognized for the purpose of federal law while some others would remain completely invisible and marginalized citizens for both purposes, further undermining the Full Faith and Credit Clause.

Although the objective remains speculative at this point, rolling back the right to privacy and marriage for same-sex couples manifests itself at a time when conservative justices are eager to reinforce states' rights in relation to regulating sexuality and marriage practices. More precisely, their discourse aims at advancing the right to reject queer otherness as "prescribed by the religious doctrine", thus broadening the scope of Americans' religious interests (*Creative LLC v. Elenis* 2023), despite the pragmatic approach of Kennedy's interpretive theory grounded in human rights and dignity. Since 2018, the Supreme Court has been wrestling with the collision between three fundamental rights: LGBTQ+ equality, religious freedom and free speech, but systematically yielded to religious grievances on narrow grounds. By referring to the dissenting opinion in *Lawrence* (2003), Justice Scalia's legal analysis paves the way for a potential return to policing same-sex sexual activity in the name of compelling traditional religious interests. In spite of Kennedy's failed attempt to sketch the contours of religious freedom in *Masterpiece Cakeshop* (2018), his judicial compromise, positing that religious freedom always prevails when "under attack", threatens the course to equal dignity "as a fact and as a result." Consequently, the activist trajectory pursued by conservative justices reinforces the significance of Sedgwick's thesis in the post-Trump era after President Trump methodically reshaped the entire judicial branch of government: "The most obvious fact about this history of judicial formulations is that it codifies an excruciating system of double binds, systematically oppressing gay people,

identities, and acts by undermining through contradictory constraints on discourse the grounds of their very being” (Sedgwick 1990, 70). To what extent can *Lawrence*, in dissent, and *Masterpiece Cakeshop* be examined in cross-perspective as the deployment of signifiers that could send same-sex couples back to a system of double binds to accommodate the “sincerely held religious beliefs” of some extremely conservative Christians? Under this *modus operandi*, branded as “religious freedom,” same-sex couples would be required to step away from rigoristic religious institutions and to come to terms with the fact that their relationship would always be considered as “less than” in some specific contexts. Put differently, LGBTQ+ Americans would be free to come out in the public sphere but would still remain oppressed in their wish to be equal, especially when their rights intersect with the traditional beliefs of the religious doctrine.

RESTORING RELIGIOUS FREEDOM THROUGH SCALIA’S STATES’ RIGHTS PARADIGM BASED ON ORIGINALISM² AND TEXTUALISM³

Double binds prevail when same-sex couples come up against paradoxical commands that challenge their personhood and citizenship through a unique and elaborate system of restricted civil liberties. Justice Scalia, the chief advocate of constitutional originalism on the Supreme Court, remained a vigorously unyielding judge as regards homosexuality, rejecting its recognition and protection on both constitutional and religious grounds. To do so, he relied on the doctrine of the Due Process Clause of the Fourteenth Amendment, shaped by opinions focused on controversial procedural concerns rather than fundamental fairness, which allows the state to prohibit certain behaviors and thus deprive individuals of their liberties as long as these are not considered “fundamental.” Otherwise, the government must present a compelling state interest. While Kennedy supported the idea that the Constitution protects essential

² Theory of Constitutional interpretation (corollary to textualism) that claims to prioritize the original intent of the constitutional text as the supporters of this theory say it was understood at the time of its ratification.

³ Textualism is dedicated to the plain meaning of the constitutional text, as surmised by judges, without necessarily taking into account the intentions of the legislator.

liberties for homosexual individuals, Scalia, as a proponent of a narrow and literal interpretation of the Constitution, indicated that it did not stipulate that sodomy practiced by homosexual men was a fundamental right guaranteed by due process. A textualist reading of the Constitution, as it was written, thus reinforces the speciousness of LGBTQ+ authenticity, legitimizing the criminalization of same-sex sexual relationships when deemed necessary by state authorities.

The main point of contention revolves around the absence of a theoretical framework that clarifies the notion of fundamental rights to determine the conditions for the exercise of these freedoms for LGBTQ+ Americans. As a result, there is no consensus among the judges to define what constitutes a fundamental liberty or not. This partly explains why this loophole has contributed to the creation of new rights, as Gerstmann (2008) has contended (120). Ultimately, judges rely on distinct criteria within a broad legal framework, which explains why they must seek to persuade their colleagues to secure a majority vote. Kennedy favored reasoning based on a subjective interpretation of the concept of liberty, whereas Scalia leaned towards using history and customary law to conduct his analysis as a strategy to cement his right-wing ideology. If we adhere to Scalia's applied jurisprudence, fundamental rights are by definition "deeply rooted in this Nation's history and tradition" (*Washington v. Glucksberg* quoted in *Lawrence v. Texas*). However, Scalia's tradition-centered approach is debatable, as the notion intersects with numerous controversial ideological stances in the history of the United States, as pointed out by Michael Perry (1982): "There are several American traditions, and they include denial of freedom of expression, racial intolerance, and religious bigotry" (Perry quoted in Gerstmann 2008, 157). By providing a blurred contour to the concept of tradition, Scalia's vision thus inherently excludes any inclusive evolution of society, particularly in the treatment of certain minority groups. As stated by the judge, the terms intolerance and bigotry equally applied to the judgments of his liberal colleagues, accused of fostering dissent by challenging the traditional beliefs of some Americans, including the sanctity of human life that begins at conception.

Scalia defended "religious freedom", not the kind based on the tradition of persecutions suffered by freedom-seeking Pilgrim Fathers, but rather on religious views

that aligned with a prescriptive model of procreative heterosexuality. He accused his critics of waging a secular crusade against anti-sodomy laws, which were designed to halt the gradual dissolution of "good" morals (*Lawrence v. Texas* 2003, 1). As mentioned by the judge, the unchanging nature of the *Bowers v. Hardwick*⁴ ruling from 1986 to 2003 strengthened its longstanding legitimacy and demanded that the judicial institution show deference, even though the jurisprudence was notably short (17 years), compared to cases like *Plessy* (58 years): "The need for stability and certainty presents no barrier" (*Lawrence v. Texas* 2003, 1). The judge ensured the continuation and perpetuation of an old moral order in which a practice was deemed criminal *ad infinitum* by tradition, despite an extensive and robust body of research that demonstrates otherwise. Scalia arbitrarily decreed that *Bowers* was infallible and contributed to the formulation of a legal order based on moral dogmas. Any disobedient homosexual deserved to be exposed and could not in any case address a complaint for the violation of a fundamental right. Scalia flatly refused to admit that the fight for LGBTQ+ rights was a historical reality that now constitutes a tradition since the second half of the 20th century. In framing LGBTQ+ existence as ahistorical, science and LGBTQ-inclusive research appear as neither a viable nor a persuasive strategy to change a longstanding moral tradition, despite a shifting social and legal context.

He also criticized Kennedy's unreliable method, namely the application of *stare decisis* to two fundamental subjects: homosexuality and abortion. For him, Kennedy's judgment was the result of an improper alteration of the doctrine, as when two "criminal" activities led to upholding the right to abortion (1992) and the repeal of anti-sodomy laws (2003), there existed, in his view, a contradiction that undermined the Supreme Court and its duty of coherence (*Lawrence v. Texas* 2003, 2).⁵ This inconsistency, he argued, stemmed from the fact that the right to abortion and the right to same-sex sexuality were reflections of modern "inventions," without historical

⁴ The Supreme Court found that the US Constitution did not protect the right to engage in private, consensual sodomy for gay Americans.

⁵ Scalia relies on *Planned Parenthood v. Casey* (1992).

foundation. The concept of individual autonomy, underpinning Kennedy's reasoning, was repudiated by Justice Scalia. He warned that the notion hindered the prerogatives of the legislature, which can decide to regulate certain "unacceptable and immoral" (3, 5) practices through law.

He thus compared anti-sodomy laws to the ban on the sale of sex toys in Alabama, upheld by the US Court of Appeals for the 11th circuit (2001), the ban on military personnel disclosing their homosexuality or their being subjected to an in-depth investigation for national security purposes (1997, 1988), the condemnation of all sexual activity outside of marriage as well as adultery (1999, 1996) (5). This repressive arsenal of measures based on moral grounds, intended to regulate sexuality, can be accounted for by a societal project in which the state guarantees certain moral prescriptions. Scalia lumped the sexual orientation of homosexual individuals into a large mishmash of diverse laws that generated confusion and misunderstanding among the public: "State laws against bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication, bestiality, and obscenity are likewise sustainable only in light of *Bowers's* validation of laws based on moral choices" (5-6). Beyond the religious basis underlying these laws, some of these bans constituted, for the judge, a strong foundation of references to design a privatized moral order, thus giving the state a legitimate and rational interest to defend it by neutralizing the politicization of same-sex sexuality.

Consequently, he held that an ethics of right and wrong occurs through the force of law and precedent, which by definition "is constantly based on notions of morality."⁶ While morality is intended to regulate harmful choices in terms of sexual practices due to the psychological and physical traumas they induce, Scalia proscribed the legitimacy of a sexual orientation conducive to self-fulfillment and self-affirmation, which he unfairly equated with a dangerous practice (Corvino 2013, 16). As a defender of Christian traditions, he promoted the status quo ante as well as a backward, stagnant, and

⁶ Citing the majority opinion in *Bowers v. Hardwick* (1986). The Supreme Court found that the US Constitution did not protect the right to engage in private, consensual sodomy for gay Americans. *Lawrence v. Texas*, 6.

obscurantist society in which homosexuality has neither the right to be mentioned nor the right to be integrated into the principle of human dignity.

He then embarked on the relevance of the right to privacy in the context of sexual activities. For the judge, this right is nowhere to be found in the jurisprudence as a fundamental liberty under the doctrine of substantive due process, which was heavily criticized in the 1930s for striking down laws regulating economic activities.⁷ Contrary to Scalia's assertion, it is worth noting that Kennedy did indeed refer to the decision in *Meyer v. Nebraska* (1923) to define the concept of liberty. Furthermore, in the *Griswold* case (1965), the majority of judges had identified an implicit right to privacy through the association of the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments. Ultimately, Scalia accused liberal judges of using this doctrine solely to grant new individual liberties in *Roe v. Wade* and *Lawrence v. Texas*, whereas, as indicated in his minority opinion, neither abortion nor sodomy are historically fundamental rights rooted in tradition. Instead, Scalia contended that Kennedy employed his own constitutional doctrine to include a right to sodomy, within the realm of privacy, by interpreting the concept of liberty, contained in the Fourteenth Amendment, too broadly.⁸

Scalia mocked the linguistic expressions used by Kennedy. From his point of view, they had no legal basis: "I don't know what 'to act behind closed doors' means; surely consensual sodomy, like heterosexual sex, is rarely conducted on stage" (*Lawrence v. Texas* 2003, 13). This strategy allowed him to drain Kennedy's reasoning of its substance through discredit. Pretending not to understand Kennedy's pragmatism, Scalia rebutted the argument that homosexual Americans possessed fundamental liberties inherent to their sexual orientation in confined spaces. The reference to a theatrical scene further discredited the plaintiffs' fanciful demand to require the same right to privacy recognized for women.

⁷ This period in American legal history is referred to as the Lochner Era in which laissez-faire was the dominant theory advocated by the judiciary.

⁸ Citing the majority opinion in "Roe v. Wade" (1973), quoted in *Lawrence v. Texas*, 11, <https://www.law.cornell.edu/supct/pdf/02-102P.ZD>.

By refusing to admit that the Texas law amounted to a discrimination based on sexual orientation, the judge remained fundamentally attached to originalism, as a way to disregard the merits of the case. So convinced that his reasoning was objective, he even pre-empted Justice Kennedy's words, who formally acknowledged an "emerging" societal awareness in the 20th century regarding the numerous prejudices endured by LGBTQ+ individuals: "An "emerging awareness" is not, by definition, deeply "rooted in the history and traditions of this nation" (*Lawrence v. Texas* 2003, 14). This narrow interpretation allowed the judge to emphasize that only rights stemming from historical tradition were considered fundamental. Because same-sex couples' injury was not relevant in this case, no redress could be formulated.

No systematic recourse to history could possibly overshadow a long tradition of persistent discrimination that impeded the effective implementation of equality. By engaging in subterfuge to offer instead a sanitized view of the history of the United States, Scalia would condone Jim Crow laws as the worthy heirs of the "peculiar institution": the historical tradition of slavery that subjected African Americans to the status of an inferior race by denying them access to their fundamental rights. Similarly, he rejected the growing influence from any foreign institution, such as the European Court of Human Rights, and instead advocated a form of isolationism in legal practice (*ibid.*)⁹ by refusing any interference, cooperation, or even imitation of the European model.

However, the republican ideals of the Enlightenment pervade the political culture and liberal tradition of the United States, with several prominent figures, especially in the study of the rights of sexual and gender minorities: John Stuart Mill, Jeremy Bentham, and Edmund Burke. The first two advocate an ideology of liberalism, capable of reform and adaptation, that aligns with LGBTQ+ equal rights, while Edmund Burke's approach emphasizes tradition and religion as potent catalysts of political action. Justice Scalia's thinking was heavily influenced by Burke's political theories

⁹ Referring to Justice Thomas' opinion in *Foster v. Florida* (2002).

which also influenced another English conservative jurist William Blackstone, whose parliamentary report is cited in Chief Justice Burger's concurring opinion in *Bowers*. Looking at his interpretive philosophy through an originalist lens, Scalia absolved the state of Texas from responsibility in creating a second-class citizenship. In other words, Burkean thought prompted the state's rational choice to act against homosexual men in order to "promote the civic belief that certain forms of sexual conduct are immoral and unacceptable," thus granting a popular majority a license to discriminate.

Scalia's opinion showed the cracks in applying rational basis review, and thus brought to light, by the same token, the judge's thinly veiled hostility towards a class of individuals, sparked by "moral disapproval of relationships between homosexual persons" (Gerstmann 2008, 21). The mere reminder that sodomy had led to four hangings in colonial times was a way to extol the gentler methods of Texas in policing same-sex sexuality (*Lawrence v. Texas* 2003, 13). Unlike Kennedy, Scalia opposed condemning the intentions of Texas legislators by reason of rational basis review. One can reasonably deduce that this methodological rift should prompt judges to engage in a more demanding and restrictive constitutional review by making sexual orientation a suspect classification deserving protection on par with other categories, such as race. Thus, any debate about the rational premise of certain punitive laws would become irrelevant in that they attack a person's immutable characteristic inherent to their dignity (*strict scrutiny*).

Scalia's critical stance with regard to Justice O'Connor's reasoning was a plea against enforcing the Equal protection Clause of the Fourteenth Amendment, advancing the idea that homosexual individuals were not on the same level as heterosexuals, considering their sexual practices. As a result, it was not inconceivable for the State to draw an extraordinary distinction, targeting the members of a specific class, like that of traditional marriage for centuries, he contended (16). In other words, because these individuals were not equal before the law, in the same way as others apprehended for their criminal behaviour, disparate treatment could be applied reasonably to enforce strict moral gender norms. He used the example of nudists, as a class, to support his argument: "A law against public nudity targets "the conduct that is

closely correlated with being a nudist” and hence “is targeted at more than conduct”; it is “directed toward nudists as a class” (17).

As demonstrated by Scalia, it was purely incidental if sodomy laws were targeted against homosexuals. He did not even bother to elaborate on the specific reasons that might explain why public nudity was prohibited by law (*rational basis review*), like the possible indecent exposure such a conduct could cause, inasmuch as an originalist judge does not need to pay attention to the intentions of the legislator. Scalia’s strategy enabled him to disregard the underlying constitutional issue, which was personal autonomy in engaging in private, consensual sexual acts in an intimate space. He brought up the case of naturism to equate it with homosexuality as a way of life that could be regulated by specific rules in public spaces.

Nonetheless, this comparison aimed to present nudity and homosexuality as alternative and transient lifestyles that the law could control, regulate, and suppress, since these individuals were not “acting under coercion” but according to their “personal preferences.” By homosexuality, Scalia meant: “sexual proclivity of the principal actor” (16) that is, a voluntary choice to deviate from the norm, not an immutable sexual attraction. He categorically rejected that a stricter constitutional review should apply, except in cases of discrimination based on an individual's sex or racial origin, by virtue of the pervasive nature of heteronormative ideology.

With this in mind, it is entirely conceivable to consider that anti-sodomy laws against homosexual men were aimed at arbitrarily imposing the supremacy of heterosexuality and sexuality for reproductive purposes. Scalia situated the ban on same-sex marriage within a broader historical perspective of American traditions that established an unequal hierarchical structure of domination in the social structure of American society, as described by Jonathan Ned Katz (1995, 189). Heterosexuality, as a social construct, was implicitly glorified in Scalia’s dissenting opinion. Its legitimacy derived from the political action of the State, actively participating in the hegemonic nature of a capitalist economic model, based on a majoritarian sexual orientation and the biological nature of the sexes (Pierceson 2005, 39).

Finally, Scalia took advantage of two missteps by Justice O'Connor. She first referred to the notion of historical tradition, dear to Scalia, and then failed to support Kennedy's due process reasoning, offering instead an opinion grounded in equal protection concerns. He showed contempt for O'Connor's clever euphemisms, which he interpreted as implicit animosity towards same-sex couples as if they threatened the stability of marriage: "Preserving the traditional institution of marriage" is a kinder way of describing the State's *moral disapproval* of same-sex couples" (*Lawrence v. Texas* 2003, 17). As such, the resentment adopted towards same-sex couples justified a structural discrimination that enabled the State to argue for a legitimate interest in enforcing laws that govern proper sexual conduct and protect the sanctity of marriage. As Scalia further explained, there was no need to hide such prejudiced views from the social and judicial bodies, as they were embedded with the societal project envisioned by the elected government of Texas.

Although Scalia's dissenting views clashed with Kennedy's majority opinion, his strict line of reasoning was equally shared not only by some other justices on the bench but also by faith and flag conservatives who considered that public policy should reflect their restrictive religious beliefs. In retrospect, Jefferson's wall of separation between Church and State was antinomic to the principle of religious freedom which played a robust role in shaping political and legal opinions, without it being necessary to invoke religion per se at the risk of infringing the Establishment Clause. This state of fact generated high expectations from conservative courts in granting religious objections in relation to enforcing State anti-discrimination laws protecting LGBTQ+ Americans:

no bureaucratic judgment condemning a sincerely held religious belief as "irrational" or "offensive" will ever survive strict scrutiny under the First Amendment. In this country, the place of secular officials isn't to sit in judgment of religious beliefs, but only to protect their free exercise" (*Masterpiece Cakeshop, LTD. v. Colorado Civil Rights Comm'n* 2018, 9)

In this context, First Amendment and Fourteenth Amendment claims intersect so perilously that faith, when anchored in sincerely held objections by right-wing Christians, turns out to be impregnable, making "religious freedom" and LGBTQ+

equality countervailing forces. The compelling nature of religious interests aims to downplay, or even obscure, the issue of religious encroachment in matters pertaining to the civil rights of LGBTQ+ citizens, not believers, that is the right to seek goods and services offered to all.

WEAPONIZING RELIGIOUS FREEDOM THROUGH POLITICAL EXEMPTIONS: THE RIGHT NOT TO RECOGNIZE SAME-SEX COUPLES' MARRIAGES

President Donald Trump managed to tap into a backward-looking movement by reinvigorating and empowering traditional religious beliefs. “Making America Great Again” involves barely concealed strategies of erasure and renewed invisibility by attacking transgender Americans and LGBTQ+ youth. After all, the devil is in the details: Trump’s use of the rainbow flag in Colorado on October 30, 2016, a few days before the election. As the Republican nominee for President, Trump made history by holding up the flag of the LGBTQ+ community, except that one detail ruined this special moment: the flag was upside down. The protection of “religious freedom” and deference to state sovereignty, in connection with the adoption of anti-discrimination laws (or not), by legitimizing a patchwork of laws across the country are the ingredients that bolster a system of double binds (Sedgwick): referring to a drastic dilemma for gay people, torn apart between disclosing too much information on their sexual orientation and gender identity in exercising their freedom, and not disclosing enough to protect themselves, which could potentially cost them their job either way: “married on Saturday and fired on Monday” as summarized by Democratic nominee for President Hillary Clinton in June 2016. Double bind situations are one of the most tangible manifestations of the double-bind structure of LGBTQ+ lives: policing queer life by silencing LGBTQ+ voices and by denying their very existence to uphold a hegemonic heteronormative power system and its negative effects they have on LGBTQ+ people’s mental health. In other words, having to choose between embracing one’s true self or living a lie represents an undue burden.

In response to the *Obergefell* decision, combined with the growing awareness of the aspirations and visibility of the LGBTQ+ movement, conservative legislators rushed

into a legislative battle to pass laws, sometimes dubbed by their critics as “Don’t Say Gay,” robust enough to protect the “freedom of conscience” of their Republican voters.¹⁰ These laws are designed to rein in teachers’ academic freedom and to ban controversial books, as in Iowa. Under the GOP’s rationale, religious freedom, narrowly conceived, refers to “sincerely held religious beliefs, like marriage as the union between a man and a woman, that run contrary to diversity and inclusion public policies. These believers claim to be protected by law if they refuse to serve LGBTQ+ clients, decide not to hire them, fire them, or deny them access to housing and gender affirming care, citing their sexual orientation and gender identity as an infringement on their freedom of conscience and parental rights without having to prove anything or even showing any evidence.

They want to be exempt from any binding law designed to defend and protect the rights of citizens whose sexuality is “contrary” to their interpretation of the Bible. Under the guise of wanting to protect Christians who feel aggrieved and hurt in their faith, the paradigm of religious discrimination, conceived as a matter of civil rights, allows for the political justification of moral exemptions that would authorize differential treatment of LGBTQ+ Americans in accessing public spaces and in the areas of health care and adoption.

In *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018), Jack Phillips, owner of Masterpiece Cakeshop for twenty-three years, was convicted after refusing to make a wedding cake for a same-sex couple due to a religious objection. At the time of the incident, in 2012, the Colorado Constitution prohibited the recognition of same-sex marriage through the adoption of Amendment 43 (2006) by referendum. The legal framework adopted by the state of Colorado was in line with Phillips’ decision, opposing a religious objection. In order to avoid charges of discrimination, the owner agreed to sell any other product available in his establishment, which did not meet the initial request of his customers who wanted to buy a cake specific to the wedding

¹⁰ House Bill 1523, «Protecting Freedom of Conscience from Government Discrimination Act,» april 2016, <https://billstatus.ls.state.ms.us/documents/2016/html/HB/1500-1599/HB1523SG.htm>.

tradition: “I’ll make your birthday cakes, shower cakes, sell you cookies and brownies, I just don’t make cakes for same sex weddings” (*Masterpiece Cakeshop, LTD. v. Colorado Civil Rights Comm’n* 2018, 4).

In accordance with the Colorado Anti-Discrimination Act (CADA), which prohibited discrimination, in this case based on sexual orientation, in any retail spaces in Colorado, the Colorado Civil Rights Commission and the Colorado Court of Appeals denied Phillips' request. Phillips was seeking protection of a right of service refusal, rooted in his freedom of expression, associated with an artistic creation, by not granting the request of a customer whose wedding cake violated his freedom of conscience as well as the free exercise of his religion (freedom of worship): his fundamental belief that marriage is the celebration of a union between a man and a woman.

According to Kennedy, the main issue in this case was to combine two seemingly antinomic objectives. On the one hand, honoring the promise of civil rights and the dignity of LGBTQ+ people facing discrimination in exercising their rights as customers by acquiring marketable goods and services. On the other hand, the enforcement of fundamental rights, guaranteed by the First Amendment, in the states of the Union and in accordance with the Fourteenth Amendment of the US Constitution (*Masterpiece Cakeshop, LTD. v. Colorado Civil Rights Comm’n* 2018, 1-2). While ambitious, the convergence of these two interests is not the constitutional problem at stake but rather how the Civil Rights Commission dealt with the case, and even if both parties involved fundamentally disagreed on the nature of Phillips' denial, according to Kennedy.

The Supreme Court faced a novel, but instructive, context in the realization of free speech and free exercise of religion as applied to equal rights for LGBTQ+ people. According to Kennedy, in another purely hypothetical situation, the protection of a baker's artistic creativity may motivate a refusal to design a product that might interfere with his or her moral and religious conscience, which would fall within a legitimate and legally compliant exemption. Strictly speaking, Kennedy’s assumption was merely conjectural, because he framed the issue in a completely different way to subtly circumvent the question of free speech to focus on religious freedom.

First, he portrayed the plaintiff as a faithful practitioner of the Baptist Church (evangelical Christianity) to which he devoted unwavering devotion, faithful to the word of God, carrying out his wishes on a daily basis, and ensuring that his artistic creations respected the canons of his Church: “his main goal in life is to be obedient to Jesus Christ and Christ’s teachings in all aspects of his life” (*Masterpiece Cakeshop, LTD. v. Colorado Civil Rights Comm’n* 2018, 3). His religious practice imposed on him the belief that “God’s intention for marriage from the beginning of history is that it is and should be the union of one man and one woman” (*ibid.*). Forcing him to create a cake would violate his intangible religious beliefs, which would constitute a substantial recurring injury to his moral conscience and freedom of expression (or opinion). Thus, the liberty relied upon by the petitioner incorporated the unconstitutionality of forced speech. Under this principle, an individual cannot be compelled to express a message, dictated by the government, with which he or she strongly disagrees (*West Virginia State Board of Education v. Barnette* 1943).

Attesting the sincerity of the belief system to which the plaintiff adheres is thus no longer in question, so that the state must act in a cautious manner so as not to offend the beliefs that Phillips is entitled to believe in and apply in his everyday life. The plaintiff’s religious freedom must be treated as a form of expression, free from government interference. If not possible, “the State invades the sphere of intellect and spirit which it is the purpose of the First Amendment [...] to reserve from all official control,” (*Wooley v. Maynard* 1977). In another case, Justice Scalia reiterated the same requirement that “the First Amendment generally prevents governments from proscribing speech, or even expressive conduct, because of disapproval of the ideas expressed” (*R.A.V. v. City of St. Paul* 1992).

Justice Kennedy’s ruling was based on some evidence of procedural misconduct on the part of the Civil Rights Commission—allowing him to write a majority opinion of limited scope, regardless of the recommendations made by the Department of Justice—headed by Jeff Sessions (2017-18), in an amicus brief. The Trump administration was keen to strengthen “religious freedom,” despite the equal protection clause, by allowing a virtually unfettered right to discriminate: “As President Trump said, ‘Faith is

deeply embedded into the history of our country, the spirit of our founding and the soul of our nation . . . [this administration] will not allow people of faith to be targeted, bullied or silenced anymore” (“Attorney General Sessions”).

The defence of religious freedom, allegedly under siege during Obama’s presidency, was erected as a compelling interest, allowing the government to enforce the moral code of redeemed conservative Christians, protected by the shield of the First Amendment.

In the present case, Kennedy accused the Commission of failing to meet its obligation of religious neutrality in investigating the case, by not respecting the principles of concord and respect that should guide the representatives of the republican order, in enforcing secularism, specific to the American model. During Phillips’ questioning, one of the commissioners reportedly acted out of animosity, stating that:

Freedom of religion and religion has been used to justify all kinds of discrimination throughout history, whether it be slavery, whether it be the holocaust, whether it be—I mean, we—we can list hundreds of situations where freedom of religion has been used to justify discrimination. And to me it is one of the most despicable pieces of rhetoric that people can use to—to use their religion to hurt others. (*Masterpiece Cakeshop, LTD. v. Colorado Civil Rights Comm’n* 2018, 4)

According to Kennedy, this misguided remark constituted unacceptable bias and prejudice, since Phillips anchored his refusal to serve his clients on the basis of sincerely held religious beliefs, not a desire to demean same-sex couples. The commissioner’s hostility was characterized by a clear willingness to disregard Phillips’ beliefs by accusing him of instrumentalization of religion for rhetorical purposes (13-14).

The violation of the neutrality requirement is based on the majority opinion in *West Virginia State Board of Education v. Barnette* (1943)¹¹ and *Church of Lukumi Babalu*

¹¹ The Supreme Court ruled that compelling children in public schools to salute the US flag represents a violation of their freedom of speech and religion.

Aye v. Hiialeah (1993).¹² In the former case, the Court held that it is not for government officials to determine the extent to which an expressive message may constitute an offense, nor to define the scope of the offense in that the concept itself is so subjective that it may lead to interpretative bias in favor of one side or the other: “no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion” (*Barnette* 1943 quoted in *Masterpiece Cakeshop, LTD. v. Colorado Civil Rights Comm’n* 2018, 16. In the second case, the Court called on the government to honor the principle of free exercise of religion by refraining from making any disapproving comments that could disqualify the religious beliefs of Americans.

The jurisprudential framework applied to this case allowed Kennedy to argue that the Commission was neither neutral nor tolerant toward the petitioner. By comparing Phillips' deeply held religious beliefs with slavery and the Holocaust, the Commission created a breach of equal treatment with three other bakers whose conscientious objection prevailed. The latter had declined a request from a client (William Jack) to make cakes with a religious message denigrating same-sex marriage. Participating in the making of the product was tantamount to supporting the political/religious message associated with the cake, or even participating in the celebration of a marital union between two men/women, as in Phillips' situation. According to Kennedy, the odious comparison made during his hearing was sufficient to demonstrate that the Commission exceeded the limits of its prerogatives by ruling on the consistency of Phillips' conscientious objection with a negative statement on the petitioner's faith (17).

In a separate concurring opinion, Justice Kagan qualified Kennedy's opinion by noting that the difference between the two cases was the enforcement of Colorado's anti-discrimination law, which prohibits discrimination on the basis of sexual orientation in public places (CADA, as amended in 2007 and 2008) (5). According to the justice, the William Jack case did not fall under CADA as the refusal of the three bakers

¹² The Supreme Court ruled that an ordinance banning religious animal sacrifice represents a violation of the Free Exercise Clause of the First Amendment.

was not motivated by a feeling of hostility towards religious beliefs. Refusing to make this kind of cake applied uniformly, regardless of the immutable characteristic of the customer concerned (2). Conversely, Phillips' rejection did violate CADA, which guarantees "the full and equal enjoyment" of goods and services to individuals based on certain characteristics, including sexual orientation and creed" (2). In this case, Phillips refused to accommodate a couple's request because of their sexual orientation, even though he offers this service to his heterosexual customers. However, the argument that the baker's actions established a breach of equal treatment is neutralized insofar as it was the duty of the Commission to observe neutral standards in applying CADA, "untainted by any bias against a religious belief" (2-3) according to Justice Kagan.

Ultimately, Kennedy merely reiterated the principles of non-discrimination and equal dignity of same-sex couples, reminding that "religious and philosophical objections to same-sex marriage" are justifiable, depending on the contexts in which they arise: "Our society has come to the recognition that gay persons and gay couples cannot be treated as social outcasts or as inferior in dignity and worth" (9). This social and legal recognition cannot be hindered because of strict religious objections in the public and business domains: it is a general rule that such objections do not allow business owners and other actors in the economy and in society to deny protected persons equal access to goods and services under a neutral and generally applicable public accommodations law (*ibid.*).

Yet Kennedy identified a mitigating circumstance that would sustain the exceptional nature of the plaintiff's religious objection, faced with a double bind situation in the process of refusing to serve a same-sex couple: the state prohibits discrimination on the basis of sexual orientation and yet same-sex couples were denied marriage licenses, giving full force and effect to Phillips' religious belief. Thus, Kennedy argued that Phillips did not act excessively or irrationally because the legal context, which was unfavorable to same-sex marriage, attested to the baker's good faith.

This argument thus allowed Kennedy to avoid making any real decision on the merits of the case, focusing instead on the extraordinary nature of the situation at hand, leaving the constitutionality of sexual orientation discrimination for deeply held

religious beliefs in abeyance until the jurisprudence was further consolidated unless Congress passes the Equality Act.¹³ The decision in *Rumsfeld v. Forum for Academic and Institutional Rights, Inc* (2006) is particularly illuminating, as the federal government is entitled to intervene to regulate discriminatory business practices. No business can claim a right to “choose its customers” on the basis of immutable characteristics under the guise of “religious freedom”: Congress, for example, can prohibit employers from discriminating in hiring on the basis of race. The fact that this will require an employer to take down a sign reading ‘White Applicants Only’ hardly means that the law should be analyzed as one regulating the employer’s speech rather than conduct (*Rumsfeld v. Forum for Academic and Institutional Rights, Inc.* 2006 quoted in *Masterpiece Cakeshop, LTD. v. Colorado Civil Rights Comm’n* 2018, 12).

According to Sarah Huckabee, the White House spokesperson, Donald Trump would not have objected to businesses refusing to serve LGBTQ+ customers as long as this information was displayed on their storefront (Broverman 2017). This political offer of compromise proposed by the 45th president would establish a legalized discrimination through the use of signs to accommodate deep and abiding religious convictions. Under this principle, religious expression would be granted preferential treatment taking precedence over the force of law governing anti-discrimination measures based on sexual orientation and gender identity. Even though *Masterpiece Cakeshop* is a private business supposed to serve the common interest by offering goods and services in the public sphere, Trump's application of benign neutrality is anything but neutral, as it approves, endorses, and normalizes the Christian moral code of some believers. They are determined to seek refuge for some of their negative attitudes towards LGBTQ+ Americans, which would allow them to be exempted from enforcing existing public accommodation laws. This commitment to religious freedom equates to a form of empowerment of religious policymakers and activists whose politicized faith pretends to be able to make sexual orientation and gender identity invisible.

¹³ The bill was adopted by the House of Representatives on February 25, 2021, but the Democrats in the Senate are unlikely to reach the 60 votes required to pass it.

Although Kennedy warned that the display of openly hostile branding, as seen in the *Rumsfeld* case against same-sex marriage, “would impose a serious stigma on gay people” (*Masterpiece Cakeshop, LTD. v. Colorado Civil Rights Comm’n* 2018, 12) contrary to the benevolent principle of neutrality that secular officials must adhere to. A few weeks before his retirement from the Supreme Court in July 2018, Kennedy sent a strong signal to anyone who might believe that their religious beliefs would escape the binding force of state anti-discrimination laws, the Constitution, or even Title VII of the Civil Rights Act (1964):

Nevertheless, while those religious and philosophical objections are protected, it is a general rule that such objections do not allow business owners and other actors in the economy and in society to deny protected persons equal access to goods and services under a neutral and generally applicable public accommodations law. (9)

In other words, Kennedy’s compromise provides an opportunity for Christians’ moral beliefs to be protected from anti-discrimination provisions (“under a neutral and generally applicable public accommodations law”), implying that exemptions are permissible for certain tailored religious beliefs, without business owners having to make disparaging comments on a person’s sexual orientation and/or gender identity directly.

CONCLUSION

The purpose of the above analysis was to take stock of the remaining ideological obstacles faced by the movement for LGBTQ+ equality to overcome an excruciating double bind situation formulated by Supreme Court decisions, making it a fully politicized institution of its own right. More precisely, the continuous legal requests founded on First and Fourteenth Amendment considerations remain contentious and divisive.

From Scalia’s perspective, the normalization of homosexuality is not only ahistorical, but constitutes a violent imposition on many Americans’ moral beliefs grounded in their faith, contrary to states’ right to police same-sex sexuality: “It is clear

from this that the Court has taken sides in the culture war, departing from its role of assuring, as neutral observer, that the democratic rules of engagement are observed” (*Lawrence v. Texas* 2003, 18). Conversely, far from being neutral, Scalia’s position demonstrates that he is a full-fledged actor in the culture war against homosexuality, despite his observation that he has “nothing against homosexuals” (19). By reducing it to an antiquated formula, homosexuality, as an expressive conduct, turns out to be impervious to due process, denying standing to all homosexual citizens whose fundamental rights must be constantly submitted to the principle of deliberative democracy.

From Kennedy’s perspective, the effective enforcement of same-sex equal dignity remains ambiguous, caught between the equal protection clause and the protection of certain religious beliefs, erected as a shield, contrary to states’ inclusive policies. In fact, Kennedy’s loophole in *Masterpiece Cakeshop* allows private businesses to be exempted from enforcing accommodation public laws within the framework of state antidiscrimination laws to fight against the social exclusion of same-sex couples. Secular officials are warned that religious beliefs cannot be submitted to prejudiced and disparaging statements while business owners can rebuke same-sex couples’ dignity by refusing to offer them goods and services granted to any other customer. Nevertheless, the application of equal treatment of LGBTQ+ persons in accord with sincerely held religious beliefs is deficient as countless religious objections are currently being reviewed not only in the business domain but also in the family and education affairs, making it virtually impossible for reducing homophobia within hardline religious circles. One possible response lies in the depoliticization of religion, centered instead on everyone’s shared common humanity, away from the politics of disgust:

Religion makes a big mistake when its primary public posture is to protect itself and its own interests. It’s even worse when religion tries to use politics to enforce its own codes and beliefs or to use the force of law to control the behavior of others. Religion does much better when it *leads*—when it actually cares about the needs of everybody, not just its own community, and when it makes the best inspirational and commonsense case, in a pluralistic democracy, for public policies that express the core values of faith in regard to how we should all treat our neighbors. (Wallis 2013, 6)

When unequal treatment is condoned as an expressive conduct by virtue of the First Amendment and/or as a compelling state interest, certain religious beliefs are weaponized to make them antinomic to equal dignity, without judges having to claim religion to deliver a license to discriminate in the strictest sense of the term.

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LET ME GET THIS QUEER: RECOGNITION OF AGE AND SEXUALITY IN *GRACE AND FRANKIE*

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ABSTRACT

This article examines the representation of older queer identities in the contemporary US sitcom *Grace and Frankie*, arguing that the series employs queer and feminist humor to counteract social disgrace and the dehumanizing effects of ageist stigma. The article explores various aspects of the sexual sphere of the elderly as depicted in the show, including heterosexual and homosexual desires, non-monogamous intimate relationships, and autoeroticism. By examining this show through the lens of Tison Pugh's work on the depiction of sexuality in US family sitcoms, as presented in *The Queer Fantasies of the American Family Sitcom*, this article demonstrates how *Grace and Frankie* destigmatizes older male and female bodies through the intersection of age and sexuality.

Keywords: queerness; representation; sitcom; aging; sexuality.

INTRODUCTION

The Netflix original series *Grace and Frankie* (2015-2022) portrays the lives of its protagonists as they navigate romance and sexuality throughout their seventies. Through its engaging storytelling, the show sheds light on a reality frequently misrepresented in mainstream media, giving voice to older queer identities and their experiences. By challenging ageist stereotypes, *Grace and Frankie* offers not just entertainment but also promotes an understanding of nonnormative expressions of love and intimacy. In fact, *Grace and Frankie* tries to eradicate the idea that 'sex is young' since its first episode, as it rejects the strict binarism of traditional sexuality, and acknowledges the diverse forms that a sexual relationship can take at any age.

Imogen Tyler's work in *Stigma: The Machinery of Inequality* (2020) offers a functional framework to reflect on the shame and judgment often associated with minoritarian subjects, such as the protagonists of the show. The author introduces the concept of stigma as a form of power that, influenced by colonialism and patriarchy, exacerbates social division and the dehumanization of minorities (Tyler 2020, 7). Moreover, Tyler is interested in how media and popular culture contribute to the

perpetuation of stigma and reinforce harmful stereotypes, thereby shaping public perceptions of marginalized groups (34). Additionally, Tyler focuses on the critical role that intersectionality plays in the experience of stigma, as factors such as race, gender, class, sexual orientation, and disability collectively amplify the challenges and disparities that individuals face (82-83). In this article, I adopt Tyler's argument, considering age as an additional factor contributing to the perpetuation of stigma in queer individuals. In addition to analyzing queer portrayals of current social and cultural issues, this article will focus on the intersection of age and sexuality in *Grace and Frankie*. Drawing on Tison Pugh's study on the depiction of sexuality in US family sitcoms provided in *The Queer Fantasies of the American Family Sitcom* (2018), I will analyze the language, generational approach, and sexual dimension of the elderly as portrayed in the show. This examination will delve into the ways in which characters navigate heterosexual and homosexual desires, further exploring non-monogamous intimate relationships and autoeroticism. Pugh (2018) first recognizes that the period from the 1950s to the 2010s reflects America's changing sexual and social norms, then he examines how fictional families resist and display the cultural shifts in sexuality at various historical moments (3); Pugh finally argues that by queering family sitcoms it is truly possible to represent the United States, giving voice to otherwise unrepresented identities (25) and transcending the traditional, heteronormative notion of family.

Grace and Frankie contributes to destigmatizing the representation of older male and female bodies by intersecting age and sexuality and employing queer and feminist humor. In doing so, the show denounces stereotypes, ageism, and lack of positive representation of the aging body in contemporary society. In the first part of the article, I present a descriptive account of the show and assess *Grace and Frankie's* queer representation according to the criteria of the Bechdel Test.¹ In the second section, I analyze the show's use of language to discuss questions around sex by drawing on Anna

¹ The Bechdel Test serves as a criterion for assessing female representation in movies, television shows, and other forms of media. While the Bechdel test serves as a thought-provoking interpretive tool and holds some relevance within the context of this article, its application here does not aim to assess the quality of the series I analyze, but rather its queer and female representation. See Bechdel, *Dykes to Watch Out For* (Ithaca: Firebrand Books, 1986).

Freixas' research on aging and the sexuality of senior citizens (Freixas 2005), Laura Mulvey's work on the representation of gender in cinema (Mulvey 1975), and Cynthia and Julie Willett's analysis of "fumerism" (Willett and Willett 2019, 27). The focus then shifts, in the third section, to the homosexual couple in *Grace and Frankie*, Robert and Sol: the fictional representation of same-sex couples is considered as a potential challenge to a rigid patriarchal system, as I explore changing notions of relationship and intimacy by drawing on Scott Wirth's work on gay male monogamy (Wirth 2010). The fourth and last section examines the manufacturing—and use—of a vibrator to subvert the notions of masturbation and sex as taboos when discussed by older females.

It is worth noting that *Grace and Frankie* depicts an optimistic and successful aging experience primarily due to the protagonists' economic privileges: in fact, Katsura Sako and Maricel Oró-Piqueras (2023) argue that this portrayal might reduce relatability for some of the audience (6). Nevertheless, in this article, I suggest that by presenting a positive portrayal of the intersection between age and sexuality, the show facilitates identification and provides potential role models for older viewers, regardless of economic class.

ON GRACE AND FRANKIE

Grace and Frankie is a series featuring Jane Fonda and Lily Tomlin. Created by Marta Kauffman—one of *Friends*' co-creators—and Howard J. Morris for the streaming platform, the show premiered in May 2015 and ran for seven seasons, from 2015 to 2022, receiving numerous Emmy nominations (Pereira and Gutiérrez San Miguel 2019, 3). *Grace and Frankie* is a witty sitcom that gains relevance in this discourse through its exploration of societal challenges at the center of the public debate in the United States during the 2010s. The show introduces innovative and queer themes within the framework of a traditionally conservative format. In her study on the representations of underrepresented minorities in film and television, Hannah Wold (2017) contends that Netflix granted *Grace and Frankie* an unusual degree of creative freedom concerning representation and language (24). This autonomy allowed the show to candidly address

subjects rarely explored in popular culture while refraining from visual representations of sexual activity, a measure taken to avoid discomforting older viewers (Wold 2017, 35).

The pilot begins with the confession of Robert and Sol, two law partners in their seventies, who decide to divorce their respective wives—Grace and Frankie—and get married to each other following the legalization of same-sex marriage. From this abrupt beginning, viewers witness the struggle of this extended family through seniority, sexuality, and emotional difficulties. Set in the San Diego suburbs, the show portrays ordinary moments of life in a melodramatic and comic way, offering a sympathetic depiction of the reality and the everyday of an extended diverse family. Pugh (2018) recognizes many of these same elements in the ABC sitcom *Modern Family* (161). Both shows suggest that today's families come in many colors and shapes, ages, and sexualities. The innovative elements introduced in *Grace and Frankie*, however, include the emphasis on the senior members of the family as main characters and the openness about their sexual needs and desires (Pereira and Gutiérrez San Miguel 2019, 5).

The main characters in the show are Grace Hanson (portrayed by Jane Fonda), a white Anglo-Saxon Protestant who embraces traditional ideals of femininity, dutifully adhering to societal norms of beauty, and Frankie Bergstein (played by Lily Tomlin), who serves as a captivating counterpoint, embodying a spirit that is both bohemian and nonconformist. Their ex-husbands are equally relevant from a queer perspective: Robert Hanson (Martin Sheen) is a stern and practical lawyer who will eventually reveal his tender side, while Sol Bergstein (Sam Waterson), Robert's law partner and future husband, is an emotional and fierce activist for LGBTQ+ rights. The age of these four characters prompts a reflection on ageism and *Grace and Frankie's* satirical deployment of ageist stereotypes to comment and criticize stigmatized representations of the elderly.

Ageist language can impact both intimate and non-intimate relationships: stereotypes about the elderly can be found in the media, healthcare, and everyday conversations, and that intergenerational encounters may rely on ageist stereotypes (Nussbaum et al. 2005, 287-88). When these encounters occur in an intimate sphere, such as the family context, interactions can be harmful to the elderly due to the use of

patronizing speech. *Grace and Frankie* displays numerous iterations in which the protagonists experience this kind of discrimination, namely an attempt at social control often misinterpreted as a display of concern (Nussbaum et al. 2005, 292), from their adult children—Brianna, Mallory, Bud, and Coyote. Grace and Frankie often respond to moments of tension arising from intergenerational encounters with sarcastic comments: they harness ageist stereotypes to their advantage through the employment of humor while simultaneously challenging assumptions of comedy as a male-dominated field. On the other hand, interactions with friends are more empowering primarily because they involve voluntary relationships, without obligations based on kinship; additionally, in these particular bonds, older adults tend to perceive each other as equals (Nussbaum et al. 2005, 293). The show proves the positivity of these relationships, not only between Grace and Frankie, but also with some of their other friends, like Arlene or Babe. Scenes depicting these gatherings between friends reveal that the characters act more naturally and feel free to discuss issues related to sex, dating, aging, and the fact that ageism is of special concern to older women.

Due to its candid approach, *Grace and Frankie* attracted a substantial and intergenerational audience. On the one hand, in her study of older women's intense appreciation for this show, Anne Jerslev (2018) acknowledges the profound sense of identification and representation that they find in the two main characters (191). Moreover, older viewers value the narrative that portrays the complexities of aging without dismissing the possibility of joyful, sensuous moments, all while humorously addressing real issues related to the aging process (Jerslev 2018, 197). On the other hand, according to the premise of this Netflix original, one could argue that it does not appeal to younger viewers; however, it managed to gain wide popularity across generational lines. For instance, in a *NYLON* article, Sesali Bowen (2019) collected several statements to demonstrate that among different target viewers, millennials love *Grace and Frankie*. Bowen suggests that this popularity stems from the show's discussion of unconventional themes in a simple and direct way, unveiling the issues that come with seniority to younger generations.

Arguably, the show presents itself as a model for queer representation in popular culture. As Thomas Peele (2007) suggests, the examination of such representations is necessary because they mirror contemporary values and serve as an effective platform for educating the public (2). To determine whether the representation of queerness in *Grace and Frankie* challenges or reinforces dominant narratives, it is useful to examine the show through the lens of the Bechdel Test, as it provides an alternative framework to ideas of identification and role model criteria (Selisker 2015, 516). In an early installment of her weekly comic strip *Dykes to Watch Out For* (Bechdel 1986), Alison Bechdel presents her test to evaluate female representation in movies, television shows, and other forms of media (Goldberg 2018, 107). According to Bechdel, if the plot revolves around at least two women who engage in a conversation not centered on a man (Bechdel 1986, 22), the movie passes the test and attains political significance. Moreover, Scott Selisker (2015) suggests that the test helps determine whether female characters are created to be subordinate to males or if they are mediators, thus central to the narrative (511).² When these criteria are applied to the analysis of *Grace and Frankie*, the show meets the requirements by endorsing strong female representation and reinforcing the roles of the main characters. Most notably, the show offers viewers fresh perspectives for self-identification and serves as a source of inspiration by introducing new role models to the audience.

A SUBVERSIVE PORTRAYAL OF SEXUALITY

In discussing the portrayal of sexuality within the context of the US family sitcom, Pugh (2018) asserts that “a foundational irony of family sitcoms emerges from their tendency to camouflage or otherwise cloak sex, thus overlooking the foundational role of sex in building the families depicted onscreen” (4). However, the candid discussions about sex in *Grace and Frankie* reveal the unabashed approach adopted by the creators to

² Selisker draws on Bruno Latour’s categorization of mediator and intermediator. See Latour quoted in Selisker, “The Bechdel Test and the Social Form of Character Networks,” *New Literary History* 46, no. 3 (2015): 511.

represent the intimate sphere of the elderly, which is often ensconced. The characters' use of language is of particular interest because, from early episodes, they set a tone that will be maintained throughout the entire show. A few examples include sentences such as "I've been *bonking* my law partners for twenty years" (1x01 – The End; emphasis mine) and "If you had been *fucking around* with women, we wouldn't be here eating cake!" (1x03 – The Dinner; emphasis mine). These lines aim to provoke laughter or a chuckle in the audience, but they also reinforce the idea that the characters are openly talking about the sexual life of two 70-year-old homosexual men. This dynamic recalls Willett and Willett's (2019) analysis of fumerism, a form of queer and feminist activism that counteracts oppressive norms through feminist humor (27).³ Both authors consider how, in the 1980s and 1990s, female comedians and actors—Lily Tomlin included—started targeting unjust forms of social power related to gender, class, and race through a creative use of anger and emotions (24). Additionally, the authors underscore the intersectional function of humor, which is able to counteract oppressive and discriminant norms also related to sexual orientation (40-41). Consequently, I suggest that *Grace and Frankie* employs fumerism, using its humorous approach as a vehicle to discuss and criticize oppressive behaviors, ultimately fostering societal change.

Although the show is concerned with the sexuality of older characters in general, there is a focus on elderly women openly discussing sex. In season two, when Frankie negotiates with Grace's former beauty company to produce her lubricant, she discovers that the company plans to use palm oil, which is harmful to the environment and orangutans. Frankie's concern for the environment and her desire to succeed in the business world create a dilemma for her:

FRANKIE: And now I've turned into a—an orangutan-genocide profiteer.

GRACE: No, you mean a profiteer of orangutan genocide. Because the way you said it, it sounds like you're a morally bankrupt orangutan.

³ The term was originally coined by stand-up comedian Kate Clinton. See Willett and Willett "Fumerism: Feminist Anger and Joy from Roseanne Barr to Margaret Cho and Wanda Sykes," in *Uproarious: How Feminists and Other Subversive Comics Speak Truth*, ed. Cynthia Willett and Julie Willett (Minnesota: University of Minnesota, 2019), 27.

FRANKIE: Not the time, Grace. I can't lube a vagina with one hand and smack an orangutan with the other. (2x08 – The Anchor)

This brief exchange normalizes the idea of two elderly women talking about sex, relying on Frankie's endeavors to make sex a more accessible experience for older people through the production of her organic lubricant. Moreover, this exchange also presents meaningful models of older women that allow recognition for other women in the audience, thus underscoring the importance of positive representations of female aging in society and media. To understand the relevance of this dialogue, it is useful to reflect on the categorization of women's lives into menarche, motherhood, and menopause: this classification, according to Freixas (2005), excludes achievements such as employment or retirement and reinforces the idea that, once sexual reproduction is no longer possible, women are no longer useful to society (71-72). Likewise, Kathleen Woodward (2006) suggests that age and gender are manipulated to "render the older female body paradoxically both hypervisible and invisible" (163). In other words, elderly women face intense scrutiny in terms of social expectations regarding their appearance, while simultaneously experiencing marginalization for no longer complying with their roles as procreators. Consequently, the potential for older female viewers to identify with Grace and Frankie engaging in open discussions about sex fosters the normalization of the sexual desire of the elderly and the destigmatization of a subject that sitcoms usually avoid.

This examination of the sexuality of the elderly also encourages considerations of the notion that growing older often corresponds to a decrease in sexual activity. Though the ability to experience sexual pleasure is reduced with age, cultural prejudices surrounding sex and desire for the elderly make it difficult for them to obtain the necessary information to address these challenges. For example, Freixas (2005) considers that traditional views on menopause transform women into asexual beings: according to societal expectations, sexual desire not only disappears with seniority, but it should disappear because it is inappropriate (123). Freixas recognizes two main difficulties that influence the sexual experience of older women: a) the difficulty to orgasm, and b) the lack of desire, clarifying that both problems are related to

unsatisfying sexual partners and fantasies (124). To feel sexy, desirable, and desired makes individuals feel like they still have meaning, because the desire to be desired and touched remains unchanged despite the aging process (Freixas 2005, 92); nevertheless, feeling desirable poses one of the greatest challenges of growing older. According to Freixas (2005), the problem is that cultural messages continue to portray a negative, demeaning image of the aging body, and such messages have a demoralizing effect on the self-esteem of the elderly (83). In this regard, it is useful to consider Mulvey's (1975) overview of the representation of gender in cinema according to which women on screen are often objectified and sexualized for the pleasure of the male viewer (19). By drawing on the Freudian concept of scopophilia—the pleasure derived from looking—Mulvey argues that women exist primarily as images to be gazed at by both male characters within the narrative and the male spectator outside of it (20). Therefore, women effectively become nonexistent when they are dismissed by the male gaze because of their seniority. In light of this objectification, Mulvey suggests that feminist filmmaking can challenge and subvert the male gaze, as well as disrupt the conventional fetishization of women (16). Accordingly, I suggest that *Grace and Frankie* offers an instance of a feminist and empowering narrative when an insecure Grace has her first—disappointing—sexual encounter after her divorce. Although the visual representation of sex is camouflaged, Grace and Frankie discuss genuine issues such as vaginal dryness and sexual stimulation the morning after:

FRANKIE: Did you remind him that direct clitoral stimulation is essential before, during, and often after penetration?

GRACE: Yes, I used those exact words. No! I'm 70 years old! Actually, I've never once talked about my c-l-i-t-o... (1x08 – The Sex)

The contrasting use of language displayed by the two protagonists when they talk about sex represents the sarcastic vehicle through which the show criticizes the awkwardness and shame related to the sexuality of the elderly. In fact, *Grace and Frankie* manages to discuss issues especially relevant to older viewers through an inventive use of humor, which serves as a rhetorical device that enables the discussion of controversial topics.

Another example of empowering narrative can be found in the show's uninhibited treatment of menopause, as it is portrayed as a more comfortable and fulfilling experience of womanhood, free from the inconveniences associated with menstruation. In this section, I propose three dialogues between the protagonists that illustrate how menopause is used to address the normality of elderly women's sexual desire. The first instance occurs when Frankie finally convinces Grace to go on a date and gives her a handful of condoms, to which the latter replies:

GRACE: Why do I need condoms, anyway? I'm not exactly at pregnancy risk.
FRANKIE: Well, no shit. But with all the new penis drugs out there, old people are doing it like rabbits and the STDs are on the rise. (1x06 – The Earthquake)

This exchange implies Grace's menopause and the possibility of having unprotected sex since she cannot conceive, but it also candidly refers to medications for erectile dysfunction and the risk of sexually transmitted diseases among the elderly. By discussing such topics with genuineness and spontaneity, *Grace and Frankie* asserts that seniors are not asexual entities. The second dialogue I propose sees Grace threatening Frankie to pass her lice, to which she humorously replies "Let me have it! I would love to host life!" (2x03 – The Negotiation). The subtext of this brief line can be related to menopause, of course, but it addresses the issue of fertility as well. Here, humor serves a dual purpose: it lightens the revelation that Frankie could not get pregnant and acts as a representational tool to connect with viewers who may share similar experiences. The third dialogue is an exchange of opinions between the protagonists' concerning menopause, safe sex for older people, and intergenerational inconveniences one may face during sex:

FRANKIE: You've made such a big deal out of sex in the vagina. And you were right, it is a big deal. [...] condoms are hell to open and having a pair of scissors on the bedside table just doesn't set the right...tone.

GRACE: You guys use condoms?

FRANKIE: I still haven't emerged completely from perimenopause.

GRACE: I'm gonna bet you have.

FRANKIE: Well, regardless, Jacob is a pretty hot number, and I don't want to wonder every time I get a new itch or scratch down there.

GRACE: Okay, score one for safe sex. (3x02 – The Incubator)

This exchange addresses the various challenges of sexual engagement for seniors: menopause and safe sex are accompanied by the accessibility of sex for the elderly, a subject that becomes central to the storyline of the show. The three dialogues provided exemplify the humorous and spontaneous use of menopause as a tool for destigmatizing the sexual desire of older women. Additionally, the show addresses the physical and psychological insecurities that the protagonists face when they are in romantic relationships.

Freixas suggests that accepting a new image of oneself is challenging because the physical changes that come with seniority often clash with the self-image one has in mind. Moreover, she recognizes that the aging process in women is often subject to judgment and condemnation, with their changing bodies typically receiving attention only in the context of health issues or physiological decline (Freixas 2005, 83-84). In this respect, Susan Sontag (1979) points out that women are also subjected to a double standard in which aging is stigmatized for them, while it is often seen as distinguished or even attractive for men (464). Examining the cultural expectations that contribute to this double standard, Sontag suggests that women are pressured to maintain a youthful appearance and are often marginalized as they age; men, on the other hand, are considered more experienced and knowledgeable as they grow older (470). The show recognizes the struggles of this transition when Grace starts dating Nick, a much younger man. Under the weight of societal pressure, she experiences the need to conform to physical and sexual expectations:

GRACE: Well, it is a fair amount of work with Nick. A few hours of prep, a few hours of recovery. [...] There are 30 magic minutes in there when I feel as young as I have ever felt. [...] But, we know this has a clear expiration date. I mean, it's new and exciting for him now to be dating an older woman, but he'll move on soon enough. (4x04 – The Expiration Date)

At one point, Nick confesses he wants a deeper relationship, and Grace is scared and reluctant. Grace's fear of being judged is indicative of her insecurity regarding her role in the relationship, a feeling that arises from the age difference between her and Nick. On this account, Sontag (1979) states that "the convention that wives should be younger

than their husbands powerfully enforces the ‘minority’ status of women, since being senior in age always carries with it, in any relationship, a certain amount of power and authority” (476). Conversely, I argue that *Grace and Frankie* offers a reversal of these power dynamics: the show delves into Grace’s insecurity, which is accentuated by the sexual depiction of younger women in popular culture, while simultaneously trying to be relatable to the older audience.

Arguably, the manner in which this sitcom addresses the depiction of sex is unapologetically queer, offering innovative understandings of sexuality that break away from established narrative norms and conventions. Despite the lack of visual representations, the discourse around sex is always light, open, and spontaneous. Motivated by the dialogues above, I suggest that Grace and Frankie’s use of language when addressing matters of sex serves as a destigmatizing tool, aiming to establish an inclusive environment within the realm of the elderly’s sexual dimension.

NOT THAT KIND OF GAYS

In this section, I delve into the depiction of same-sex romance and sexuality in *Grace and Frankie*. Pugh argues that given the queer potential of family sitcoms, it is no longer acceptable to suppress queer desires within the family dynamic. Instead, he proposes transforming the family into a symbolic space where queerness can openly thrive, departing from earlier sitcom norms (Pugh 2018, 21). Therefore, *Grace and Frankie* begins with Robert and Sol embracing their queerness, and facing all the consequences, at 70 years old. As previously mentioned, the show refrained from any visual representations of sexual activity to prevent discomforting elderly viewers (Wold 2017, 35). However, it is worth reflecting on its different portrayals of heterosexual and homosexual desire.

Despite the relevance of Robert and Sol, in fact, their desire is always implied rather than explicitly depicted, as opposed to heterosexual desire, which is at least presented through passionate kisses. Similarly, Pugh (2018) recognizes the same concealment in *Roseanne* and *Modern Family*, other family sitcoms that refused to conform to traditional conventions of sexuality (125). According to Peele, popular

culture plays a crucial role in drawing boundaries between what is considered acceptable and unacceptable. However, when it comes to queer representations, Peele contends that this approach poses an issue, since it relegates queer culture to a status of acceptance rather than desirability. Consequently, within popular culture, queer desire is often tolerated but rarely presented as a desirable condition (Peele 2007, 2). In this respect, Porfido's (2007) investigation of homosexual visual exclusion from mass-mediated societies points out that heterosexual displays of desire are seen as part of the reproduction process, whereas displays of homosexual desire are perceived as a form of "visual and moral pollution" (59). As a consequence, queer desire is often underrepresented or, as in this case, misrepresented. Despite this superficial representation of same-sex desire, the first episode of season seven presents the most explicit allusion to Robert and Sol's sexual life. After a prolonged period without intimacy, while sharing the beach house with Grace and Frankie, Robert tries to tackle this issue, while Sol gets defensive and storms off:

ROBERT: It's been a while.

SOL: Are you really bringing this up now? [...]

ROBERT: But we're in a romantic place.

SOL: There is no chance for romance in our ex-wives' house.

ROBERT: Didn't stop us before. (7x01 – The Roomies)

These lines allude to the extra-marital sex that indeed occurred at the beach house before their coming out. I also recognize that their sex life is implied even through their use of the language, as they are less direct than Grace and Frankie: Robert and Sol employ euphemisms and indirect references to convey their intimacy, while Grace and Frankie's vocabulary is more straightforward about it. A few scenes later, Grace enters the bedroom and surprises Robert and Sol while they are having sex and Jane Fonda's astonished expression clearly suggests that Grace has surprised them in a revealing position. According to Pugh (2018), fictional displays of anal eroticism are shocking:

[...] because of cultural definitions of masculinity that discount the likelihood of men allowing themselves to be penetrated for a change. [...] Even today the issue of gay sex appears to perplex some straight people [...] the real question, then, is not how gay people pleasure each other sexually but which partner does what to

whom. With heterosexual intercourse, one knows who is the penetrator and who is the penetrated, but with same-sex relationships this information is occluded from view. (181)

Pugh's considerations and Grace's expression clarify that anal sexuality still represents a taboo for some. Nevertheless, I purport that such an explicit—yet not visual—allusion to homosexual intimacy and anal eroticism indicates the efforts to destigmatize sexual experiences that diverge from heterosexual practices rooted in reproductive norms.

In addition to emphasizing displays of same-sex eroticism, I examine the issue of self-acceptance in the queer dimension, considering the characters' upbringing, and how new realities of romantic relationships have come to be portrayed in the show. The first issue worth analyzing concerns labels, especially when Robert and Sol struggle to identify themselves as a same-sex couple:

SOL: What should we call each other? I like "boyfriend." It's got kick.

ROBERT: We're too old for that. "Long time companion?"

SOL: No, too retro-sad. It's from a time before famous people would play gay in movies.

ROBERT: Well, I can't just call you my "friend" without doing this. [air quotes] [...]

SOL: "Soulmate?"

ROBERT: No. I don't even like that one when straight people use it. (1x04 – The Funeral)

In this dialogue, the evident age gap between the two characters and the new generations that have been experiencing the shift toward a more welcoming society is highlighted. They are too old to use 'boyfriend' and they are more than just 'friends,' so this is the first challenge they face as a senior same-sex couple. They even consider "homosexual law and bed partners with each other in life," a label that diminishes the nature of their relationship and removes any recognition of their sexual and romantic connection. This devaluation of their relationship results in frustration and discontentment for Robert and Sol, as their bond is not accurately acknowledged and respected. To understand their dilemma, and the significance of its portrayal on screen, it is useful to take Goltz's study on gay male aging in US television into consideration. Goltz asserts that, despite the increased regularity of gay characters appearing on

television in the 1990s, these characters were primarily young, white, and middle-class, and older gay characters were still absent or marginalized (Goltz 2010 quoted in Goltz 2016, 196). However, because of the significance of time, the author contends that television shows have the power to fundamentally alter societal perceptions of aging (Goltz 2016, 189). Thus, time allows TV series to reshape the process of gay male aging and the protagonists' outlook in the future by allowing their unprecedented evolution within a temporal and narrative arc. Accordingly, by permitting Sol and Robert's evolution, the show taps into its potential to intervene in discourses of aging gay bodies and gives these two characters the opportunity not only to be, but most importantly to become. In fact, Robert and Sol decide to overlook the generational gap and opt for the term 'boyfriend,' which will eventually become 'fiancé' and then 'husband.' In so doing, *Grace and Frankie* contributes to a remodeling of the audience's perception of gay male aging into an ordinary part of life.

Another relevant challenge Robert and Sol face concerns the generational difference in the acceptance of homosexuality. Arguably, the negative depiction of homosexuality in the media during their upbringing might explain their struggle when they decide to come out at 70. Robert and Sol's age in the 2010s suggests that they were born around the 1940s and were impressionable teenagers in 1950s America, a period that Andrea Carosso (2012) defines as an "age of anxiety" (10). In his study on Cold War narratives, Carosso considers how an aspiring idea of America was spread through television during those years. He recognizes the sitcom as the most popular TV subgenres in the 1950s and suggests that it appeared at a time when "the television set became a central figure in the representation and in the re-shaping of family relationships in America" (91-92). Carosso (2012) also specifies that TV in the 1950s was thoroughly monitored to conform to definite gender roles and social functions for every family member (93). Although the changing dynamics of male members of postwar families in 1950s sitcoms were beginning to emerge, it can be assumed that Robert and Sol were raised in a time that identified the American man with a strong, able, and masculine individual. This construct proves to be harmful especially for homosexual men, whose masculinity is attacked because of their sexual orientation. The following

scenes, which highlight the shame Robert and Sol experienced as a result of their sexuality, aim to illustrate just how harmful this construct can be. The first scene takes place at Robert and Sol's bachelor party when Nelson, a conservative guest, witnesses the other invitees riding a mechanical penis while commenting "I don't have a problem with you being a homosexual, but when did you become such a *faggot*?" (1x12 – The Bachelor Party; emphasis mine). This statement exemplifies the refusal of homosexuality that was advocated in strict patriarchal systems of past decades, a behavior that Robert and Sol no longer condone. Similarly, they struggle with openness again when they receive an invitation to a show of drag queen bingo, to which Sol replies "We're not that kind of gays" (2x03 – The Negotiation). Although they want to live their sexuality unreservedly, the couple struggles due to their generation's view of homosexuality. An analogous moment of tension occurs after Sol tells Robert's gay younger friends that the latter was married to Grace:

ROBERT: You inned me. Inned me! As in reverse outed. You told all my gay friends I used to be straight [...] I just wanted to be part of a group of gay friends where I was gay like they were gay.

SOL: They were very understanding. They know our generation was different. [...]

ROBERT: I just know that I feel shitty about all the years I pretended I wasn't gay and what that did to all the people that I love. And now they know that that's the kind of coward that I am. [...]

SOL: Personally, I'm done with being in any kind of closet. (3x04 – The Burglary)

Here it is interesting to note Robert's language: his shame and inadequacy reverse the idea of 'outing' into 'inning' someone, as the pressure for social acceptance into a queer, younger group, alienates him and recluses him into another closet. While desiring to live their sexuality unreservedly, and with contemporary representations of queer culture exerting an influence on reshaping traditional values, these scenes highlight Robert and Sol's enduring struggle with openness due to their generation's view of homosexuality.

Additionally, I recognize *Grace and Frankie*'s significance in its portrayal of evolving notions of relationships and alternative concepts of intimacy, such as non-monogamous intimate relationships, thus aligning with contemporary values. One

example is provided in the first season, when Robert and Sol's gay friends question the purpose of being gay if they decide to embrace monogamy. They imply that adhering to heteronormative notions of relationship norms contradicts their queerness, and that Robert and Sol should consider polygamy and an open relationship (1x11 – The Secrets). Later on in the show, the idea of an open relationship is presented again when Robert and Sol go to marriage counseling, and the counselor suggests a modern and queer solution to a couple whose concept of marriage is traditional and monogamist:

I've had patients, gay men in particular, who have had some success venturing outside the social norms to find an arrangement that works best for them. [...] it might take the pressure off of both of you, and your marriage. If a 'Roy' pops up again, perhaps you could explore that without any guilt. [...] You have complex biological impulses, and monogamy may run contrary to those impulses. [...] All I'm saying is that you may want to redefine intimacy to find what works for both of you as a couple. [...] in order to fix this relationship, you may need to...break it wide open. (4x10 – The Death Stick)

This scene, which spreads a positive message about therapy, provides the audience with a scientific explanation for polygamy with the intent of removing the stigma from different expressions of sexuality. To learn these new structures of modern relationships highlights the differences between their experiences with heterosexual relationships, and also the contrast between their traditional ideas and the sentimental bonds that are recognized nowadays. Regarding the choices of gay men between non-monogamous and monogamous relationships, Scott Wirth acknowledges that following the Stonewall rebellion in 1969, the model of non-monogamous relationships among gay men has predominantly shaped subcultural norms and media representation. However, a recent shift has been observed in the emergence of gay male monogamy as a more visible and distinct identity, even though many contemporary gay men continue to engage in diverse and non-traditional relationship arrangements (Wirth 2010, 51). The author further delineates that gay monogamy should not be viewed as an attempt to mimic the heterosexual model and affirms that there is a pressing need for the presence of role models promoting gay male monogamy, as this path often lacks recognition and support (53). Even though the concept of an open relationship does not entirely work

for Robert and Sol, their consideration of it suggests the show's efforts to recognize new notions of intimacy, thereby destigmatizing the audience's preconceptions about non-monogamous relationships.

THE VIBRATOR

The needs and desires of women have a central role in the universe of *Grace and Frankie* to such a degree that the protagonists' interest in autoeroticism and the accessibility of the sexual experience for the elderly overshadow secondary plotlines. Since Pugh (2018) believes that a queer understanding of the potential of women's sexuality, within the US family sitcom, allows women to openly declare their desires (20), in this last section I delve into how *Grace and Frankie* aims to erase misinterpretation and misconception on masturbation and the use of sexual devices, by focusing on non-visual displays of autoeroticism. My argument is rooted in the analysis of selected scenes of the show depicting the production and usage of a vibrator designed for senior women, aimed at destigmatizing the practice of autoeroticism.

A vibrator appears for the first time in the season two finale when Grace receives it as a gift. After she uses the vibrator for the first time in her life, Grace's arthritis flares up, so that she and Frankie come to the conclusion that vibrators are not designed for older people. Later, after a heated family fight, both Grace and Frankie feel belittled, humored, and dismissed as elderly women. As a result, they announce they will start a business manufacturing vibrators for women with arthritis, because "old women masturbate too. And [they] have vaginas" (2x13 – The Coup). This quote aligns with Gomes Barbosa's analysis of the use of the female aging body in *Grace and Frankie*, who argues that the show incorporates the body into the system of representation of older women and uses it to express and define this period of life. Consequently, the show attempts to affirm and normalize female aging as a natural part of life, while challenging the "scopophilic gaze of men" (Gomes Barbosa 2017, 1444). By doing so, older women are no longer reduced as characters subordinated by a judgmental male gaze and acquire narrative centrality and agency (Mulvey 1975, 19-20). When Grace's daughter questions the need for a vibrator for older women, Grace raises her bandaged arm

proving that, in fact, the need exists. At this point, to the entire family's discomfort, Grace explains they want to pursue this project because "Our blood doesn't flow as easily and our genital tissue is more delicate. [...] The more effort it takes to orgasm, the more you irritate it, and the more it inflames your arthritis. And I mean shouldn't older women have it better than that? [...] We're doing things for people like us" (2x13 – The Coup). This long scene represents an empowering moment for the two protagonists because they both decide to ignore the patronizing discourses that their family reserves for them, finding comfort and confidence in their unexpected friendship. Drawing on Mulvey's argument on the potential of feminist filmmaking mentioned earlier, I posit that this scene presents alternative viewpoints and storylines with the intention of empowering female characters, while dismantling the traditional cinematic objectification of women. Once the easy-grip vibrator with large-print instructions is manufactured, Grace and Frankie both run a test:

FRANKIE: Just between you and me, that thing could give Jacob a run for his money. He can't change angles as quickly. And mama's got angles.

GRACE: Look! It didn't aggravate my arthritis one bit! [...]

FRANKIE: Orgasms and pancakes with all the fixings! (3x03 – The Focus Group)

This exchange between the protagonists, designed to normalize the needs for sexuality and autoeroticism of the elderly, also evolves in an examination of the religious viewpoint of sexual practices in the United States. In fact, to advertise their product, Grace and Frankie run a focus group with their friend Arlene and a group of friends, only to discover that it is actually a prayer group. Despite this setback, the protagonists continue with their marketing strategy:

GRACE: I'm curious, do any of you have hand or wrist issues?

GUEST: My hands are so stiff in the morning, I can't even open them. I have to run hot water over them just to get them going. [...]

GRACE: And how do they feel after they masturbate?

[silence]

GRACE: Does it aggravate the condition? You know, swelling or pain after you...

FRANKIE: After you masturbate, she's saying. Praise His name. (3x03 – The Focus Group)

The group is left speechless and uncomfortable, and once Grace and Frankie present their vibrator, everyone leaves. In a fit of frustration, Grace shouts: “I want the entire Midwest to know [about] it. I want the South to know [about] it. But how do we get them to listen?” This statement alludes to studies on how regional variations affect religiosity in the United States, suggesting that the South and Midwest remain the most religious regions of the nation (Chalfant and Heller 1991, 83); the reaction of the prayer group also aligns with Freixas’ assertion that institutions like religion have unjustly stigmatized autoeroticism for older women. In the context of this article it is noteworthy that Freixas (2005) defends autoeroticism, confirming that it could be an asset if performed alone or with company to achieve pleasure and counteract the challenges of seniority (126). As a matter of fact, following this social and political comment on religion’s view of sexuality, Grace and Frankie realize that Arlene secretly took one vibrator, promoting the destigmatization and consequent normalization of autoeroticism for older women.

In conclusion, it is important to note that Grace and Frankie also face the ageist notion that sex is a privilege reserved for the younger generation. In order to gain more visibility for their product, they try to collaborate with Mimi, one of Grace’s old acquaintances in the beauty business. Soon, it is revealed that the publicity campaign for the vibrator intends to use photoshopped pictures of Grace and Frankie to make them look 30 years younger, and both are reluctant to proceed with the collaboration. Mimi’s insistent assertion that “sex is ... young” (3x08 – The Alert) serves as evidence of the stigmatization of the sexuality of seniors, in contrast to the protagonists’ witty promotion of the normalization of sexual desire, especially for older women. Claims like Mimi’s have an impact on the societal assessment of women, as Susan Sontag (1979) notes, especially as they grow older, leading to increasingly critical judgments (464-65). Nonetheless, Gomes Barbosa contends that incorporating the body into the representation of older women underscores the idea that “in addition to mothers, grandmothers, patients, old women are still women. They have sex, they fall in love, they are friends. They have vanity and careers, they lie and cry” (Gomes Barbosa 2017,

1445). Eventually, Grace and Frankie opt against pursuing the collaboration and instead forge ahead with their own business, ultimately achieving success.

The towering presence of a contentious item like an easy-grip vibrator in a US family sitcom suggests that television producers have been responsive to the changing dynamics of society. This responsiveness is evident through their adaptation of storylines to reflect these evolving norms, which starkly contrast with the conventional and tightly regulated content that was prevalent on network television during the family hour of the 1970s (Pugh 2018, 10). In conclusion, I acknowledge and recognize the show's intent to destigmatize autoeroticism as a successful empowerment strategy for its older female audience, enabling these women to identify with the portrayed "successful agers" (Sako and Oró-Piqueras 2023, 1).

CONCLUSION

In a collection of essays exploring the quest to shape a better world for the LGBTQ+ community, Juno Roche examines the irony of LGBTQ+ inclusiveness when it comes to the elderly, a group facing the inevitability of aging.⁴ Roche (2021) highlights how the aging process renders individuals invisible and marginalized precisely at a time that should be about safety and comfort (225); this issue stands at the core of *Grace and Frankie*. As Peele (2007) suggests, an appropriate portrayal of queer intergenerational reality is imperative for reassuring queer identities' place in society (2). Consequently, *Grace and Frankie* proves to be informative and inclusive, beyond its entertaining aspects, shedding light on the invisibility and marginalization that accompany aging, while also destigmatizing the sexuality of older queer identities.

In this article, I have focused on the role of a sitcom as a powerful medium for sharing messages and opinions, as the majority of queer representations in US television has been affected by a stereotypical and caricatured portrayal of queer reality (Pugh 2018, 170). I have argued that queers of all ages need to be properly recognized and

⁴ Juno Roche is a British writer dedicated to the education of trans rights and HIV awareness.

represented in the media system, without being ridiculed or sexualized. While humor can be a powerful tool to broach sensitive subjects, its misapplication may inadvertently cast the queer community as a fictional entity, undermining the recognition of its genuine and evolving presence. Thus, to deal with societal change, it is essential to cease relying solely on traditional ideas and formats.

Grace and Frankie manages to give visibility to common issues in contemporary society, such as bigotry, homophobia, and ageism with a provocative sense of humor. The choice of portraying the everyday life of queer and older people in the form of a sitcom highlights both the ordinariness and variety of today's familiar and intimate dynamics, and the notion that the sitcom is traditionally about "wholesome American families" (Carosso 2012, 91) reinforces the idea that contemporary US families are evolving, allowing sitcoms to be reorganized for greater inclusivity.

To some extent, Tyler (2020) suggests that media, culture, and popular narratives contribute to the perpetuation of stigma and reinforce harmful stereotypes, thus shaping public perceptions of stigmatized groups (34). However, it is important to consider the potential role of popular culture as a vehicle for educating the public (Peele 2007, 2). Based on the evidence presented above, I propose that the intersectionality between age and sexuality, as exemplified by *Grace and Frankie*, can act as an effective countermeasure against the ageist stigma unjustly associated with older male and female bodies.

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THE TROPE OF AFRICANISM TO ADDRESS HOMOSEXUALITY IN *GIOVANNI'S ROOM* BY JAMES BALDWIN

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ABSTRACT

In the Preamble to the Declaration of Independence, “Life, Liberty, and the Pursuit of Happiness” are presented as “unalienable Rights” and constitute, still today, the core principles of the American national ethos: the American Dream. Nevertheless, as we can already gather from the Preamble’s opening statement, throughout the years certain groups of people have been denied full access to ‘the Dream.’ The Declaration’s democratic foundation has incrementally revealed the flaws of its own pronouncement in the light of the country’s historical record of discrimination and exclusivity, here contrasting with the rhetoric of inclusivity and equality the Declaration actually wished and wishes to foster. In the US especially, the notion of liberty has been historically flexed to suit many socially constructed categories, notably race, religious belief, gender, and sexual orientation. Therefore, one can posit that the pursuit of happiness of any US citizen has been shaped and reshaped by the social relevance ascribed to each of these categorizations across decades of change. This despicable state of things has had such a profound impact on the life and works of many authors—especially those who came face to face with systemic structures of power due to their ethnicity and sexuality—that in their work they publicly condemned how suffocating and hypocritical American society still was in the 20th century. Among them stands James Baldwin, an influential African American writer, whose work represents and conveys the internal struggle of the American individual, labeled both African American and homosexual by the hypochondriac white society of the US. In his second novel, *Giovanni's Room* (1956), Baldwin deeply explored the theme of the ‘quest for self-identity’ in connection with sexual orientation. The aim of this essay is to investigate how and why Baldwin makes use of Africanist, or Africanlike, characters (e.g., the Italian immigrant Giovanni) to explore topics that would have otherwise remained taboo in the American society of the 1950s. In particular, my analysis will enlist the seminal work carried out by Toni Morrison in *Playing in the Dark: Whiteness and the Literary Imagination* (1992).

Keywords: homosexuality; queer; Africanism; self-identity; liberty.

THE IDEA OF AMERICAN AFRICANISM IN TONI MORRISON’S *PLAYING IN THE DARK: WHITENESS AND THE LITERARY IMAGINATION*

In 1990, Toni Morrison delivered her “William E. Massey Sr. Lectures in American Studies” at Harvard University, a collection of lectures better known to the academic world today as a small book entitled *Playing in the Dark: Whiteness and the Literary Imagination* (1993). This piece of literary criticism offered scholars a completely revolutionary perspective on the history of American Literature to the point that, thanks

to the book's publication, the interdependence of national history, racial and ethnic policies, gender stereotypes, and literature has become more and more transparent.

By questioning a great range of works written by major US authors, Toni Morrison attempts to decentralize the critic's and reader's attention from white characters to black presences crowding national literature.¹ Although these characters consistently populate (or do they somehow haunt?) American white literature from its very beginning, it seems they had always been relegated to minor roles. According to Morrison, the art of writing is always linked to politics; indeed, those stereotypical background roles that are usually depicted by black characters in many 19th and 20th-century works are also politically charged, especially when they emerge as a sort of consistent trend. Moreover, this tendency does not seem to have gone out of fashion through the centuries.

Morrison (1993) suggests the idea that "American Africanism," or "an Africanlike (or Africanist) presence or persona" (6) in US literature is evoked to serve a specific purpose, that is to contemplate chaos, to perform deviance from the imposed standards; in other words, to test the limits of American freedom and civilization (7). Accordingly, it is reasonable to assume that Africanist or, as Toni Morrison defines them, "Africanlike" characters and figures have been employed by white authors to ponder over queerness, not only to reflect on its etymological meaning of unconventional, strange, peculiar, or different from what is usual, or the norm,² but also in relation to

¹ It is significant to highlight that in the first essay to Toni Morrison's *Playing in the Dark: Whiteness and the Literary Imagination*, the author immediately states her will to draw attention to a "presence" that has been underestimated for a long time in American literary criticism. She states that "for some time now," she had been thinking about "a certain set of assumptions conventionally accepted among literary historians and critics and circulated as 'knowledge.' This knowledge holds that traditional, canonical American literature is free of, uninformed, and unshaped by the four-hundred-year-old presence of, first, Africans and then African Americans, in the United States. It assumes that this presence—which shaped the body politic, the Constitution, and the entire history of the culture—has had no significant place or consequence in the origin and development of that culture's literature. Moreover, such knowledge assumes that the characteristics of our national literature emanate from a particular idea of 'Americanness' that is separate from and unaccountable to this presence [...] I have come to believe [...] The contemplation of this black presence is central to any understanding of our national literature and should not be permitted to hover at the margins of the literary imagination," 5.

² In the Merriam-Webster online Dictionary there is no entry for *queerness*. The online page redirects us to the adjective *queer*. By looking at the related section "Word History," it is possible to acknowledge that the first known use of this adjective dates back to 1513, when the term was only used as an adjective and had the meaning of "differing in some way from what is usual or normal." However, from 1894 on, the Dictionary reports that *queer* started to mean

being a person who does not identify as cisgender or whose sexual orientation is not heterosexual. Nonetheless, it seems necessary to mention that the aforementioned concepts of unconventionality and peculiarity are obviously affected by cultural relativism. In this case, the specific cultural environment to which they are related, if not even subdued to, cannot but be the self-referential dominant culture established by the white, male, socially-engaged, middle-class, heterosexual America, considered to be the essential yardstick by which everything is measured.³

HOW WHITE AND BLACK AUTHORS EMPLOYED THE TROPE OF AFRICANISM TO PONDER OVER QUEERNESS

Since the black population in the United States has suffered from an unjust system of laws that legally denied human dignity to millions of individuals (formally until 1865, when the 13th Amendment of the United States Constitution entered into force, then with the establishing of the “separate but equal” legal doctrine⁴), minor roles played by African American characters in fictions and novels faithfully mirrored reality. According to Morrison (1993), the black enslaved population “offered itself up as surrogate selves for meditation on problems of human freedom” (37), and it is pivotal to stress that this latter idea has always been understood as a white prerogative, and, as such, calls to be placed up against its opposite, what was once called the “peculiar institution,” or chattel slavery. “Blank darkness”—what Morrison identifies as the unbridled use of blackness in American literature—seems to have always been understood as a canvas on which

“a person who is gay, lesbian, bisexual, pansexual, or otherwise not heterosexual,” thus gaining a sex-based discriminatory connotation. <https://www.merriam-webster.com/dictionary/queer>.

³ In “Romancing the Shadow,” part two of *Playing in the Dark*, Morrison states that “[t]here is no romance free of what Herman Melville called ‘the power of blackness’, especially not in a country in which there was a resident population, already black, upon which the imagination could play; through which historical, moral, metaphysical, and social fears, problems, and dichotomies could be articulated,” 37.

⁴ The Thirteenth and Fourteenth Amendments, which respectively guaranteed the permanent banning of slavery in the United States and the granting of citizenship to formerly enslaved people, should have also provided equal protection before the law for every US citizen. However, with *Plessy v. Ferguson* (1896) the Supreme Court set the standard for a new legal form of racial discrimination, giving way to racial segregation in the United States for the next fifty years. <https://www.loc.gov/item/usrep163537/>.

the artist could test his skills, spared from any form of social or moral restraints.⁵ This enterprise resulted in the objectification of the black minority, not only in real life by a set of unjust Court decisions⁶ and clauses in the pre-Civil-war draft of the American Constitution⁷ (especially through the 18th century), but also in the literary creative space, to the point of generating a literary trope. The exploitation of black figures allowed white authors to explore and meditate on queerness, a complex territory they restrained from exploring outwardly on the grounds of an alleged superior societal status they had been prescribed. Again, Toni Morrison's essay is helpful in emphasizing the exploitative character of the American idea of freedom,⁸ which has always been so prominent a concept in US rhetoric since its foundation. The question of freedom became even more significant during and after the gaining of independence by the United States in 1776, when the institution of slavery started to be perceived, almost exclusively, more as a visible contradiction, unpleasant fact in a self-declared free country, than as a rough metaphor to describe, for example, wage and economic inequalities. As a matter of fact, slavery did shape the idea of freedom in America, and the literary trope of Africanism was instrumental for those white authors in exploring

⁵ In *Playing in the Darkness*, Toni Morrison states that the "black population was available for meditations on terror – the terror of European outcasts, their dread of failure, powerlessness, Nature without limits, natal loneliness, internal aggression, evil, sin, greed. In other words, this slave population was understood to have offered itself up for reflections on human freedom in terms other than the abstractions of human potential and the rights of man," 38.

⁶ In chronological order, just to name a few Courts' unfair provisions: (1) *Prigg v. Pennsylvania* (1842), which the historian Eric Foner defines "the most proslavery moment in Supreme Court"; (2) *Dred Scott v. Sandford* (1857), which gave the ultimate pre-Civil War definition of slave; and (3) *Mitchell v. Wells* (1859), by which Mississippi's highest court stated that the status of slave of African Americans was recognized at interstate level. Paul Finkelman, "Slavery in the United States: Persons or Property?," in *The Legal Understanding of Slavery: From the Historical to the Contemporary*, ed. Jean Allain (Oxford: Oxford University Press, 2012), 105-34.

⁷ It seems worth noting that during the 1787 Constitutional Convention, the Three-Fifths Compromise was reached among delegates from various states in determining a state's total population for legislative representation in the House of Representatives and taxation. This provision increased the discriminatory perception of African American slaves, who would be counted as three-fifths of a free individual for the purposes of determining congressional representation, while also increasing and securing the power of slaveholding states in the government. The same Convention adopted another clause worth noting in 1793, the Fugitive Slave Act, by which slaveholders were given the right of reclaiming an escaped person, thus indirectly addressing African American slaves as property. Encyclopedia Britannica, "Three-fifths compromise," <https://www.britannica.com/topic/three-fifths-compromise>.

⁸ Toni Morrison speaks of "the parasitical nature of white freedom" in addressing the "hell" in which Mark Twain's *The Adventures of Huckleberry Finn* places the reader at the very end. In the last chapter of her essay, moreover, Toni Morrison tracks down the evolution of American Africanism and states that it is possible to observe a path that goes "from its simplistic, though menacing, purposes of establishing hierarchic difference to its surrogate properties as self-reflexive meditations on the loss of difference, to its lush and fully blossomed existence in the rhetoric of dread and desire." Morrison, *Playing in the Dark*, 57-63.

the conundrums of their own mind in a shielded and seemingly safe dimension that ‘the other’ represented for them. Moreover, the discourse on the limits of American freedom itself, explored in US literature through the trope of the Africanist presence, includes the possibility to openly address taboos in literary works; by projecting on the black body their own fears and anxieties, white writers had the chance to explore their darkest and/or most denied interiority. By means of this literary artifice, these writers investigated patterns of behaviors or practices considered non-standard or immoral, by projecting their wills and anxieties on fabricated black bodies, within a strictly binary and protestant religion-based understanding of reality. Furthermore, the exploitation of a fabricated and factitious black presence, perceived as the utmost form of otherness, brought to the construction of a “playground for the imagination,” as Toni Morrison (1993) describes the imaginative literary space (38), where white writers tested the limits of their civilization or talked about chaos in many of its aspects, including race policies, class-related matters, and sexuality. In sum, blackness became a sort of identity escapism.

HOW RELIGION-RELATED PATRIARCHAL MODELS AFFECTED THE DEVELOPMENT OF AMERICAN SOCIETY’S SYSTEM OF VALUES

In order to gain a greater understanding of the reasons why the exploitation of black persons both in fiction and reality was an automatic and somehow safe⁹ process, I will

⁹ Notice how many times Toni Morrison repeats the word “safe” in her essay, in relation to white author’s use of Africanism. Just to mention a few examples, at the end of the first chapter, when Morrison discusses Willa Cather’s novel *Sapphira and the Slave Girl*, she states: “Only with Africanist characters is such a project thinkable [...]. Just as Sapphira has employed these surrogate, serviceable black bodies for her own purposes of power without risk, so the author employs them in behalf of her own desire for a *safe* participation in loss, in love, in chaos, in justice.” Moreover, the stress on the safeness is also emphasized using italics by the will of the author herself in this passage. In the second chapter of the essay, Morrison points out that romance, with its inborn ingredient of darkness, was the best device through which young America was given the chance not only for self-validation in front European culture, but it also “made possible the sometimes safe and other times risky embrace of quite specific, understandably human, fears: Americans’ fear of being outcast, of failing, of powerlessness; their fear of boundarylessness, of Nature unbridled and crouched for attack; their fear of so-called civilization [...]. In short, the terror of human freedom [...]. For young America it had everything [...] – above all, the opportunity to conquer fear imaginatively.” Lastly, Morrison ponders over the legacy of racialism in contemporary writing, recognizing that even though race has gained a metaphorical significance, on the ideological side it still “offers in historical, political, and literary discourse a safe route into meditations on morality and ethics; a way of examining the mind-body dichotomy, a way of thinking about justice; a way of contemplating the modern world.” *Playing in the Dark*, 28-64.

briefly recall how the idea of American freedom is closely related to the drafting of the document that lies at the heart of American identity. In retrospect, one is likely to recognize a narrative of privilege and exclusivity watermarked in various sections of the Declaration of Independence; various minorities seem to have been forgotten in the final draft that was written by its major contributor, Thomas Jefferson, a slaveholder (Helo 2014, 162). Because prejudices maneuvered the US legal system and informed the Courts' decisions, the Declaration remained more an inspirational document than a set of moral laws asserting the right of equal opportunities for everyone. Basically, the Preamble of the Declaration of Independence states that "all men are created equal" and with inalienable rights, such as "Life, Liberty and the Pursuit of Happiness." In retrospect, this postulation is more of a failed ethos than a successfully implemented system of beliefs. The Declaration does not question much of America's early colonial life and establishment norms, mostly because these have always been a creation of white male heterosexual people, by white male heterosexual people, for white male heterosexual people.

It comes by itself that because non-conformism in American culture has represented a potential threat to the establishment, non-conformist acts have also been liable to punishment. In this light, "liberty" takes on a classist acceptance that is actually missing from the root of the word.

Since the beginning of the 17th century until very recently, racial and gender policies have kept endorsing white supremacy and religion-related patriarchal models. Colonial young America was rather explicit about the roles that its people would have promoted, according to their ethnicity and gender. Just to get a picture of the situation at the time, Plymouth Colony established gender norms that determined the nuclear family unit as the basis of all other institutions, such as the government and the church. Men held leadership positions, while women were mostly submissive¹⁰ to their

¹⁰ Ruth H. Bloch has produced many works analyzing changes in the history of family and sex roles. Just to mention an example, she postulates that "[i]n the sixteenth and seventeenth centuries, the rise of Protestantism, the centralized state, and early commercial capitalism reinforced the conjugal family unit and patriarchal dominance within family life. The dissolution of feudal economic, political, and ecclesiastical networks made the home the focus

husbands. Furthermore, in the matter of racial policies, Maryland and Virginia were the two colonies to pass the first anti-miscegenation laws¹¹ forbidding marriage between whites and blacks, and between whites and Native Americans; this set of juridical provisions regarding interracial marriages would be overturned only in 1967, with a landmark decision made by the US Supreme Court that goes by the name of *Loving v Virginia*. Regarding gender policies before 1962, sodomy was considered a felony in every US state, precisely because sodomy laws had already been enacted in the colonies as early as the 17th century. At that time, Puritans in New England relied on biblical experience and prescriptions to ban “crimes against nature,” and so against God, as Governor William Bradford or Reverend John Cotton recorded in their writings (Chehardy). Seeing that governors main intent was to prohibit non-procreative sexual activity, their main target were homosexual couples. In 1641, the Massachusetts Bay Colony even adopted a legislative body of penalties featuring the twelve capital crimes that were up for punishment. Sodomy was one of the listed crimes.

Keeping this political and cultural background in mind, it becomes clear why in *Playing in the Dark* Morrison (1993) states that “American writers were able to employ an imagined Africanist persona to articulate and imaginatively act out of what was considered forbidden in the American culture” (66). Liberty and freedom from cultural and racial restrictions: this is what the exploitation of Africanist and Africanlike characters offered to American white authors. Africanism became a trope and a literary device the reading audience could grasp. According to Morrison, only by employing stereotypes is the writer allowed to convey “a quick and easy image without the responsibility of specify, accuracy, or even narratively useful description” (67). On this matter, Charles Mills’ analysis of how white domination keeps shaping our world seems

of many religious, educational, and commercial activities. At the same time, the primary authority over women and children was increasingly concentrated in their husbands and fathers.” Bloch, “Untangling the Roots of Modern Sex Roles: A Survey of Four Centuries of Change,” 239.

¹¹ In 1664, Maryland enacted the first colonial anti-amalgamation law prohibiting interracial marriage. In subsequent decades other colonies followed its example. A 1691 Virginia law made interracial marriage illegal, fining women who bore mulatto children. See Bárbara C. Cruz., and Michael J. Berson, “The American Melting Pot? Miscegenation Laws in the United States,” 80–84.

worth mentioning. According to Mills (2022), the society we live in is shaped by a series of more or less tacit agreements between its members. Because we live in a mostly white supremacist society, Mills hypothesizes the existence of a Racial Contract shared among white individuals. He described this contract as an artificial system of beliefs based on the implicit idea that “white” stands for “full persons” and “nonwhite” for “subpersons” (10-11). Mills’ philosophical insights, which he presents in his book *The Racial Contract* (1997), however, reminds us of the social (if not even fabricated) nature, on which the ideal of a supposed “white supremacy” has been constructed (80). Furthermore, due to historical and political factors, white people have been allowed to create a world which serves their interests through “the racial exploitation of others and a moral psychology (not just in whites but sometimes in nonwhites also) skewed consciously or unconsciously toward privileging them, taking the status quo of differential racial entitlement as normatively legitimate, and not to be investigated further” (40). Thus, this implicit “shared knowledge” exposed by Mills prepares the ground for understanding Morrison’s ideological analysis of the exploitation of African and Africanlike figures in the work of US white authors in detail.

But what about black American authors and their perspective on imaginative freedom? Assuming that they are already considered to be people who somehow embody the very idea of boundarylessness, and are thought to inhabit the space where forbiddance gives way to possibility, the real question is: what spaces and limits are they supposed to trespass? *How* would they do this? What limits have they already trespassed? Moreover, would they rely on the same trope of Africanism to address taboo matters as white authors did?

HOMOSEXUALITY AS A TABOO THEME IN AMERICAN LITERATURE AND AS THE MAIN THEME IN BALDWIN’S *GIOVANNI’S ROOM*

This part of the essay will focus on James Baldwin’s second novel, *Giovanni’s Room* (1956). Baldwin was one of the major writers of the 20th century and one of the few who overtly addressed homosexuality from an African American perspective. The purpose of this article is to argue that Baldwin’s narrative structures rely on the same devices used

by US white authors. I maintain that in 1950s America the only possible way to explore and address queerness—both in its meaning of unconventional and not heterosexual—was to enlist the trope of Africanism, just as white authors have done.

In *Giovanni's Room*, Baldwin meditates on the development of sexual and gender identity in connection with racial, gender, and social class stereotypes and expectations against the background of postwar America, where conventional values and traditional gender roles were somehow reaffirmed. Although financial prosperity and a sense of uniformity are considered key assets of the '50s, racial and sexual discrimination were still rampant. During World War II, many African Americans had served in the U.S. military and workforce, but at the end of the conflict they still had to face discrimination at home. Rejecting second-class citizenship, the Civil Rights Movement began demanding for African Americans' racial equality vehemently. Baldwin himself joined the Civil Rights Movement, and not only he became an activist, but also a close friend of many of the Movement's most distinguished figures, such as Reverend Martin Luther King Jr., Maya Angelou, Malcolm X, and Nina Simone. However, in 1948 Baldwin moved to Europe, leaving the asphyxiating environment of racially and sexually discriminatory America to experience a more relaxed living and working environment in Paris. It was Paris that granted him the opportunity to explore his truest self outside of the US' physical and moral boundaries. Not only did Paris provide him creative freedom, but it also directly inspired him to set most of *Giovanni's Room* in the European city; he lived in an artistic neighborhood and made Saint-Germain his home abroad.

Europe, and Paris in particular, was the place where Baldwin felt safe in taking a critical stance against the oppressive American culture he had endured all his life. Although religion in *Giovanni's Room* is not as outstanding a theme as in Baldwin's first novel *Go Tell It on the Mountain* (1953), its echo persists, and the author's religious background¹² seems somehow to shape his exploration of sexuality and the development of gender identity.

¹² James Baldwin's involvement with Pentecostalism and the Baptist Church is well documented. See Douglas Field, "Pentecostalism and All That Jazz: Tracing James Baldwin's Religion," 436-57.

For those who are familiar with the novel's plot, it may seem unusual to discuss Africanist or Africanlike characters in the novel, since they are not immediately discernible. Yet, a close-reading approach to the book allows the reader to detect them. Moreover, the black novelist Caryl Phillips, who wrote the introduction to the novel for Penguin's 2021 edition, declared that *Giovanni's Room* is an "audacious" (Phillips 2001, VIII) piece of "raceless writing" (ibid.). Even if Caryl Phillips connects Baldwin's audacity to his overt approach to homosexuality, a close-reading approach to the text might problematize Phillips' definition of the novel as raceless. Nonetheless, in support of Phillip's hypothesis, late-literary critic Leslie Fiedler, admitted that "There is not only no Negro problem in Baldwin's new book; there are not even any Negroes" (Fiedler quoted in Baldwin and Tomlinson 1999, 139). However, to what extent are these statements convincing? Are there really "no black characters" (Phillips 2001, 9) in *Giovanni's Room*? This statement is only partly true, as Fiedler himself would write about ten years later: "one begins to suspect at last that there must really be Negroes present, censored, camouflaged or encoded" (Fiedler quoted in Baldwin and Tomlinson 1999, 16).

Indeed, we can identify two solid elements in the novel that refute Phillips's and Fiedler's speculation. The first element worth considering regards a certain "incident" (Baldwin 2001, 20) recalled by the novel's protagonist at the beginning of the story. Recalling salient memories from his childhood, David lands on one specific memory about his sexual development, which unexpectedly includes an Africanist—or as Toni Morrison would suggest, an Africanlike figure—, by the name of Joey. Baldwin describes him as David's childhood friend, and the first person with whom David becomes sexually intimate with. However, it seems worth noticing that Joey is a character who does not act in the present time of narration, because he only relives through David's memories. Nonetheless, he has been playing a pivotal role in the protagonist's life. He triggers David to begin a process of self-discovery, which obviously involves the acknowledgement of his own homosexuality.

This act of *rememory*,¹³ as Toni Morrison would describe it, is a melancholic and frightening process for David: it prompts David's feeling of guilt¹⁴ and makes him recall why he felt the need to run away from his father's expectations, who also allegorically stands for the system of beliefs of a white, male, and heterosexual, America. Thus, Joey's dark features are a major element in the novel, enabling the white, blonde, male, middle-class David to unravel his non-standard gender identity.¹⁵ David's flashbacks and confessions of his one-night affair with Joey and his honest retelling of the story lead to the acknowledgment of the foolishness of escaping from one's truest self. Joey is the Africanist character that both allows and triggers the protagonist to test the boundaries of his own social positioning and explore space of forbiddance; more specifically Joey's dark figure allows Baldwin to address homosexuality and other sexual-related issues: a set of themes that otherwise would have been impossible to deal with in relation to whiteness alone. According to Robert Tomlinson, who makes a crucial connection between issues of race and sexuality in Baldwin's works (he also investigates a memoir which Baldwin wrote for his mentor Richard Wright, *Alas, Poor Richard* [1953]), the two terms become the paradigm for a racialized America. It is as if Baldwin needed to enlist a white narrator—which functions as a mask—to express racial inequity in America and, as Tomlinson defines it, through a process of “metaphoric

¹³ The term *rememory* appears many times in Toni Morrison's novel *Beloved* (1987) and is used by the protagonist, Sethe, to refer to her traumatic experience as a slave. It is interesting to notice that the act of “rememory” takes on a negative connotation, since memories of the past still haunt the present. Somehow this very negative implication of the term seems to relate Sethe's and David's quest for self-identity in the present.

¹⁴ David recalls having mixed feelings about his father and his aunt Ellen after his intercourse with Joey: “I despised my father and I hated Ellen. It is hard to say why. I don't know why [...] It was after Joey. The incident with Joey had shaken me profoundly and its effect was to make me secretive and cruel. I could not discuss what had happened to me with anyone, I could not even admit it to myself; and while I never thought about it, it remained, nevertheless, at the bottom of my mind [...] it soured the atmosphere of my mind.” Baldwin, *Giovanni's Room*, 20-21.

¹⁵ David feels ashamed in acknowledging that something about his sexuality is wavering. Unconscious pathways created in childhood support the emergence of self-destructive thoughts: “Joey's body was the most beautiful creation I have ever seen till then [...]. I would have touched him to wake him up but something stopped me. I was suddenly afraid [...]; my own body suddenly seemed gross and crushing and the desire which was rising in me seemed monstrous. But, above all [...] It was borne in on me: *But Joey is a boy* [...]. Then I thought of my father [...] a cavern opened in my mind, black, full of rumor, suggestion, of half-heard, half-forgotten, half-understood stories, full of dirty words [...]. I could have cried, cried for shame and terror, cried for not understanding how this could have happened to me, how this could have happened *in me*.” *Giovanni's Room*, 14.

condensation” (Baldwin and Tomlinson 1999, 140), he makes use of dark figures to project onto them inexpressible fears and desires that belong to the white man.

HOW BALDWIN’S PROTAGONIST EXPLORES HIS TRUEST (SEXUAL) IDENTITY BY RELYING ON AFRICANISM

Baldwin seems to rely on the trope of Africanism to address both interracial homosexuality and homosexuality, at large. This is why Tomlinson (1999) states that “the ‘Negro’ is not to be thought of here as an individual subject or even as a representative of the race, but rather as a narrative role in the shadow play of American ‘phantasy,’ or an agent of the metaphoric uses of darkness” (140). More into detail, it is possible to notice how David himself stresses the darkness of his friend’s body and the mixed feelings it provokes him. Lure and a sense of frightening fascination for forbiddance merge with feelings of shame, as David lives his (homo)sexuality for the first time. And so, he introduces Joey to the audience by remembering him. Joey’s memory makes him “tainted,” well-deserving of his own self-loathing: “He [Joey] was a very nice boy [...] very quick and dark, and always laughing” (Baldwin 2001, 12), or “He looked at me with his mouth open and his dark eyes very big” (13), and again David states that “Joey’s body was brown, was sweaty, the most beautiful creation I have ever seen till then” (14). Moreover, darkness also significantly permeates the entire love scene between Joey and David. It is as if David merges with blackness, first spatially when he states: “I remember walking down the dark, tropical Brooklyn streets” (12), and then physically when he becomes aware of Joey’s dark body, and states: “The power and the promise and the mystery of that body made me suddenly afraid. That body suddenly seemed like the black opening of a cavern in which I would be tortured till madness came, in which I would lose my manhood” (14).

Thus, text-based evidence seems to support the idea that Baldwin adopts a racialized approach to address unconventional sexual behaviors. Hence, in response to Phillips’s and Fiedler’s claim, I can confidently state that the novel features at least one black character, and this character is precisely Joey, even though the novel alludes to Joey’s darkness ambiguously. Although Joey could be labeled as biracial or of mixed

white and black ancestry, the book still makes references to his darkness, and Baldwin's use of a "non-white, Africanlike (or Africanist) presence" (Morrison 1993, 6) to explore sexual diversity is conspicuously employed here. The second element that seems to disprove Phillips's and Fiedler's hypothesis of a raceless novel is the character of Giovanni, an Italian bartender whom the novel is clearly named after. He is the other character who solicits critical attention and discussion.

Giovanni is an Italian immigrant living in France, and David's lover. He obviously plays a pivotal role in the development of the plot because he helps David emancipate from his American cultural restraints, awakening his dormant self, the one that has remained at the bottom of his mind (and identity) for many years as a "decomposing corpse" (Baldwin 2001, 20). So, at this point of the novel Baldwin could have done without the trope of Africanism to address his protagonist's homosexuality, namely because David has trespassed US borders, just like the novel's author. He is now living in Paris and experiencing a higher degree of imaginative freedom than what he would have been able to explore in the US. However, he continues relying on the safe trope of Africanism to address homosexuality abroad. Though in the beginning it might not be too obvious, Giovanni himself could be interpreted as the other Africanlike figure in the novel.

According to many scholars who have investigated the novel's racial question, Baldwin seems to employ a technique known as *racial displacement*, which, according to Armengol (2012), results in placing black souls in white bodies. This process of soul dislocation might be confirmed by what American Cultural Studies scholars and historians have widely documented in their works on cultural stereotypes and prejudices, such as the stereotypical parallel between sexual identity and color (675) in the Western society. Moreover, historians David Roediger and Rudolph Vecoli have highlighted the ambiguous racial status of Italian immigrants on their arrival in the US in the late 19th and early 20th century. According to Roediger (1997), Italian immigrants had this ambiguous and unclear status of "in between people" (10), thus suggesting that the new immigrants have acquired their white status only over time. Vecoli (1995) endorses the same idea and states that in the years of massive European migration to

the US, the racial status of Italian immigrants was uncertain. Many Americans questioned whether “these swarthy sons of sunny Italy were really white,” to the point that employers referred to Italians and blacks as “black labor,” as if they stood for a homogenous group of undesirable people (156).

At the turn of the last two decades of the 19th century and the first two decades of the 20th century, Italian immigrants in the US were subject to many misconceptions and racial prejudices. As historian Arnold Shankman (1978) pointed out, around the same time, “a significant black exodus from Dixie [took place]. In urban centers of the North more Negroes than ever before were frequently coming into contact with Italians. Increased contact somewhat improved the black community’s image of the Italian” (34) and this might have been crucial for the diffusion of prejudices that wanted no color-line between African Americans and Italians. In addition, Shankman shows another problematic aspect which contributed to the blurring of racial boundaries among the two groups at the time; spatial proximity shared by the two communities contributed to support the stereotype that African Americans and Italians represented one single ethnic group. According to Shankman, they actually used to live as a mixed community in the area of Harlem, “compet[ing] for jobs, housing, and status” (30). It is well documented that these two groups were not on good¹⁶ terms. It is worth pointing out that James Baldwin was actually born in Harlem, New York, in 1924. So, it is possible to suppose that Baldwin’s close contact with that mixed neighborhood influenced the development of a character like Giovanni, whose whiteness is often debated in the text.

Again, close reading helps noticing details that Baldwin disseminated through the text, such as the connection between Giovanni’s darkness, which, as Lynne Segal (1990) suggests, has “always been entangled – in Western consciousness – and sex [...] Black is the colour of the ‘dirty’ secrets of sex” (176). Thus, the very first words with

¹⁶ “Innocent of the racial code in this ‘free country,’ newly arrived immigrants often worked with and lived among African Americans. Such association was itself taken as confirmation of the Italians’ ambiguous racial status. Once they became aware of the terrible price to be paid for being ‘black’ they hastened to distance themselves from African Americans and to be accepted as white. The historic relationships of Italian Americans and African Americans are, of course, much more complex than that.” Vecoli, “Are Italian Americans Just White Folks?,” 156.

which David describes Giovanni, who is working as a barman at Guillaume's Café, should solicit the reader's attention: "[Giovanni] stood, insolent and dark, and leonine" (Baldwin 2001, 31). Once again, physical darkness is somehow inherently African and establishes a connection between Giovanni and the text's other Africanlike character, the dark Joey. In this perspective, Giovanni does seem to be Joey's Old-World counterpart. In addition, later in the text Giovanni's room—where he and David sleep together for the first time—is described as a dark and claustrophobic environment. The same was said for the room where David first experienced his homosexuality with Joey, back in his teens: "His room was in the back, on the ground floor [...] We passed the vestibule and the elevator into a short, dark, corridor which led to his room. The room was small, I only made out the outlines of clutter and disorder [...] He locked the door behind us, and [...] in the gloom, we simply stared at each other." Again, physical and spatial darkness—intended as a phagocytizing overwhelming reality—go together.

Furthermore, the same narrative pattern tracing David's pointless escape from his homosexuality seems to repeat itself when, later in the text, he realizes that his girlfriend Hella is returning to Paris after traveling solo to Spain. After having escaped from Joey and the non-free, judging morality of his country, he looks for a way out of the homosexual relationship he was exploring with Giovanni in Paris. David decides to prove to himself that he was a "real man," by showing off his boisterous sexuality to women, as his father suggested at the beginning of the novel, stating that "all I want for David is that he grows up to be a man. And when I say a man [...] I don't mean a Sunday school teacher" (20). So, David's evaluation culminates in a casual love affair with a girl called Sue, who he nearly despises. In performing this act of self-determination, David wants to demonstrate to himself that he can fit into the role of the heterosexual white man. We can therefore interpret this scene as David's extreme act of self-denial, as he struggles to conform to a pre-established gender framework. However, his words betray total discomfort in this role: "I wondered if she had done anything to prevent herself from becoming pregnant; and the thought of a child belonging to Sue and me of my being trapped that way – in the very act, so to speak, of trying to escape – almost precipitated a laughing jag" (96). Again, it is interesting to notice that in this specific

scene, Baldwin relies on images of darkness to address the question of bisexuality, even if he speaks of darkness in spatial terms alone, here. As a matter of fact, David describes Sue's apartment first as "a dark place" (ibid.), then as claustrophobic: "dark and full of furniture" (94).

David's white heterosexual culture's conditioning makes him aware, and even scared, of his truest sexual identity. Accordingly, darkness imagery expands to include claustrophobic feelings when he's with Sue. However, even before David makes love to Sue, he feels guilty and states: "I was thinking that what I did with Giovanni could not possibly be more immoral than what I was about to do with Sue" (95), but it is in the very act of sleeping with a woman that he acknowledges the utmost malaise generated by performing a social role he does not feel comfortable embracing, just to meet social expectations. During his sexual intercourse with Sue, David's mind begins to wander, as if to dissociate from his body, and states: "I travelled through a network of Sue's cries, of Sue's tom-tom fists on my back, and judged, by means of her thighs [...] how soon I could be free [...], then it was ending and I hated her and me, then it was over, and the dark, tiny room rushed back. And I wanted only to get out of there" (96).

When David leaves Sue's apartment, he sinks into a state of gloominess, paralleled by "the darkness and the long moan of this long night" (100) and, for the first time, suicidal thought arisen in his conscience since he feels "fallen out of the web of safety" (ibid.). However, when Hella comes back from her vacation in Spain, David feels completely lost: he decides to break up with Giovanni and restore his manhood (135). Yet, Hella chooses to leave when she senses David's disgust towards her own body. David can only remain alone overthinking about his obsession for purity and morality. However, it is worth noticing that, having reached the peak of his personal quest for self-identity, he no longer feels the need to identify with social expectations. David just lets Hella return to the US, and, now alone, tortures himself by indulging in a personal dark fantasy about Giovanni's execution (151).

CONCLUSION

It seems possible to state that, in *Giovanni's Room*, Baldwin relies on the trope of Africanism to address taboo themes, such as homosexuality and bisexuality, just as many white authors have done before him. As Toni Morrison suggests in her seminal essay, which has been widely discussed at the beginning of this article, to make use of African and Africanlike figures and to project onto them fears, desires, and obsessions create a safe distance from which to observe them act in the space of a harmless forbiddance. After all, black represents the utmost shape of “otherness” in the American white culture; yet, even if Baldwin is black, he senses that the trope of Africanism—so the imagery connected with darkness and blackness—is the only safe option he has to address taboo themes and find a way into his American audience of the late '50s. Moreover, as result of close reading approach to the novel, it seems plausible to deny the idea that *Giovanni's Room* is a “raceless” piece of writing—as Caryl Phillips and Leslie Fiedler have suggested—because if it deals with the taboo theme of homosexuality, and to a lesser extent even with bisexuality, it is only due to the exploitation of Africanist or Africanlike fabricated figure. Nonetheless, it is interesting to notice that it is James Baldwin himself who stated in a 1989 interview that it is impossible to deny the connection between race and sexuality, in Western culture and more specifically in the US. He admitted that “[t]he sexual question and the racial question have always been entwined, you know. If Americans can mature on the level of racism, then they have to mature on the level of sexuality” (Armengol 2012, 671).

In conclusion, it is possible to argue that the trope of Africanism is crucial to understanding the idea of Americanness. By distancing Africanist and Africanlike figures far into a space of multidimensional darkness, American authors had the chance to create a unbounded imaginative environment in which to investigate queerness, explore fears and desires, and identify a possible threat to the social construction of Americanness as white, male, and heterosexual. Considering this evidence, it appears less obscure that Toni Morrison (1993) describes white freedom as “parasitical” (57), relying on the centennial tyranny exerted over the black population in the US, legally until 1863. A statement which seems to parallel what James Baldwin himself once stated: “White people invented black people to give white people identity [...]. Straight cats

invent faggots so they can sleep with them without becoming faggots themselves” (Baldwin and Giovanni 1975, 88-89).

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(RE-)NARRATING TRANSGENDER PASTS, PRESENTS, AND FUTURES IN CASEY PLETT'S *LITTLE FISH*

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ABSTRACT

In Casey Plett's novel *Little Fish* (2018), the protagonist Wendy faces multiple life-changing events at the same time. After her grandmother passes away, she finds out that her Mennonite grandfather might have been a trans woman and grapples with the way her family narrativizes and remembers him. In the midst of this journey, her friend Sophie dies by suicide and Wendy is left to piece together Sophie's past, navigate a present of mourning, and imagine a future without her. Building on theories of queer and trans temporalities, Kit Heyam's recent work on trans histories, Susan Stryker's Foucauldian reading of trans as a subjugated archive, and Margaret Middleton's concept of 'gaydar as epistemology,' this paper explores how cisnormative narrations of transness and transitioning hold trans subjectivities in a constant temporal bind and, in turn, how *Little Fish* interrogates this bind through a (re-)narration of transgender pasts, presents, and futures. The temporal bind within cisnormative temporalities and narrations of transness is rooted in medicalization and pathologization and configures trans identity as a temporary phase on a linear transitioning path from a traumatic childhood in the past to the curing of a wrong body in the future. Ultimately, this paper demonstrates that *Little Fish* is able to challenge the cisnormative narrative by de-subjugating trans archives and utilizing specific, embodied knowledge of transness to come to an interpretation of the past that negates presupposed heterosexuality and cisnormativity, and instead opens the possibility for the complexity of queer and trans existence.

Keywords: transgender literature; Casey Plett; queer temporality; de-subjugation; trans archives.

INTRODUCTION

In November 2022, the online magazine *them* launched "Trans Futures Week," a series spotlighting transgender community activists and celebrity media makers in conversation about trans futurity (Sanders 2022). These conversations included artist Syrus Marcus Ware and writer adrienne maree brown speaking about post-binary communities; journalist Imara Jones and producer Zackary Drucker talking about the future of trans stories; historian Jules Gill-Peterson and Dr. Jerrica Kirkley, co-founder of a virtual gender-affirming care organization in the United States called Plume, thinking through future transition discourses; performer ALOK and actor Brigette Lundy-Paine contemplating a world that has seized to center gender presentation and passing; and activist Miss Major and ACLU lawyer Chase Strangio talking about the

future of organizing for trans rights. Wren Sanders (2022), *them*'s community section editor, writes that "Trans Futures Week" was created in response to the dire situation trans communities in the United States find themselves in and as a supplement to Trans Awareness Week: "Increasingly, these past few years, I've wondered whether more *awareness* is really what we need. It's hard to say. What I do know is that this week often feels more about cis people than it does about us--correcting their ignorance about our lives, fulfilling their curiosity about our stories, requesting their compassion for our pain" (par. 4). Sanders (2022) emphasizes that "Trans Futures Week" is not meant to replace this focus on awareness, but elevate trans community, needs, and interests at the same time: "More than that, it's a testament to the insufficiency of merely stating, 'trans and nonbinary people exist in the future.' Rather, we believe that because of our innovation, our fearlessness, and our paradigm-shifting willpower, there is no future without us" (par. 5).

Keeping this assertion at the forefront of our minds during the onslaught of violence, erasure, and death on trans people, especially those who are multiply marginalized, seems crucial. As *them* turns to public trans figures to produce an imagination, and indeed a reality, of trans futurity, I would like to turn to transgender fiction, specifically to Casey Plett's 2018 novel *Little Fish* for an examination of the construction of trans pasts, presents, and futures. As a novel by a Canadian author set in Canada, *Little Fish* refutes the idea that Canada presents a haven for trans people while anti-trans legislation in the United States makes life for trans people increasingly unviable (Dalwood 2023) and mirrors many of the anxieties that come with being trans in the United States. At the same time, however, many works of trans fiction published in the past years seem to have exceedingly flourished from Canadian small and independent presses, such as Metonymy Press in Montreal and Vancouver's Arsenal Pulp Press, demonstrating how these specifically Canadian spaces have been able to bring about trans narratives that imagine and literarily secure a future of and with transness. *Little Fish* centers on Wendy, a white trans woman in her thirties, who grapples with the entanglements of pasts, presents, and futures as she learns that her deceased Mennonite grandfather Henry might have been trans and navigates her life

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within her Winnipeg community after her friend Sophie, also a white trans woman, dies by suicide. I examine how Wendy reconstructs her grandfather's and Sophie's past and read this process as a de-subjugation of trans archives which opens important questions about trans histories and epistemology. Further, I argue that the novel exemplifies how cisnormative constructions and narrations of transness hold trans subjects in a constant temporal bind and interrogates this bind through a re-narration of transgender pasts, presents, and futures. Ultimately, *Little Fish* not only declares, 'there is no future without us,' but also, 'there has been no past without us' and 'there *will* be no past without us.'

I see a crucial difference between there being no past without us and the assertion that there *will* be no past without us--the former emphasizes the fact that phenomena of transing gender have always been around, despite discourses claiming transness to be merely a trend, a passing fancy. The latter is a declaration of intent, of refusal to accept these discourses, a refusal to accept the erasure of trans histories, presents, and futures, a digging in the heels, or, in Sara Ahmed's (2014) terms, a conscious embodiment of willful subjectivity, a turning back to and nurturing of our personal as well as collective pasts in order to sustain our presents and guarantee our futures. The assertion of trans existence, and in the best case, flourishing, throughout the past and present and into the future becomes especially necessary when considering how cisnormativity places trans identity into the aforementioned temporal bind. To understand this bind, we must first dive down a rabbit hole which concerns the construction and institutionalization of temporalities.

THE CISNORMATIVE TEMPORAL BIND¹

Hegemonic temporalities are modes of structuring life that have become regarded as normal in Western cultures (Freeman 2007, 160). Linearity often features prominently in institutionalized temporalities, for example in heterosexual time. Jack Halberstam

¹ Author, unpublished master's thesis, 2020.

(2005) describes how heterosexual time revolves around reproductive temporality, which is tied to notions of the normal and of white middle-class respectability (4). Reproductive temporality centers heterosexual reproduction and biological family structures on a timeline of life that is marked by birth, marriage, reproduction, and death (Halberstam 2005, 2), and dictates certain time frames in which the achievement of marriage and reproduction are appropriate and desirable (5). Marriage and reproduction are relegated to the time of adulthood, which is reached by traversing “the dangerous and unruly period of adolescence” (Halberstam 2005, 4) in order to achieve maturation. Heterosexual temporality’s focus on reproduction, biological family structures, and the associated inheritance of wealth and values from one generation to the next emphasize the importance of longevity and stability—not only for the nuclear family itself, but also for the family as a stand-in for the nation (Halberstam 2005, 4-5). This timeline constructs adolescence and adulthood as opposite temporal spaces, and maturation as a linear process. The importance of longevity and stability implied within heterosexual time means that lifestyles which lack long periods of stability are viewed as immature and threatening (Halberstam 2005, 5). Heterosexual time thus marginalizes individuals who refuse to or are unable to center heterosexual marriage and reproduction in their life.

Those who refuse the structuring of their life according to heterosexual time may then fabricate “new life narratives and alternative relations to time and space” (Halberstam 2005, 2) by following what Halberstam calls queer temporality. The construction of this term presupposes that queerness is not only tied to sexual identity but can be understood as a way of life marked by “strange temporalities, imaginative life schedules, and eccentric economic practices” (Halberstam 2005, 1) as well as “subcultural practices, alternative methods of alliance, forms of transgender embodiment, and those forms of representation dedicated to capturing these willfully eccentric modes of being” (1). Halberstam admits that queerness and transness are, of course, not inherently tied to unconventionality and that “not all gay, lesbian and transgender people live their lives in radically different ways from their heterosexual

counterparts” (1), but they do emphasize the potential that queerness has to imagine life apart from heterosexual structures of temporality.

While heterosexual time focuses on the future and the preservation of the family and the nation, queer temporality is more concerned with the present (Halberstam 2005, 2). Halberstam argues that the emphasis on the potential and possibility of the present moment emerged during the AIDS crisis, where queer and trans futures were uncertain or abruptly terminated, and people formed alliances around disease and death (ibid.). This temporal shift, even though born in a time of risk and desperation, led to “a hopeful reinvention of conventional understandings of time” (Halberstam 2005, 3) that imagined forms of life outside of biological family structures (2). This turn toward the present is not unproblematic though, considering how queer people, and especially those who are also racialized, are already configured as stuck in the present. José Esteban Muñoz ([2009] 2019), for example, argues that “it is important not to hand over futurity to normative white reproductive futurity” (95) because futurity is never guaranteed for racialized and queer people in the first place. Halberstam (2005) also demonstrates this point, noting that a celebratory notion of turning towards the present does not equally apply to racialized and poor people, as “the premature deaths of poor people and people of color [...] is simply business as usual” (3-4). Further, Blackness has often been configured as an “arrested adolescence” (Halberstam 2005, 176). Stacey Patton (2014) writes that Black adults are cast as “stuck in a limbo of childhood, viewed as irresponsible, uncivil, criminal, innately inferior,” while, paradoxically, Black children are seen as older and more mature than they are due to adultification bias (Epstein et al. 2017; Patton 2014). In similar fashion, Freeman (2007) illustrates how queer people are often viewed as having no future, “no children, no succeeding generations, no meaningful way to contribute to society, no hope, no plans” (165). At the same time, they “have been figured as having no past: no childhood, no origin or precedent in nature, no family traditions or legends, and, crucially, no history as distinct people” (162). Halberstam (2005) adds that psychoanalysts have historically conceived of homosexuality as an adolescent phase, a stage of development on the way to becoming an adult, normal, productive member of society (174). Queerness is thus already situated

between past and future, within a present that is imagined as fleeting and impermanent, and thus as an illegitimate form of life that is unable to produce longevity and stability. While queer temporality does intervene by putting a more positive spin on this situation in the present, Michelle Wright (2018) argues that the present can also be experienced as stasis, as a deliberate hindrance of the movement of queer bodies (290), and stresses that not all queer bodies experience this hindrance equally (291).

Nevertheless, the turn towards the present can hold the potential to reimagine queer and trans existences decoupled from reproduction and linearity. In some instances, for example, queer temporality seems to reclaim the image of queer life as stuck in the present by offering a notion of “stretched-out adolescence” (Halberstam 2005, 153). This notion functions as a counternarrative to the supposedly inevitable maturation from the “unruly period of adolescence” (Halberstam 2005, 4) into the stable and responsible time of adulthood. Halberstam (2005) locates forms of stretched-out adolescence in queer subcultures such as punk rock, drag balls, and slam poetry (154)–today, one might add queer fandoms or online platforms such as Tumblr. These subcultures not only offer alternative ways of life, but also “transient, extrafamilial, and oppositional modes of affiliation” (ibid.) that are not dependent on biological kinship or other more static forms of community centered within heterosexual temporality. The notion of a stretched-out adolescence is also evident in terms of the closet. In contrast to their cisgender/heterosexual peers, queer/trans people often spend their teenage years in the closet hiding their identity for safety reasons (Sisselman-Borgia 2017, 31-32), and may not be able to openly engage in the exploration of their identity until they come out in certain contexts. Therefore, queer and trans people may be more likely to engage in activities normally relegated to the period of adolescence throughout their adulthood. Some trans people literally go through a second puberty when they hormonally transition, and those who do not medically transition may “also experience some of the joys and frustrations associated with adolescence as they begin to explore life in a new gender” (Bailey 2012, 56).

The linearity of heteronormative temporality also lays the groundwork for cisnormative temporalities. Atalia Israeli-Nevo (2017) writes that the conventional

narrative around transgender bodies and transition has characteristics of an “extreme makeover” story line, which portrays an “over-the-top, incredible and almost impossible transformation from one sex/gender to the other” (36). This narrative presupposes a binary understanding of gender as well as an oppositional relationship between the former gender and the new gender (Israeli-Nevo 2017, 36). Transition, then, is configured as “one moment of somatic change that allows the subject to move to the other side of the gap (without looking back), and change everything” (ibid.). Aren Z. Aizura (2011) similarly writes that the journey of transition is usually imagined as “a one-way trajectory across a terrain in which the stuff of sex is divided into male and female territories, divided by the border or no man’s land in between” (140). Meanwhile, the completion of transition, which implies an ability to pass as cisgender (Israeli-Nevo 2017, 36), is configured as the arrival, a “coming home’ to one’s new body” (Aizura 2011, 142). These conceptualizations of transition perpetuate the notion that transition is a one-time event that takes place all at once (Aizura 2011, 146). They also presuppose that “an appropriate, or normal, gender identity is always available” (Aizura 2011, 145), and thus relegate transgender identity to a realm of foreign and exotic, as well as to a position of the abnormal, which needs to be rectified (142). According to Aizura (2011), containing gendered indeterminacy that accompanies transition by relegating it to a temporally enclosed as well as spatially foreign location “works to render transsexuality intelligible within the logic of binary gender” (144). The concept of journeying to the foreign and returning home to the familiar becomes even more problematic when it is framed within “discourses foregrounding (upward) social mobility as the key to successful reinvention” (Aizura 2011, 149). Transition then becomes a journey of self-improvement with the goal of “the protagonist returning ready to take their proper place in the social field” (ibid.), which implies a goal of maximizing an individual’s capacity to be productive within capitalist society (152). The conceptualization of transition as a self-improvement project thus disarms the threat that the existence of transgender identity may pose towards cisnormative social structures by rationalizing transgender identity through the language of hegemonic forces.

This particular imagination of transition originated within the medical and psychiatric establishment in the mid-twentieth century, when medical professionals began to favor granting hormone replacement therapy and gender-confirming surgery to those trans individuals who they thought would best be able to pass as cis (Serano 2016, 119). Accordingly, such a person would exhibit a normative gender expression and sexuality, meaning that trans women would dress and behave feminine, and trans men would dress and behave masculine, all while being heterosexual (Serano 2016, 122). In order to access healthcare, trans people were forced to internalize these protocols, whether they subscribed to them or not. According to Julia Serano (2016), these approaches particularly targeted trans women, as “male femininity” (127) would be considered more psychopathological than “female masculinity” (ibid.). Serano describes the requirements trans women were expected to follow in order to attain treatment:

Most trans women understood that they needed to show up for their psychotherapy appointments wearing dresses and makeup, expressing stereotypically feminine mannerisms, insisting that they had always felt like women trapped inside men’s bodies, that they’d identified as female since they were small children, that they were attracted to men but currently avoided intimate relations because they did not see themselves as homosexual, and that they were repulsed by their own penises. (123-24)

Even today, some healthcare providers still evaluate trans people based on oppositional sexist stereotypes (Serano 2016, 119) and expect them to conform to cisnormative standards of gender expression after they transition (124). This illustrates Israeli-Nevo’s (2017) point about transition being constructed as a one-time, fundamental transformation from one end of a binary gender spectrum to the other (36). Aren Aizura (2011) similarly concludes that the “expectation that transition ought to happen all at once” (146) implies the belief that the importance of medical transition does not lie in the easing of gender dysphoria for the trans individual, but rather in their ability to pass as cisgender and not upset notions of binary gender. Dean Spade’s (2006) essay “Mutilating Gender” corroborates this argument. He posits that the practices of accepting certain trans people for body alteration while rejecting others on the grounds

of arbitrary, gender stereotypical categories upholds the gender binary and discourages gender-variant expressions (316).

Spade (2006) illustrates how the construction of trans identity as a mental illness and the establishment of Gender Identity Disorder (GID) as a diagnosis also invented a very specific life narrative for trans people (318). This narrative usually involves having felt ‘trapped in the wrong body’ since childhood, definitely being heterosexual but not engaging in sexual relations due to a deep aversion to one’s genitals, and always having exhibited gender-stereotypical behaviors (Serano 2016, 123-24). Those individuals who adhere to this narrative are more likely to gain access to body-altering interventions, as they confirm the gatekeepers’ ideologies of gender dichotomy and compulsory heterosexuality. However, this does not mean that all trans people who manage to gain access have had a life like that—some might have internalized the gatekeepers’ standards and fashioned their life narrative accordingly, or merely mimic this narrative in order to get the care they need (Spade 2006, 318). Spade (2006) concludes that the construction of transness as an illness in turn constructs cisgender identity as healthy, and that gaining access to body-altering interventions depends on successfully performing gender in a normative way (319). Building on Foucault’s theories on power, he thus reads the medical establishment’s handling of trans people not as a repressive force to discourage gender-related body alteration, but rather as a regulatory mechanism that enforces normative gender performances—not only in trans people, but in cis people as well (Spade 2006, 321). In favor of creating cis-passing subjects in the future, cisnormative medical narratives thus seek to overwrite trans pasts and histories. Similar to how heterosexual time constructs queerness, transness is configured as a present phase on a linear transitioning path from a traumatic childhood in the past to the ‘curing’ of a ‘wrong body’ in the future. This imagination clearly separates pasts, presents, and futures, and co-opts transitioning as the key to passing from a volatile and ‘sick’ present into a stable, cis- passing, ‘healthy’ future.

Because the normative narrative around transition situates the ‘old’ gender in the past and the ‘new’ gender in the future, while imagining a clearly defined, linear movement between the two (Israeli-Nevo 2017, 37), Israeli-Nevo argues that this

conceptualization can be interfered with through a deliberate focus on the present (37), for example by taking time with transition and allowing, or even encouraging, indeterminacy (38). Indeterminacy forces the onlooker to engage with the fact that their visually coded understanding of binary gender models is flawed. Israeli-Nevo (2017) writes that “the fact that I can pass at the same time as a man, a woman, and something in-between, creates an excessive affective moment, in which the person in front of me is temporally delayed and pulled into the mindful present, forced to recognize his/her confusion” (39). The shift of focus onto the present instead of the future is reminiscent of Jack Halberstam’s (2005) concept of queer temporality and its refusal of futural heterosexual time.

Again, shifting the focus onto the present is not wholly unproblematic though. Israeli-Nevo (2017) herself admits that gendered indeterminacy can be dangerous, especially for racialized people (45), and that a delay in transition can also be an unwanted outer circumstance due to unstable economic situations or lack of access (ibid.). Ruth Pearce (2018) adds that the present may be an uncomfortable state for trans people, one marked by an anticipation of violence and the wait for access to treatment (120). This constant anticipation of the future “can be experienced as an unpleasant ‘limbo’ by many trans people” (Pearce 2018, 123). She therefore proposes notions of trans temporality that refuse linearity but do not negate futurity and conceptualizes an “embodied coexistence of past, present and future” (124). For instance, she references Julian Carter’s conceptualization of transitional time as movement that is simultaneously directed “forward, backward, sideways [and] tangential[ly]” (Carter 2013, 141). Pearce (2018) reads this as an “embodied coexistence of past, present and future” (124) and a refusal of linearity that does not negate futurity (ibid.). Another example is Laura Horak’s (2014) concept of hormone time, which is described as “linear and teleological, directed toward the end of living full time in the desired gender” (580). Horak (2014) notes that hormone time is not a queer temporality, but rather “appropriates the ‘straight’ temporality of progress for radical ends” (581). Instead of employing futurity and linearity as a means to achieve reproduction and the sustainment of the nation, hormonal time envisions “expansive trans subjects and

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communities” (ibid.). In sum, both heteronormative and cisnormative temporalities hold subjects in a temporal bind of linearity. *Little Fish* aims to narrate trans identity outside of this bind and explore temporalities that more accurately reflect the messiness of gender embodiment.

(RE-)NARRATING TRANSNESS OUTSIDE THE BIND

Whether turning towards and/or reimagining the present or the future, the goal of expansive trans subjects and communities seems to be a universal one when it comes to queer- and trans-centered temporalities. The need for liberation from cisheteronormative temporal binds becomes especially clear as *Little Fish* illustrates how these temporal binds are not only a theoretical concept but have a real-life, and quite a harsh impact, on trans lives. Wendy experiences this impact as a recurrent failure to satisfy the cis gaze, since she repeatedly gets verbally assaulted by strangers who become aware of her trans status at second glance (Plett 101, 124). Despite being on hormones for over eight years, having had a vaginoplasty, and displaying a feminine gender expression, Wendy does not always pass as cis and is therefore unable to inhabit the post-transition future that cisnormative temporal constructions of transitioning intend. These incidences in which strangers assert she is a man happen so regularly one might compare them to clockwork. I read these interactions as a prime example of the temporal bind that cisnormative temporalities create for trans people: on the one hand, a clear directive towards a certain future, on the other, repeated, violent relocations to the past when this directive is not adhered to. Reflecting on these instances, Wendy thinks of what her friend Sophie would say about them: “You can’t play their game. You never win by playing the cis game. You can win on so much, but you’ll never win that” (125). (Re-)narrating Henry’s past as well as actively participating in the construction of Sophie’s remembrance after her suicide can be read as Wendy’s refusal to play the cis game and instead blast open the tight boundaries within which the possibilities of trans existence are thought to be possible. Through this approach, the novel expands the interventions of queer and trans temporalities in linear cisheteronormative temporal constructions by suggesting lines of flight into all directions, not merely from the future

to the present, and embraces the present and the future and the past as unstable and static, restricting and liberating, malleable and rigid concepts.

The cover of *Little Fish*, for one, suggests a refusal of steady linear progression and instead seems to convey a sense of stasis. The cover art depicts a wintery scene of crooked, crammed wooden houses with snow piling on top of their roofs and icicles hanging off the porches. Knotty, dark tree trunks climb towards the sky and puncture the porches here and there. The ground is covered in snow, and faceless people with heavy coats and boots trudge through it, shovel snow from their cars, or sit outside drinking and smoking. The scene suggests sluggish, inhibited movement; the gray and blue coloring invokes freezing cold. As the narrative takes place in November and December, the story can either be interpreted as one that pauses to reflect on the past, perhaps before a new beginning in a new year, or as a deliberate break from the rush and consumerism that typically haunt this time in Western cultures, giving Wendy the opportunity to grapple with much more meaningful and urgent changes in her life. Suggesting both an unpleasant limbo but perhaps also a sense of comfortable drowsiness, the cover thus embodies the way the text later contends with the experience of temporality as fundamentally multilayered and potentially oxymoronic.

The centrality of temporality, and lines of flight into the past specifically, is unfolded in the very first chapter, numbered as “0” and taking place the night before Wendy’s grandmother passes away. Wendy and her friends Raina, Lila, and Sophie are at a bar and Sophie begins talking about how age is different for trans people compared to cis people (11). The others chime in with aspects such as trans age also meaning the time since one started taking hormones, or how hormone replacement therapy makes trans people look much younger, or how trans people often do not reach higher ages as they die sooner due to violence or suicide (ibid.). Sophie continues that “the difference with transsexual age is what can be expected from you. Cis people have so many benchmarks for a good life that go by age. [...] Cis people always have timelines. I mean, I know not every cis person has that life, but--what are the cis people in my life doing? What are they doing in your life? Versus what the trans people in your life are doing? On a macro level. Ask yourself that” (12). Raina then says, “I wonder if cis people think

about their past in the same way we do,” (ibid.) but the question remains unanswered as Wendy leaves the table and sits “sipping from a mickey of whiskey in the bathroom, calmly thinking” (ibid.). This opening chapter sets the tone for the rest of the narrative, foreshadowing not only Sophie’s eventual death but also Wendy’s prime coping mechanism of numbing herself with alcohol throughout the profound changes she experiences.

Among these changes is the revelation that Wendy’s deceased grandfather Henry might have been trans. Wendy first gains knowledge of this idea after her grandmother’s passing, when a family friend named Anna calls and hints that Henry was like Wendy herself (21). At first, Wendy dismisses the idea, but in the following days and weeks she repeatedly finds herself preoccupied with the question. In a subsequent phone call, Anna clarifies that she meant Henry might have been gay and not trans, which disappoints Wendy a bit (73), until one of her friends mentions that most people did not know the difference at the time, and the possibility might still stand (107). Wendy then begins an effort to discover her grandfather’s history, using old photo albums from her grandmother’s house, information from Anna, conversations with her friend Sophie’s mother, who grew up in a Mennonite community as well, memories her dad Ben tells her about, and her own experiences with Henry as a child. These passages convey two fundamental issues when considering trans histories, whether personal or communal: that of the subjugation of trans archives and the problem of knowledge.

Susan Stryker (2006) references Foucault’s concept of subjugated knowledge when describing the work of transgender studies as excavating and recontextualizing “blocks of historical knowledge that were present in the functional and systematic ensembles, but which were masked” (Foucault qtd. in Stryker 2006, 12). In other words, trans knowledges are usually subjugated, as they may be present within archives but are often obscured or misread. Finding and recontextualizing these knowledges constitutes a form of renarration, which according to Stryker (2006), leads to “new stories about things many of us thought we already knew” (13). In this context, Wendy’s work reads as a reexamination of archives and the renarration of her grandfather’s history. De-subjugating her archive is hard work for Wendy, as her prime informant Anna

frequently and deliberately leaves gaps and silences in her narrative of Henry and relies heavily on religious beliefs to explain much of his behavior (Plett 2018, 259). Furthermore, what works against the de-subjugation of possibly trans material from an archive in general is, as Kit Heyam (2022) describes it, the assumption that trans people are too biased by their own experiences to make scientifically objective judgements about trans material (20), which obscures the underlying premise that a cisnormative perspective, in fact, does constitute an objective evaluation of material.

Intimate knowledge of being trans and the common experiences many trans people go through, then, can be used as a tool to question cisnormative interpretations of archives. In Wendy's case, her knowledge of trans experiences leads her to a particular interpretation of the fact that Henry is completely missing from photo albums during the early eighties (Plett 2018, 80). When she asks Anna about this, Anna explains that Henry was deeply devoted to traditional Mennonite teachings who regarded the use of cameras as a form of vanity (152). Wendy is clearly frustrated with this answer though: "That's not why he avoided cameras, Anna, she thought nastily, it was never about fucking religion" (ibid.). Wendy finds the explanation that Henry was trans and perhaps did not like seeing himself in photos more plausible than Anna's explanation that Henry was simply very religious. In similar reasoning, Wendy also notices that in the pictures Henry does show up in, he's always wearing large gray men's shirts, and concludes: "That fits, though, she thought. Wear the same outfit day after day, your brain gets numb to how it looks or feels--" (24). Without this intimate knowledge, which helps Wendy deconstruct and reconstruct Henry's narrative, Henry's story would remain in a bind which always presupposes cisgender identity and heterosexuality. The act of *knowing what to look for* echoes Margaret Middleton's (2022) argument that knowledge through experience is an essential tool for interpretation. Frustrated with museum curators who omit queerness or potential queerness from their exhibitions, Middleton (2022) advocates to reconsider notions of expertise and evidence to include possibilities of queerness: "Imaginative queer possibility values queer experience as expertise and gaydar as epistemology" (433). Similarly to having gaydar, Wendy knows how to look for "clues" of transness due to her own experience as a trans woman.

Another instance in which the specificity of queer knowledge leads Wendy to a radically different conclusion about Henry's life than Anna's occurs when Wendy learns from her dad Ben that during the early eighties, Henry would often spend time in the city, allegedly to take his father to doctor's appointments (Plett 2018, 87). However, Ben once saw Henry walk into a bar, briefly talk to the bartender and leave (88). Sophie's mom confirms Wendy's suspicion that Henry might have frequented gay bars when she recounts that it was not unheard of or even strictly punished within Mennonite communities when men went to the city, as it was assumed that they had to "get things out of their system" (139). The narration of Henry's potential gender transgressions as something that took place outside of the Mennonite community in the city reflects how the cisnormative temporal bind of trans subjects also adds spatial fixity to temporal fixedness and echoes Aren Z. Aizura's (2011) argument about the relegation of transness to the realm of the outside, foreign, and exotic (144). When Anna then mentions that Henry had a friend from the city who died around this time but stays silent about the cause of his death (Plett 2018, 259), Wendy assumes that Henry might have had a lover who died from AIDS and mourns for Henry's inability to ever share this pain with other people (260). Finally, Wendy musters the courage to ask Ben if Henry might have been gay, to which Ben simply replies, "Oh yeah! Well, there were rumors" (285). Ben's exclamatory affirmation of Wendy's thoughts and yet the immediately following qualification of his statement demonstrates the slipperiness of new interpretations within the de-subjugating process. Any new interpretation suggests renarration instead of firm confirmation; the process of renarration points to the fallacy of cisnormative objectivity, but simultaneously leaves the narrative open for possibility, rather than enclosing it within a new fixity.

Kit Heyam (2022) demonstrates the importance of open narratives: "This is the problem: the trans histories that we point to most often are the easy stories. [...] They tend to be those that are easily, uncomplicatedly recognizable according to these modern Western ideas of what it means to be trans" (9). Heyam (2022) uses the story of John Sullivan, who was arrested while drunk and wearing women's clothing in 1847 East London and later tried for the theft of said clothes, as an example of the "difficult,

complicated stories from the history of gender that we don't have a good way to talk about" (9-10). The fact that most historical evidence of gender transing stems from legal and medical documents feeds into an extremely narrow narrative of what trans identity is and erases the messier stories that do not easily match first-hand testimonies of people who lived stably in a different gender than the one assigned to them at birth, who accessed the expected medical transitioning options, whose gender fit modern Western understandings and thus became legible to us today (Heyam 2022, 9-11). As a result, the archive of historical trans stories becomes extremely narrow, but, as Heyam (2022) personally demonstrates, our trans presents are put into question as well: "Anti-trans campaigners are not simply arguing, 'Trans people are new.' Instead, they're arguing, 'Trans people are new, *and that means they're not real.*' And by coupling our historicity with our *realness*, they've managed to tap into one of the most profound anxieties of trans communities today" (23). This pressure then gives way to narrow narratives:

When you're faced with a political landscape that says 'you're not real'--and when you're working in an exhausting, hostile political environment characterized by orchestrated online pile-ons and immediate Twitter amplification of out-of-context statements, which leaves no room for nuance--the overwhelming temptation is to avoid mentioning these messy aspects of trans experience altogether: to stay 'on-message,' which, in Jacob Tobia's words, 'generally means catering to the least common denominator, watering down your community's story.' (Heyam 2022, 25)

To demonstrate their argument, Heyam recounts attending a meeting of their local trans group and asking, "Did anyone else here... when you first came out, did you have problems believing yourself?" (23) to which all attendees agreed.

Within these contexts, knowledge of oneself and knowledge of others becomes a particularly tricky undertaking. At the same time, Wendy's renarration of Henry's past also demonstrates that the boundaries between knowing and imagining can, should, and sometimes must be fluid. Wendy's musings about Henry culminate in a dream in which she and Henry are sitting on a couch together. Using she/her pronouns for Henry, Wendy describes how Henry "leaned forward on her knees in her long billowy clothing

looking at Wendy, and she laughed with her radiant, pure lit-up smile getting bigger and bigger until both of their faces were almost touching with light light light shining from all of Henry's soft lotioned body, until they were so close, Henry now silent and smiling at Wendy deep and big and light, and neither of them moved" (Plett 2018, 289). More powerfully than her reinterpretation of Henry's past based on archival evidence, Wendy's imagination of Henry in her dream allows for a continuation of the deep sense of kinship she felt with her grandparent when they were still alive and for the possibility of Henry living on in her mind as the woman they might have been.

In contrast to Henry's case, where Wendy only has incomplete and scarce scraps of information to work with, she is flooded with stories from Sophie's past after her friend's death, as old friends and acquaintances share their memories of Sophie on Facebook: "Lila and Raina and Wendy were showered with condolences and queries and, strangely, friend requests. Them being physically closest to this woman who had made friends everywhere [...] Or at least people who claimed to have been her friends, or at least people who were desperate to share the stories and feelings they had. Their Facebook feeds became newspapers of mourning" (167). As Sophie's archive fills up quickly, Wendy is overwhelmed while she pieces together details of Sophie's life before they had become friends. The stories about Sophie's life soon fuse into one large, fragmented narrative, which presses on unstopably without any punctuation and at times obscures the legibility of Sophie's story for the reader to the point of seeming nonsensical, thus emphasizing the intimacy between Sophie and her kin:

We had a presentation one day in Queens you were dating Raina if you had asked me about her last week I would have told you I'd vowed never to speak to Sophie again she was the first trans woman I ever met I would've told you about the time she ghosted me not the first or the second that she taught me chess I don't think it's unfair to say or at least many wouldn't disagree Sophie was fascinated by people jump to them like a grasshopper had the stupidest things to say and would never let you go of them she could be so quiet and god that girl loved to drink she was so fun I always had fun with her she could get her fucking paws into collected people in that sense in uni she drove me in the middle of the night to Grand Forks to get my mom never let me pay for her hormones not a year ago I just started hormones yesterday surprise everyone btw and I wanted her to be the first one to know I don't know what else to say I just met her two weeks ago fuck her I'm done with her we

never stood in line waiting at the door in rain for hours joke of hers was she did this for me she did this to me (ibid.)

While it is highly probable that Wendy's renarration of Henry's life mainly serves her own life narrative by recuperating their possible transness and their significance to Wendy (since Henry himself is no longer in a position to benefit from it), the renarration seems to manage to leave a certain openness for possibility. This passage in which Sophie is memorialized emphasizes that the narration of the dead's life serves the mourners by locating and contextualizing the passed individual within their own life narratives.

While Sophie's new friends construct a fragmented, open, and messy narrative of her, however, her relatives seem to resort to a more fixed portrayal. At Sophie's funeral, her aunt recounts Sophie's past as a little girl and how she grew to be a young woman (168). While the projection of Sophie's trans gender identity onto her past can be read as an affirming process of renarrating, recontextualizing, and reframing a history, the aunt also fixes Sophie into a very particular narrative that ties her to a neoliberal trajectory of success and the religious community of her family: "Even during the time she was out of touch with our family, I always knew, I always just knew in my head the Lord was looking after her, that she was making something fantastic happen. She had such a pure soul, a soul that was too pure to stay with us. I never realized how much pain she was in—I prayed for her every day, and I will continue to pray that she is with God" (169). As Wendy remarks, the stories told by Sophie's family at the funeral are all "light, beautiful, melancholy stories, stories both adjacent to and a thousand miles away from tragedy" (ibid.), which obscure the full complexity of Sophie's life. After the service, alone in the church bathroom, Wendy seems to attempt a recovery of Sophie's messiness and complexity, as "she silently prayed, *Lord, please keep this woman with you, and may she rest in peace*. She said out loud, 'Fuck you, I'm not joining you for a long time. [...] You better be getting drunk now, you cunt'" (ibid.). And, looking at her own vulva, she reinstates Sophie into the messy and 'unholy' realm of trans experience and tough-love trans kinship: "Man, you stayed alive, you coulda had one of these! She hiccupped. 'You stupid dumb fucking *bitch!*'" (170).

CONCLUSION

The novel ends with a calm wintery scene that takes up the cover art's sense of stasis but simultaneously points towards a potential future. As Wendy exits a client's hotel after providing sex work, the narrator remarks:

By the elevators in front of the open staircase, Wendy looked through the window expecting a storm, but it had stopped snowing. Under an arch she could see a parking lot and an old gilded apartment building across the way. The street was pristine and quiet and footprint-less. She walked through the reflecting marble lobby. The roads outside were empty sheets of blue and white, ice stretching far, far away, looking like outer space. She put on her headphones as she walked through the revolving doors into the night. She felt okay about where her life was headed. (Plett 2018, 293)

The last sentence of this passage feels ambivalent and captures a possible co-existence of a hopeful gesture towards the future and a resignation about the limited possibilities within this future—given that she just experienced an eviction yet also quickly found a new place to live in with Raina (Plett 2018, 284), she has lost one of her best friends but still finds a deep sense of kinship with people like Raina to “keep [each other] company through this miserable winter” (ibid.), (a winter which can be read literally but also metaphorically as a difficult, harsh time), she has recurring dreams about being sexually assaulted after actually being sexually assaulted (288), she expects to not have any employment options besides sex work but also has enough money stashed away to survive the winter months after Christmas in which business would be low (282), and she still definitely has an alcohol problem but is becoming aware of it and is trying to manage her drinking (287). This messiness and openness mirrors Wendy's renarration of Henry's archive and creates potential for a trans future while simultaneously acknowledging the difficulties within the present.

Ultimately, this paper demonstrates that cisheteronormative temporalities and timelines hold trans subjects in a fixed temporal bind, which *Little Fish* challenges by reevaluating narrations of the past, critically examining the present, and pointing to the prospects of the future. These challenges are accomplished by de-subjugating trans archives and utilizing specific, embodied knowledge of transness to come to an interpretation of the past that negates presupposed heterosexuality and cisnormativity

and instead opens the possibility for queer and trans existence. While the renarration of Henry's archive leads to the possibility of a kinship that crosses generations and the boundaries of life and death, the memorialization of Sophie points towards the importance of open narratives and the need for critically interrogating the sources and motives of narratives-after-death. In the end, *Little Fish* holds space for the complexity and messiness of trans narratives and presents a counterpoint to the "transsexual narrative" fabricated within a cisnormative medical context.

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“WAS THIS GARDEN, THEN, THE EDEN OF THE PRESENT WORLD?":
NATHANIEL HAWTHORNE'S REPRESENTATION OF PADUA IN
“RAPPACCINI'S DAUGHTER”

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ABSTRACT

This article examines the concepts of historical accuracy and truthfulness of the setting in Nathaniel Hawthorne's "Rappaccini's Daughter" (1844) through an analysis of his representation and depiction of Padua, in particular of its University and Botanical Gardens. Though the author had not yet visited Italy at the time of publication, his description of Padua in the tale is vivid and full of apt references that embody the city. Overall, little critical attention has been devoted to the Padua setting of the short story. Given the large use of allegory in Hawthorne's production, I read the Paduan setting of the tale and all the implications that revolve around it as an allegory of the artist/author's vast culture. Finally, by comparing the Padua of the tale with subsequent depictions of Italy in Hawthorne's production such as the Rome of *The Marble Faun: Or, The Romance of Monte Beni* (1860), I highlight similarities and differences in the treatment of history and setting in his later works.

Keywords: Nathaniel Hawthorne; romance; allegory; representations of Italy; Padua; Rome.

INTRODUCTION

In his Preface to *The House of the Seven Gables*, first published in 1851, Nathaniel Hawthorne claims a certain liberty in the drafting of romances as opposed to novels, particularly in regard to its settings and sources. According to him, the romance should be understood and read as an artistic work, representing “the truth of the human heart” (Hawthorne 2006, 3), rather than as an accurate historical document. And yet, some of Hawthorne's earlier works are not completely in line with his own arguments presented in this famous Preface. Hawthorne's 1844 “Rappaccini's Daughter,”¹ a short story set in Padua, Italy, plausibly during the Renaissance, which was later included in *Mosses from an Old Manse* (1846), partially contradicts his statements regarding historical accuracy and truthfulness of the setting. Though Hawthorne had not yet visited Italy at the time

¹ First published in the December 1844 issue of *The United States Magazine and Democratic Review* in New York.

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of publication,² his description of Padua in the tale is vivid and full of apt references that embody the city. Overall, little critical attention has been devoted to the Paduan setting of the short story. However, a study of Hawthorne's rich and accurate references in the text reveals the author's somewhat unconscious desire, in contrast to his declarations at the beginning of *The House of the Seven Gables*, to convey his particularly deep knowledge of Italian literature, art, and history. In particular, as Hawthorne has been defined as an allegorical writer by critics (Quilligan 1979 and Ullén 2004), I propose that the Paduan setting of the tale and all the implications that revolve around it can be read as an allegory of the artist/author's vast culture. Furthermore, historical accuracy and truthfulness of the setting also tell us a lot about his writing practice. The aim of this paper is, therefore, to discuss Hawthorne's accuracy in his representation and depiction of Padua, in particular of its University and Botanical Gardens (*Orto Botanico*), in order to highlight some of his practices as a writer especially regarding the treatment and reworking of his sources. I will conclude my discussion by comparing the Padua of "Rappaccini's Daughter" with subsequent depictions of Italy in Hawthorne's production, especially the Rome of *The Marble Faun: Or, The Romance of Monte Beni* (1860), in order to show similarities and differences in the treatment of history and setting in his later works.

CONCEPTS OF ROMANCE AND ALLEGORY IN HAWTHORNE'S PRODUCTION

Before *The Scarlet Letter: A Romance* (1850), Hawthorne had written exclusively in the short form, a genre deemed by contemporary reviewers as inherently ephemeral if not trivial (Baym 1984, 438). Thus, the issue of the genre in which he was working did not seriously arise before 1850. Starting with *The Scarlet Letter*, Hawthorne decided to define his long narratives as romances in order to claim their difference from the novels of his day. He adopted the term used for the externally oriented works of Walter Scott

² As we will see, Hawthorne will eventually visit Italy in 1858-1859; in particular, he will be able to spend large amounts of time in Florence and Rome. In Rome, he will start working on *The Marble Faun* (1860) His personal experiences in Italy are memorialized in his letters as well as in the *French and Italian Notebooks* (1871).

and his American counterpart James Fenimore Cooper, but sought inwardness instead (Arac 2011, 135), as stated by himself in his Prefaces. As Nina Baym (1984) demonstrates in detail, despite Hawthorne's own insistence on such a classification for his longer works, reviewers of the time never described them as romances (438). Furthermore, we also have to keep in mind that "nineteenth-century critical terminology was so anarchic and inconsistent that the concept of romance was never used in any systematic sense for the description of genre patterns and genre attributes" (Fluck 1996, 418).

Considering the implications of being a writer of national relevance, it should be emphasized that Hawthorne's definition of romance did not try to legitimize a distinctively American way of writing. In his Preface to *The Marble Faun*, for example, he insists on the difficulty if not the impossibility of writing a romance set in the United States, even though he had actually already done so: "No author, without a trial, can conceive of the difficulty of writing a Romance about a country where there is no shadow, no antiquity, no mystery, no picturesque and gloomy wrong, nor anything but a commonplace prosperity, in broad and simple daylight, as is happily the case with my dear native land" (Hawthorne 2002, 4). Here, he seems to suggest that "there is something un- or at least non-American in his imagination, in its attraction to themes and events that seemingly have so little pertinence to the ongoing national life" (Baym 1984, 442). As Jonathan Arac (2011) points out, the romance genre "gave Hawthorne resources to establish an independent imaginative space, to gain for his works freedom from compromising involvement with his personal political commitments as a Democratic party loyalist or with larger, national controversies over slavery" (135). His definition of romance was itself an exemplary act of self-authorization, "an attempt to elevate the [...] romance to a new level of epistemological promise and artistic respectability" (Fluck 1996, 418). Consequently, if Hawthorne's defense for the romance should be understood as a personal endeavor of self-characterization and self-promotion, the novel as a genre could be more universally considered as appropriately American, even though it was not an exclusively American literary form (Baym 1984, 443). Moreover, "[t]he distinctness of an American literature would lie in its choice of American settings, its treatment of American subjects" (ibid.).

In addition to being quite detached from the political question in his works of fiction, Hawthorne made extensive use of allegory in his short stories and romances in order to reflect on the relationship between writer and reader. Considering allegory as a separate genre, in *The Language of Allegory: Defining the Genre* (1979), Maureen Quilligan describes the author as a true allegorical writer (53) and explains the connotations of allegorical narrative in detail:

[A]ll allegorical narrative unfolds as action designed to comment on the verbal implications of the words used to describe the imaginary action. If we understand allegories to unfold as narrative investigations of their own threshold texts, we can see the relationship between allegory as narrative and allegory as critical commentary in a new, clearer light. The allegorical author simply does what the allegorical critic does; but he writes a commentary on his own text rather than someone else's. And his "commentary" of course is not discursive, but narrative, a fact which complicates the matter but which does not detract from the simplicity of the shape. (Quilligan 1979, 53-54)

In *The Half-Vanished Structure: Hawthorne's Allegorical Dialectics* (2004), Magnus Ullén, instead, underlines that the allegorical nature of language precisely derives from the impossibility of establishing a clear distinction between word and object, and between text and interpreter (41). By using allegory as an interpretative method, Ullén (2004) demonstrates how Hawthorne always consciously made use of metatextual allegory in his works (13). In other words, the author consistently wrote about the artist and his audience, and, most importantly, about the medium through which these two actants (artist and audience/writer and reader) establish a meaningful relation (ibid.).

TIME FRAME AND HISTORICAL ACCURACY OF THE PADUAN SETTING

"Rappaccini's Daughter" is generally understood as a tale that combines elements of the Gothic tradition with other features deriving from European Romanticism carefully reworked by Hawthorne. As Malcom Cowley (1977) affirms, at first, Beatrice, the heroine of the tale, appears to be a familiar Romantic figure, the beautiful woman whose embrace is death (150). Then, however, the reader learns that she is a victim of her father, who cares more for science than for mankind. Over the years, Hawthorne's short story has provided an impressive critical mass, but there still seems to be no overall

agreement by scholars about the interpretation of the tale's many themes and motifs, and especially its ambiguous moral message.

"Rappaccini's Daughter" begins with a short fictional introduction treating the text as a translation from a work by French author Monsieur Aubépine.³ In the subsequent narration, young Giovanni Guasconti from Southern Italy comes to Padua to study at the university and takes lodgings near Dr. Giacomo Rappaccini's palace. One day, Guasconti sees Beatrice, Rappaccini's daughter, in her father's garden and falls in love with her; her beauty curiously reminds him of the poisonous plants and flowers that her father cultivates. Professor Pietro Baglioni, a friend of Guasconti's late father, warns him that Dr. Rappaccini's love of science has led him far beyond the limits of morality and respect for mankind, and that Beatrice seems to be a product of his sinister arts. The young man, however, does not flinch. The relationship between the couple deepens and Guasconti finds himself a victim of the evil and poisonous influence of the garden. Subsequently, Guasconti administers an antidote to Beatrice that Baglioni has given to him. The young woman drinks it, but "as poison had been life, so the powerful antidote was death. And thus the poor victim of man's ingenuity and of thwarted nature, and of the fatality that attends all such efforts of perverted wisdom, perished there, at the feet of her father and Giovanni" (Hawthorne 1977, 212-13).

Coming back to the concept of allegory, in Ullén's (2004) reading, this precise tale constitutes a paradigm of Hawthorne's allegorical dialectics (69). In his opinion, "Rappaccini's Daughter" can be exactly considered as an allegorical depiction of the plight of the artist who insists on working through the form of allegory (ibid.). In particular, the allegorical connotations should all be seen as subservient to the primary allegory of the short story, in which Rappaccini is a figure of the artist/writer, Beatrice, his beloved creation, stands for the tale itself, and Giovanni, finally, is a figure of the audience/reader (Ullén 2004, 72). Keeping all this in mind, I propose that the Paduan

³ Aubépine is the French name of the hawthorn plant.

setting of the tale and all the implications that, as we will see, revolve around it can be read as an allegory of the artist/writer's extensive knowledge and vast culture.

For the sake of my analysis of the historical accuracy and truthfulness of the setting, it is now important to focus on the concept of history and how the author applies it to his production. Concerning the relationship between Hawthorne and history, in his influential book-length study of the author's early tales and sketches *The Province of Piety: Moral History in Hawthorne's Early Tales* (1984), Michael J. Colacurcio affirms that Hawthorne can be understood as one of the first and most important modern intellectual historians of the United States. Hawthorne's fiction, therefore, has to be mainly read as historical literature influenced by the moral history of New England. In particular, according to Colacurcio (1984), Hawthorne does not simply borrow from historical sources, but engages in a dialectic with them, his best tales representing "the limits of perception or experience at a certain critical historical moment in the historical past" (20). Given the prominence of the historical theme in Hawthorne's production, it is fascinating to analyze how the interconnected concepts of history and setting are rendered in a tale such as "Rappaccini's Daughter," which takes place in Europe and not in the United States, even though in this specific case, as I affirmed above, the moral aspect is more obscure⁴ and has not generated agreement among scholars.

The Paduan setting of "Rappaccini's Daughter" emerges from the very first line of the story. While Hawthorne makes the story's physical location clear from the outset, the events that transpire in the story unfold in an unspecified Renaissance past. Despite the vagueness of the story's temporal placement, Hawthorne's descriptions accurately describe Padua during the Renaissance. Carol Marie Bensick affirms this in her influential monograph titled *La Nouvelle Beatrice: Renaissance and Romance in "Rappaccini's Daughter"* (1985). Here, Bensick concludes that the story must take place

⁴ According to Hawthorne's biographer Edwin Haviland Miller, not even the author himself was sure about the moral implications of the tale. Sophia Peabody Hawthorne is supposed to have asked her husband before he completed the work whether Beatrice is to be "a demon or an angel;" his answer was, "I have no idea!" Miller, *Salem Is My Dwelling Place: A Life of Nathaniel Hawthorne*, 252.

during the Renaissance, and not in the Middle Ages as some previous commentators had suggested,⁵ basing her observations on the author's symbols and references. Furthermore, as she argues, "[a]ny literate nineteenth-century writer (and reader) would have been aware of the fame, particularly marked in the Renaissance, of Padua and its university" (Bensick 1985, 29-30). Decisive clues regarding the Renaissance setting are offered, in order of appearance, by Hawthorne's references to Dante and his *Divine Comedy*, the University of Padua, sculptor and goldsmith Benvenuto Cellini, and the Borgia family.

Dante plays an important role as a source in "Rappaccini's Daughter," a point under-emphasized in Bensick's discussion. To understand the importance of Dante's presence in the narration, let us focus on the incipit of the tale in which the male protagonist Giovanni Guasconti is first introduced by the narrator:

A YOUNG man, named Giovanni Guasconti, came, very long ago, from the more southern region of Italy, to pursue his studies at the University of Padua. Giovanni, who had but a scanty supply of gold ducats in his pocket, took lodgings in a high and gloomy chamber of an old edifice, which looked not unworthy to have been the palace of a Paduan noble, and which, in fact, exhibited over its entrance the armorial bearings of a family long since extinct. The young stranger, who was not unstudied in the great poem of his country, recollected that one of the ancestors of this family, and perhaps an occupant of this very mansion, had been pictured by Dante as a partaker of the immortal agonies of his *Inferno*. (Hawthorne 1977, 178)

First of all, let us concentrate on the direct reference to Dante's *Inferno* in the quoted passage.⁶ In a probable attempt to undervalue or mask his knowledge of Dante, the author does not reveal the actual name of the Paduan noble. However, given that the only consistent description of a Paduan in Dante's *Inferno* comes from Canto XVII, it is

⁵ Since the tale is now in public domain, some independent publishers still brand "Rappaccini's Daughter" as a Medieval tale. An example is offered by the E-Artnow edition in their Gothic Classic line titled "Rappaccini's Daughter: A Medieval Dark Tale from Padua."

⁶ Dante is also extensively quoted in *The Marble Faun*.

quite easy to establish the identity of the noble: Rinaldo degli Scrovegni. In the *Inferno*, Rinaldo, an evil usurer known for having commissioned the Scrovegni Chapel to Giotto, endures the agonies of hell, suffering, like the other usurers, from falling flakes of fire while sitting on hot sand. Like other usurers, Rinaldo's "armorial bearings" are found in a purse emblazoned with his family's coats of arms placed around his neck:

That from the neck of each there hung a pouch, / Which certain colour had, and
certain blazon; / And thereupon it seems their eyes are feeding. [...] And one,
who with an azure sow and gravid / Emblazoned had his little pouch of white, /
Said unto me: "What dost thou in this moat? / Now get thee gone; and since
thou'rt still alive. [...] A Paduan am I with these Florentines. (*Inferno*, Canto XVII,
lines 55-70, tr. Longfellow)

The allusion to Rinaldo degli Scrovegni even allows us to give a precise geographical placement to the palace in which Guasconti takes lodgings: Palazzo degli Scrovegni. Adjacent to the previously mentioned chapel frescoed by Giotto, the palace was the Scrovegni family's ancestral home, which was demolished by the new owners, the Gradenigos, in 1827 after years of abandonment. The neglect of the palace, which, among other things, overlooked an enclosed garden that still exists today (*I Giardini Dell'Arena*, The Gardens of the Roman Arena), goes well with Dame Lisabetta's remark at the beginning of the tale: "Do you find this old mansion gloomy?" (Hawthorne 1977, 178) and with the dark atmosphere presented in the long quotation from the incipit above.

As I have asserted, Hawthorne's almost hidden reference to Rinaldo degli Scrovegni proves his profound knowledge of Dante. According to Joseph Chesley Mathews (1940), Hawthorne certainly read the *Inferno*, presumably all of it, by 1843—probably by 1835—and likely read the *Purgatorio* and *Paradiso* as well (165). At the time when he was writing the tale, Hawthorne "had a sound knowledge of Latin, and read Italian easily enough, although he never attained any proficiency in speaking it" (157), not even after his long trip to Italy. However, as Mathews points out at the end of his article, whether he read *The Divine Comedy* in Italian or in translation cannot be established (165). By 1844, eight partial or complete English translations of Dante's *Divine Comedy* were available. These translations were all penned by British authors

except Thomas William Parsons's *The First Ten Cantos of the Inferno of Dante* published by Ticknor and Fields in Boston in 1843 (later expanded under the title *The Divine Comedy of Dante Alighieri*, Houghton Mifflin, 1893). Henry Wadsworth Longfellow's highly influential translation⁷ was published only in 1867 and, therefore, it too cannot have been consulted by Hawthorne for the drafting of the tale. Given the reference to *Inferno*, Canto XVII in the incipit of the story, excluded from Parson's partial translation, Hawthorne must have accessed a British translation or the original Italian text.

Not until the Renaissance period was Dante first starting to be read outside the Tuscan borders; in the Middle Ages, circulation of the text was still limited to Florence. Therefore, the fact of a Neapolitan like Guasconti reading *The Divine Comedy* supports the argument for a Renaissance setting. Secondly, it is in the analyzed passage that Hawthorne emphasizes the importance of *The Divine Comedy* as "the great poem" of Italy, a distinction especially marked after the unification of the Italian state. Furthermore, Dante has a key role as a precursor in the *questione della lingua* (the question of Italian language), the name given to the centuries-long debate about the nature of the linguistic practice to be defined as standard Italian. It is not by chance that what became known as standard Italian is the literary version of Florentine dialect. Given that the *questione della lingua* originated as a debate in the Italian Renaissance, and given its predominance in Italian Renaissance culture, this may be a further point in favor of the Renaissance thesis.

Let us now focus on Hawthorne's representation of the University of Padua and its famous medical department. Bensick invites the reader to interpret Hawthorne's following lines regarding a possible historical truth beyond the scientific dispute between Rappaccini and Baglioni:

[Guasconti] might have taken Baglioni's opinions with many grains of allowance, had he known that there was a professional warfare of long continuance between him and Doctor Rappaccini, in which the latter was generally thought to have

⁷ Longfellow and Hawthorne graduated together as members of the class of 1825 of Bowdoin College and later became friends.

gained the advantage. If the reader be inclined to judge for himself, we refer him to certain black-letter tracts on both sides, preserved in the medical department of the University of Padua. (Hawthorne 1977, 185-86)

As Bensick (1985) adds, “[i]t is a fact of history that the University of Padua was the site of an especially heated academic controversy in the second decade of the sixteenth century, over the rational provability of the Christian doctrine of the immortality of the soul” (31). This controversy was viewed as a crucial and relevant moment by intellectual historians of the nineteenth century not only in Europe but also in the United States.

Lastly, let us focus on Hawthorne’s references to Benvenuto Cellini and the Borgia family. In the narration, Cellini is mentioned only once as the creator of Baglioni’s beautiful silver vial. In the passage, though, the Borgias are quoted as well: “Behold this little silver vase! It was wrought by the hands of the renowned Benvenuto Cellini, and is well worthy to be a love gift to the fairest dame in Italy. But its contents are invaluable. One little sip of this antidote would have rendered the most virulent poisons of the Borgias innocuous” (Hawthorne 1977, 204). Bensick points out that Cellini’s *Autobiography* (1728), one of the most important autobiographies from the Renaissance that was conveniently available to the English-speaking nineteenth-century reader in Thomas Nugent’s 1828 translation,⁸ confirms that the famous goldsmith did make a set of silver vials which were commissioned by Dr. Jacopo Berengario da Carpi,⁹ on whom the renowned artist does not show great consideration. The quick reference to the Borgias may have been used by the author to evoke a general

⁸ To further prove Hawthorne’s vast knowledge of Cellini’s *Autobiography* I can quote from Chapter XVII of *The Marble Faun*: “Nay, I have good authority for peopling the Coliseum with phantoms,” replied [Kenyon]. “Do you remember that veritable scene in Benvenuto Cellini’s autobiography, in which a necromancer of his acquaintance draws a magic circle—just where the black cross stands now, I suppose—and raises myriads of demons? Benvenuto saw them with his own eyes,—giants, pygmies, and other creatures of frightful aspect, capering and dancing on yonder walls. Those spectres must have been Romans, in their lifetime, and frequenters of this bloody amphitheatre,” 121.

⁹ In Cellini’s *Autobiography*, there is an extensive passage on the silver vials: “This is a copy from a little silver goblet, of such and such weight, which I made at such and such a time for that charlatan Maestro Jacopo, the surgeon from Carpi. He came to Rome and spent six months there, during which he bedaubed some scores of nobleman and unfortunate gentlefolk with his dirty salves, extracting many thousands of ducats from their pockets. At that time I made for him this vase and one of a different pattern. He paid me very badly; and at the present moment in Rome all the miserable people who used his ointment are crippled and in a deplorable state of health,” <http://www.gutenberg.org/ebooks/4028> (name of translator not found).

atmosphere of treachery in a Renaissance setting while also referring to the theme of poisoning.

RAPPACCINI'S GARDEN AS A DOUBLE OF PADUA'S *ORTO BOTANICO*

Now that I have considered Hawthorne's historical and literary references in the story, I can affirm that his deliberate choice of these specific details attests to his desire for historical accuracy. In Bensick's view, given the examples discussed above, the tale must take place between 1527 and 1533. Let us now focus on Rappaccini's garden and how it can be understood as a representation of Padua's renowned Botanical Gardens, also belonging to its ancient University. The garden is first described at the beginning of the tale as follows:

From its appearance, he judged it to be one of those botanic gardens which were of earlier date in Padua than elsewhere in Italy or in the world. Or, not improbably, it might once have been the pleasure-place of an opulent family; for there was the ruin of a marble fountain in the centre, sculptured with rare art, but so woefully shattered that it was impossible to trace the original design from the chaos of remaining fragments. (Hawthorne 1977, 179)

As many commentators point out, apart from the real Paduan gardens themselves, Hawthorne's inspiration for the depiction of Rappaccini's garden could come from two Italian literary sources: the aforementioned *Divine Comedy* and Boccaccio's *Decameron*. The Dante reference regarding the representation of Rappaccini's garden has been studied by some scholars, most notably Lois A. Cuddy (1987). Cuddy claims that Rappaccini's garden is a reworking of the allegorized Garden of Eden at the summit of Mount Purgatorio in Cantos XXVII-XXXIII of *Purgatorio*, the place where Dante first meets the heavenly version of Beatrice. The Boccaccio inspiration, however, was only recently introduced. In his essay, by initially proving Hawthorne's knowledge of Boccaccio through a reading of the *French and Italian Notebooks*, William Sayers (2006) underlines that the villa in Fiesole, near Florence, to which the group of seven young men and women move between Days Two and Three of the *Decameron*, is also surrounded by an attractive garden (n. pag.). As Sayers shows, Boccaccio's description of

the garden is highly similar to Hawthorne's, especially in its beauty and the interconnection between fountains, water, and plants:

In the middle of the lawn was a basin of whitest marble, graven with marvellous art; in the centre whereof—whether the spring were natural or artificial I know not—rose a column supporting a figure which sent forth a jet of water of such volume and to such an altitude that it fell, not without a delicious plash, into the basin in quantity amply sufficient to turn a mill-wheel. The overflow was carried away from the lawn by a hidden conduit, and then, reemerging, was distributed through tiny channels, very fair and cunningly contrived, in such sort as to flow round the entire lawn, and by similar derivative channels to penetrate almost every part of the fair garden, until, reuniting at a certain point, it issued thence, and, clear as crystal, slid down towards the plain, turning by the way two mill-wheels with extreme velocity to the no small profit of the lord. The aspect of this garden, its fair order, the plants and the fountain and the rivulets that flowed from it, so charmed the ladies and the three young men that with one accord they affirmed that they knew not how it could

A little gurgling sound ascended to the young man's window, and made him feel as if a fountain were an immortal spirit, that sung its song unceasingly, and without heeding the vicissitudes around it; while one century embodied it in marble, and another scattered the perishable garniture on the soil. [...] There was one shrub in particular, set in a marble vase in the midst of the pool, that bore a profusion of purple blossoms, each of which had the lustre and richness of a gem; and the whole together made a show so resplendent that it seemed enough to illuminate the garden, even had there been no sunshine. Every portion of the soil was peopled with plants and herbs, which, if less beautiful, still bore tokens of assiduous care; as if all had their individual virtues, known to the scientific mind that fostered them. Some were placed in urns, rich with old carving, and others in common garden-pots; some crept serpent-like along the ground, or climbed on high, using whatever means of ascent was offered them. (Hawthorne 1977, 179-80)

<p>receive any accession of beauty, or what other form could be given to Paradise, if it were to be planted on earth. (<i>Decameron</i>, Third Day, Introduction, tr. Rigg)</p>	
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Moreover, even though “Rappaccini’s Daughter” takes place in Padua and not in Florence, “[i]t may be objected that many enclosed Italian gardens of the Renaissance and later resemble one another, that the walls, walks, and fountain, to single out architectural details, are conventions, and that the flora are similarly commonplaces—in reality as in literature” (Sayers 2006, 35).

After considering these plausible literary sources, it is also noteworthy to see how Hawthorne’s descriptions of Rappaccini’s garden correspond to reality. As depicted above, it is not difficult to reason that Hawthorne could have based his depiction of Padua on his literary predecessors and contemporaries. Moreover, the author could never ascertain whether his descriptions were accurate; he never got to visit the Veneto region during his trip to Italy¹⁰ in the years following the publication of the tale. However, as Pietro Casetta (2014) has studied, Hawthorne’s depiction of Rappaccini’s garden is indeed faithful and well-researched and this is important because, once more, it attests to his desire to provide a plausible setting for his tale.

At the time when Hawthorne was writing, there were seventeen fountains in Padua’s *Orto Botanico*; some of them can still be seen today and are indeed “sculptured with rare art” depicting some elegant lion’s muzzles. The description of the plants and flowers also proves to be truthful and scientifically accurate. In fact, some of the plants described in the narration can still be found in the *Orto Botanico*: “All about the pool into which the water subsided grew various plants, that seemed to require a plentiful supply of moisture for the nourishment of gigantic leaves, and in some instances, flowers gorgeously magnificent” (Hawthorne 1977, 180). According to Casetta (2014),

¹⁰ A visit to at least Venice was planned for Hawthorne’s Italian stay, however, his daughter’s Una sudden illness cut the trip short. Battilana, “Il fantastico ‘Orto’ padovano di Hawthorne,” 9.

Hawthorne is referring to the *Colocasia esculenta* here, an aquatic plant native to India and Malaysia, which loves humidity and moisture, exactly as in Hawthorne's depiction. Hawthorne is even correct regarding the existence of a statue dedicated to Vertumnus, the god of seasons and plant growth as well as gardens and fruit trees: "One plant had wreathed itself round a statue of Vertumnus, which was thus quite veiled and shrouded in a drapery of hanging foliage, so happily arranged that it might have served a sculptor for a study" (Hawthorne 1977, 180). The statue, created by prominent sculptor Antonio Bonazza, still exists and can be spotted during a visit to the Botanical Gardens in Padua.

CONCLUSION: HAWTHORNE'S REPRESENTATIONS OF ITALY BEYOND "RAPPACCINI'S DAUGHTER"

The study of Hawthorne's Paduan setting of "Rappaccini's Daughter" proves indeed to be multilayered and multifaceted. As we have seen, the study of the rich references in the text through the wealth of examples provided allows the reader to understand the author's desire for historical accuracy and truthfulness to his setting by partially disproving the author's later remarks in the Preface to *The House of the Seven Gables*. Hawthorne's choices, although they may seem obscure at first, can be read as a powerful allegory of the artist's wide culture, a deliberate tool to convey a particularly deep knowledge of Italian literature, art, and history. Moreover, as Ullén (2004) points out, this very short story already bears in itself the embryo of the main structural principle, mostly the use of chiasmic inversion, of the longer romances that were to follow within five or six years (74).

By way of conclusion, it can be affirmed that the Padua of "Rappaccini's Daughter" with its gloomy and Gothic atmospheres foreshadows subsequent representations of Italy in Hawthorne's production and, in particular, the Rome of *The Marble Faun* (1860), the author's last completed romance. Hawthorne's Rome in *The Marble Faun* is certainly appreciated by its narrator and main characters for its beauty, splendid architecture, and rich history. However, as the following passage underlines, it is also a city that hides a darker side, just like Padua in the previously analyzed tale:

We know not how to characterize, in any accordant and compatible terms, the Rome that lies before us; its sunless alleys, and streets of palaces; its churches, lined with the gorgeous marbles that were originally polished for the adornment of pagan temples; its thousands of evil smells, mixed up with fragrance of rich incense, diffused from as many censers; its little life, deriving feeble nutriment from what has long been dead. Everywhere, some fragment of ruin suggesting the magnificence of a former epoch; everywhere, moreover, a Cross,—and nastiness at the foot of it. As the sum of all, there are recollections that kindle the soul, and a gloom and languor that depress it beyond any depth of melancholic sentiment that can be elsewhere known.

Yet how is it possible to say an unkind or irreverential word of Rome? —the City of all time, and of all the world!—The spot for which Man's great life and deeds have done so much, and for which Decay has done whatever glory and dominion could not do! [...] (Hawthorne 2002, 87)

Given the prominence of the Italian setting in the romance, which was essentially based on a careful reworking of lengthy passages taken from Hawthorne's *Italian Notebooks*, some commentators have even defined *The Marble Faun* as a Gothic travel book or as a "charming guidebook" (Miller 1995, 447) of Rome.¹¹ In fact, the romance was published at the precise historical moment when Americans were starting to become truly obsessed with Europe and Rome, in particular. Even the romance's narrator jokingly remarks: "as all my readers know, for everybody nowadays has been in Rome" (Hawthorne 2002, 56). As Susan Manning (2002) points out in her introduction to the romance, in the nineteenth century, American visitors to Europe, especially literati and artists, were moved by a desire for culture and were mainly seeking authenticity, even though they were not always able to discern it (xxxii). As we have seen, Hawthorne already possessed a solid knowledge of Italian culture before even visiting the country. In the narration, the events that intertwine the lives of Donatello, the Count of Monte Beni, Kenyon, a sculptor, and the two painters, Hilda and the mysterious Miriam, come to life in a frame that is, on the one hand, precise from a historical perspective and, on the other hand, enigmatic and purely Gothic. Donatello, who is often compared to

¹¹ For example, Christian Tauchnitz's three-volume illustrated printing of *The Marble Faun* contained photogravure prints of the churches, buildings, towers, and art referenced in the narration. Moreover, nineteenth-century American tourists even took the romance with them and used it as a real guidebook when visiting Rome.

Adam and amazingly resembles the marble Faun of Praxiteles, falls in love with Miriam and his love for the woman even leads him to commit a murder. The bond between Donatello and Miriam will make the narrative a fresco on the complicated relationship between man and evil.

In the Preface to *The Marble Faun*, by walking away once again from the ideas expressed at the beginning of *The House of the Seven Gables*, Hawthorne (2002) claims the importance of the Italian setting and of the descriptions “of various Italian objects, antique, pictorial, and statuesque” (4). Moreover, as the author points out, “these things fill the mind everywhere in Italy, and especially in Rome, and cannot easily be kept from flowing out upon the page when one writes freely, and with self-enjoyment” (4-5). Compared to “Rappaccini’s Daughter,” the author’s desire to demonstrate his knowledge of Italian culture (in particular art, architecture, and history) is still allegorical but finally made explicit. All of this, combined with the experiences derived from Hawthorne’s real-life extended visit to Rome, contributes to create a romance in which the truthfulness of the setting and fidelity to the actual have been deemed as some of its strongest features.

Furthermore, the historical aspect, as highlighted in Ugo Rubeo’s article, is once again important in the romance’s structure (Rubeo 2014, 1).¹² Since the days of “Rappaccini’s Daughter,” Hawthorne had been deeply fascinated with the relationship that Italy has with its rich and complex history. A relationship of strong dependence on the past and constant negotiation between past and future, something that is different if compared to a nation like the United States with a more recent history, even though for the author himself, particularly given his unique family history, the past always has repercussions on the present. In *The Marble Faun*, the author finally has the opportunity to analyze this deep bond, especially through the strong symbology of sculpture. In fact,

¹² It is precisely Hawthorne’s personal interaction with Rome that unsettles his perception of history and the notion of antiquity. In fact, as one passage from his *Italian Notebooks* highlights: “It is strange how our ideas of what antiquity is become altered here in Rome; the sixteenth century, in which many of the churches and fountains seem to have been built or reedified, seems close at hand, even like our own days; a thousand years, or the days of the latter empire, is but a modern date, and scarcely interests us; and nothing is really venerable of a more recent epoch than the reign of Constantine,” 19-20.

it is no coincidence that the only Roman character in the romance is named Donatello, a name that immediately provokes a striking connection with one of the greatest Italian sculptors of the early part of the Renaissance. Furthermore, the author's general insistence on marble statues and effigies in the romance is highly reminiscent of the descriptions of the marble fountains and the statue of Vertumnus in "Rappaccini's Daughter." I can quote a passage from the long description of the garden of the palace in which Miriam's studio is located in Chapter V of *The Marble Faun*, which is strikingly similar to Rappaccini's garden:

THE courtyard and staircase of a palace built three hundred years ago are a peculiar feature of modern Rome, and interest the stranger more than many things of which he has heard loftier descriptions. [...] In the centre of the court, under the blue Italian sky, and with the hundred windows of the vast palace gazing down upon it from four sides, appears a fountain. It brims over from one stone basin to another, or gushes from a Naiad's urn, or spurts its many little jets from the mouths of nameless monsters, which were merely grotesque and artificial when Bernini, or whoever was their unnatural father, first produced them. [...] In one of the angles of the courtyard, a pillared doorway gives access to the staircase, with its spacious breadth of low marble steps, up which, in former times, have gone the princes and cardinals of the great Roman family who built this palace. (Hawthorne 2002, 31-32)

Descriptive passages like the one above have precise performative functions in Hawthorne's allegorical aesthetics (Ullén 2004, 269). They make the reader aware of the author's personal involvement with the events of the story (Ullén 2004, 327). They also establish a direct relationship between the historical realm of the reader and the fictitious sphere of the narrative (ibid.).

As we have seen, in addition to being historically accurate, Hawthorne's representations of Italy in the analyzed tale and romance need to be read both as an aesthetic and intellectual endeavor. The author's Padua and Rome in these two works are essentially a sum of the art works, and art and literary history that can be found there. Hawthorne offers the reader his personal but verisimilar take on the two cities mediated by his knowledge of Italian literature, art, and history without ever falling into exoticism. Through the wealth of intellectual references at work in the Paduan and

Roman settings of the two narratives, we can therefore identify an overarching allegorical depiction of the artist/author's own vast culture.

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MELVILLE, BEAUTY, AND AMERICAN LITERARY STUDIES: AN AESTHETICS IN ALL THINGS

Cody Marris (author)

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Reviewed by Pilar Martínez Benedí

In my experience in the classroom teaching American literature to undergraduates, I have often noticed a disarming disinterest in the beauty or aesthetic dimensions of the literary text among some students. Of course, there are exceptions. But many of them will promptly declare that they do or do not like a certain work, at the same time dismissing the aesthetic pleasure of reading in favor of the text's aboutness. I was reminded of my students' (dis)inclination when reading Cody Marris's remarks about the New Critics' weariness of the aesthetic experience, or their repudiation of "how a text makes you feel" in the interest of "objective criticism" (18), in *Melville, Beauty, and American Literary Studies*. Marris defies the New Critics' (and my students') stance, as he explicitly sets out to "think about," or to "reclaim," beauty (v, 17) in an author who, as Alex Calder once wrote, "has written more badly than most [of his contemporaries]" (11).

This is one of the reasons why Marris's latest book is provocatively unconventional. With a certain pride, Marris concedes that his stance is rather "minoritarian" (17) in American literary studies (yet throughout its pages he slyly shows that he's in illustrious company. Another reason is its (apparent) un-timeliness. "Is it appropriate to think about beauty at such an ugly time?" (v), he wonders in the first paragraph of the Preface, aptly titled "Beauty in a Time of Pain." Marris is here thinking about the COVID pandemic (in the middle of which he wrote most of the book), yet the question resonates insistently also in our ugly world today, COVID aside: are there not more urgent issues—political, ideological, social—to think about, and reclaim, nowadays? Yet what *Melville, Beauty, and American Studies* does so well is precisely to valorize the links between beauty and suffering, between the aesthetic and the

philosophical—the far-reaching use of beauty, in sum, as the book’s subtitle, “An Aesthetics in All Things,” suggests. Finally, the book is also unconventional in its object of analysis or corpus of choice. Of all the immensity of Melville’s oeuvre, Marris picks out a peculiar and uneven triad: two poetry collections, *Timoleon* and *Weeds and Wildings*, along with his “mighty book,” *Moby-Dick*, thus bringing together, on quite an equal footing, Melville’s most famous masterpiece (and one of the perpetual candidates for the title of “the Great American Novel”) and two of his lesser known and, by Marris’s own admission, “relatively unbeloved [works] even among Melvilleans” (107). Marris attempts to account for this curious choice, as well as for the visible absence of chronological or cultural-historical preoccupations, in the valuable “Postscript,” which nicely attends to the latter part of the title (“American Literary Studies”), as it situates itself among recent intellectual work (from Bruno Latour to Rita Felski) that abandons suspicious or symptomatic readings to advocate for a more hopeful and positive engagement with the literary text. Earlier in the book, Marris blithely declares that he considers *Timoleon*, *Weeds and Wildings*, and *Moby-Dick* “to be among Melville’s very best [...] finely crafted, ingeniously conceived, and acutely aware of beauty’s role in everyday life” (17), in some way anticipating the book’s overall commitment to aesthetic experience. Marris is unashamed to talk about beauty and one of the virtues of his book lies in the natural, effortless interweaving of sophisticated intellectual reasoning with personal preference and pleasure.

To be sure, the book is not merely an aesthetic evaluation of Melville’s writing and works. Rather, Marris takes up the task of presenting Melville, an author better known as a “writer of the sublime” and of the ugly (5), as instead “persistently interested in beauty as both an idea and an experience” (5). Such interest, then, according to Marris, is at once theoretical/ontological—what *is* beauty—and experiential/aesthetic—what are the *effects* of beauty. For Melville, indeed, (and this is one of Marris’s main concerns throughout his book), “philosophy and aesthetics are inextricably linked,” both are ways of knowing, of apprehending the world. And they are co-dependent (13). An exploration of Melville’s engagement with beauty must of course take into account his fascination with the visual arts, and particularly with classical art—Greece, Rome, and Egypt, their

sculpture and architecture, as well as their representation in engravings and painting. Yet Marrs seems much more deeply invested in showing his readers how, for Melville, beauty is everywhere, an essential part of our relational sphere. Melville's philosophico-aesthetic sense of beauty, Marrs suggests, is co-extensive with "all animated nature" (13). Defined and characterized by mutuality and relationality, beauty defies the human/non-human divide. And, in this sense, Marrs's study is in fluid conversation with recent scholarship on Melville and new materialism and/or impersonality (the work of Branka Arsić, Sharon Cameron, Michael Jonik, or Tom Nurmi come to mind), that tends to dissolve the boundaries of the self and emphasize the entanglements of the human with all kinds of natural forces. "Beauty for Melville," writes Marr, "is not a rarefied essence but a common force that tends to appear when one least expects it" (44). Throughout the pages of this engaging book, Marrs lauds and recuperates Melville's care for the "materiality of beauty" (51). Its strong philosophical background notwithstanding, Marrs's book approaches beauty (following Melville's lead) at a sensory and intuitive, as opposed to a cognitive or logical, level. "This is where beauty comes to play," he writes, "by arousing the senses and revealing the copious ways in which we are constituted by other modes of life" (14).

If the introduction aptly resolves the above theoretical and methodological questions, Marrs devotes three separate chapters to exploring what he calls "Melville's philosophico-aesthetic modes," to be understood as "style[s] of thinking" or "pattern[s] of expression" that allow him to try out and measure "the artistic, ethical, and intellectual worth of various ideas" (15). Marrs pairs each of these modes with one single work: although, he concedes, Melville's modes do frequently coexist and overlap, "each work possesses a distinct philosophico-aesthetic architecture" (27). Chapter 1 analyzes "Ancient Beauty in *Timoleon*," a mode that allows him to recuperate the lost sense of beauty's radical ubiquity. Through the poems' engagement with ancient art, Marrs suggests, Melville views beauty as inherent in nature's shapes, as mixed rather than pure, as the natural extension of earthly life. Chapter 2 moves from ancient to floral beauty in *Weeds and Wildings*, a work that concentrates not on the exceptional, but on the common. Starting from the smallness of floral beauty ("Melville finds beauty as well

as pleasure in the repetition of the common,” 60), Marrs reads *Weeds and Wildings* as a democratization of experience. “The poems indicate,” he writes, “that nearly every organism, from birds and moles to grass and flowers, experience beauty” (60). The conception of the self as fluid and the connections between beauty and suffering are read against Melville’s late engagement with Buddhism and the philosophy of Arthur Schopenhauer. This is a surprising, rich, and stimulating chapter. The third chapter reads *Moby-Dick* as an example of appalling beauty—but Marrs eschews the predictable focus on the majestic, stunning beauty of the whale (and its tail), to bring attention to the power of beauty to dissolve the self, to distribute personhood, to allow one to merge into the object of admiration. In *Moby-Dick*, Marrs suggests, Melville envisions a “social, ego-less quality of beauty” (83), to which Ahab is violently averse, and to which Ishmael is conversely receptive, as his relationship with Queequeg shows.

Melville, Beauty, and American Literary Studies courageously invites us to rethink the value of the aesthetic dimension of literature, so often overshadowed by cultural and ideological considerations. If “literature is broadly understood to be significant to the extent that it yields knowledge about the history of a certain society” (108), Marrs’s book reassesses the role of beauty in transmitting that knowledge—a teaching that I struggle to pass on to my students. Early in the book, Marrs aligns himself with Christopher Castiglia in calling for “a literary criticism based on hope and possibility rather than disenchantment” (23). Seizing on beauty as one of the modalities of hope, Marrs’s volume celebrates the guiltless pleasure of reading literature, even in ugly times.

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