Homosexual Panic:
Unlivable Lives and the Temporality of Sexuality
in Literature, Psychiatry and the Law

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Abstract

of thesis submitted by Matthew T. Helmers on 7 July 2011 to the University of Manchester for the degree of Doctor of Philosophy and entitled “Homosexual Panic: Unlivable Lives and the Temporality of Sexuality in Literature, Psychiatry and the Law”

Previous discussions of the category of homosexual panic have tended to dismiss it as anachronistic or homophobic. In contrast to these approaches, this thesis takes the term more seriously, arguing for its structural necessity to particular instances of literature, psychiatry and law in the United States. This interdisciplinary endeavor tracks the histories of the term, examining the impact of homosexual panic on contemporary understandings of sexuality, time and personhood. Adopting a Foucauldian framework, the chapters avoid offering a singular definition of homosexual panic in order to articulate the forces that historically make sense of the category. Divided into three sections, each organized around one of the areas in which homosexual panic occurs (literature, psychiatry and law), the thesis returns to the primary texts on homosexual panic, reading them against their source texts and in the context of current approaches to homosexual panic within the field of sexuality studies.

In the literature section, I focus on Eve Kosofsky Sedgwick’s appropriation of the term in Between Men and Epistemology of the Closet, reading this against her sources (both literary and critical) including Henry James’ “The Beast in the Jungle,” Gayle Rubin’s “The Traffic In Women,” James Hogg’s Confessions of a Justified Sinner and contemporary uses of Sedgwick’s concept in P.J. Smith’s Lesbian Panic. The chapters explore the imploded time of homosexual panic to expand upon theorizations of temporality by queer scholars, including Lee Edelman, Judith Halberstam and Elizabeth Freeman. Secondly, the psychiatry section reads the origin of homosexual panic in Edward Kempf’s 1920’s text Psychopathology in context with its dismissal in 1980’s psychiatric articles. Here, the mythologization of Kempf is read as establishing the American Psychiatric Association as coherent. Developing a theory of myth from psychoanalytic theorist, Shoshana Felman, the section creates alternate possible histories of homosexual panic through close readings of parallel concepts like Freud’s derealization and Roger Caillois’ dark space. Thirdly, the legal section offers close readings of Cynthia Lee’s “The Homosexual Panic Defense” and two court cases, the murder of Matthew Shepard and the trial of John Stephan Parisie, to articulate the components of the Homosexual Panic Defense (HPD). The chapters suggest that arguments against the HPD work by upholding panic-structures of revelation, outing and latency, while failing to address how homosexual panic is prefigured in certain versions of the U.S. Law.

These readings show how homosexual panic has become an example of, and strategy for, people living moments ‘beside’ their literary, psychiatric and legal selves. I call these moments ‘paratime’, which, I argue, enables new queer theorizations of concepts constituting these fields. By showing how homosexual panic structures queer time in literature, mythology in psychiatry and truth in law, the thesis demonstrates the influence of homosexual panic on the terms placed at the center of each field. The conclusion argues that homosexual panic troubles the centrality of these concepts and, invoking Judith Butler, proposes alternate modes of theorization that enable us to recognize how particular lives continue to be made unlivable.
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Introduction

Returning to Homosexual Panic

Through the workings of the structure “It takes one to know one,” as well, habits of reading, habits of recognizing and responding to fictional character and plot, habits of knowing, all were brought under the paranoia-propagating organization of male homosexual panic. “It takes one to know one,” the one who knows and the One who is taken become, in this exemplarily Gothic little catchphrase, indistinguishable.

–Eve Kosofsky Sedgwick

In 1986 Eve Kosofsky Sedgwick returned to her book The Coherence of Gothic Conventions in order to append a preface that resituated this work around the concept of homosexual panic. Homosexual panic, developed in her 1985 text Between Men, is a term borrowed (according to Sedgwick “stolen”) from a “relatively rare psychiatric diagnosis” to denote a feeling of paranoia that arose in the Western male populace beginning in the nineteenth century (Epistemology 20). Over the course of two books, Between Men and Epistemology of the Closet, Sedgwick details how Western men struggled to maintain their male-male friendships (what she terms “homosociality”) in a world that was starting to regard any male-male interaction as potentially tainted by homosexuality (Between 2). Sedgwick’s concept of homosexual panic helped to instantiate the field of gay studies and was appropriated retroactively as one of the seminal concepts for queer theory during a flurry of articles in the 1980’s and 90’s and several related books like P.J. Smith’s Lesbian Panic and Ron Becker’s concept of ‘straight panic’ from his book Gay TV and Straight America.

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1 (Coherence xi). Regarding references: where the author has more than one text in the bibliography, the first word of the text’s title is used parenthetically with page numbers for citation. Where the author has only one text in the bibliography, the author’s surname is included parenthetically with page number for citation. If either text or author’s name is featured in the sentence including the reference, only the page number is listed parenthetically.

2 See for example Michel “Lesbian Panic and Mary Shelley’s Frankenstein,” Valente “Thrilled by His Touch: Homosexual Panic and the Will to Artistry in ‘A Portrait of the Artist as a Young Man’,” Crain “Lovers of Human Flesh: Homosexuality and Cannibalism in Melville’s Novels” and Dellamora “Representation and Homophobia in The Picture of Dorian Grey.”
However, homosexual panic has currently fallen out of the academic spotlight, as lesbian/gay studies and queer theory turn their attention to other ways of conceptualizing the interaction between sexuality, sociality and Western culture. One of the predominant contemporary modes of theorization has proven to be ‘affect theory’ as exemplified in works like Sara Ahmed’s *The Cultural Politics of Emotion*, Sally Munt’s *Queer Attachments* and David Eng’s *The Feeling of Kinship* as well as Sedgwick’s own affective turn beginning in “Paranoid Reading, Reparative Reading” and continued in *Touching Feeling*. Drawing upon this turn, writers like Heather Love ask us to return to our pasts and explore the bad, or backward, feelings that dwell there, as it is from “the scene of destruction at our backs” that we gain our (problematic according to Love) impetus to construct a brighter future for “queers” (Love 162).

David Halperin and Valerie Traub in their collection *Gay Shame* similarly return queer academics to the shameful affects of the past in order to question where, how and why shame provides a way for thinking through contemporary challenges in the field of “queer studies” (9).

But, in feeling our way through the past as Love asks us to do and in turning away from paranoia and towards reparative affect as Sedgwick later counsels, perhaps we have forgotten the past feelings of persecution and panic that formed the basis of both Sedgwick’s work and of the foundation and development of lesbian/gay studies and queer theory. Were we to turn to the past, as Halperin and Traub suggest, we would have to return not just to the history of

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3 Here I use ‘lesbian/gay studies’ to characterize a set of interrelated academics and a roughly grouped set of projects that examine issues of sex and sexuality with respect to lesbian, gay and heterosexual people. As Henry Abelove *et al.* state in their introduction to *The Lesbian and Gay Studies Reader* “Lesbian/gay studies...intends to establish the analytical centrality of sex and sexuality within many different fields of inquiry, to express and advance the interests of lesbians, bisexuals and gay men, and to contribute culturally and intellectually to the contemporary lesbian/gay movement” (xvi). This designation could expand (and in some cases has expanded) to include any study interested in centralizing an examination of sex/sexuality (i.e., LGBT Studies, Queer Studies, etc.). I preserve the designation lesbian/gay studies to emphasize that the works mentioned in this Introduction typically involve lesbians and/or gays (though this designation will be problematized throughout the thesis, beginning with Chapter Two). Additionally, as Halperin notes in “The Normalization of Queer Theory” and *Gay Shame*, queer theory was proposed initially as an intervention into, and continues to potentially be at odds with, lesbian/gay studies. Chapter Three in particular will follow this initial project of queer theory in challenging certain lesbian/gay studies academics in their reduction of other forms of aberrance to issues of lesbian and gay sexuality or “a less exclusively defined sexuality” (*Epistemology* 206).
shame, but also to the histories of which we are ashamed: to the homosexual panic at the center of Sedgwick’s seminal texts.

Homosexual panic is perhaps best known in its use as a U.S. legal defense beginning in the 1960’s and still argued with some frequency today. In the U.S. law, homosexual panic provides the basis for the Homosexual Panic Defense (HPD) in which “the reasonable and ordinary person provoked by a homosexual advance kills because the solicitation itself causes an understandable loss of normal self-control” (Chen 203). The HPD has been criticized heavily by prominent legal and literary scholars almost since its instantiation. Yet, the HPD’s continued legibility in the U.S. gives credence to Sedgwick’s reading of homophobia as an “immensely powerful tool...for the manipulation of every form of power that was refracted through the gender system—that is, in European society, of virtually every form of power” (Between 87). The critics of the HPD take issue with this institutionalization of homophobia, while at the same time evincing the ‘powerful’ ways in which contemporary homophobia enables homosexual panic and the HPD.

The literary and legal traditions both trace the origin of homosexual panic back to its first articulation in the work of psychiatrist and psychoanalyst Edward Kempf’s 1920 text Psychopathology. However, by the 1980’s, homosexual panic in psychiatry had been relegated to what one psychiatrist called “the junkyard of obsolete psychiatric terminology” (Chuang and Addington 616). This verdict was reiterated in 1988 and since then no significant studies of homosexual panic have occurred in psychiatry.

In U.S. literature, psychiatry and law, homosexual panic has been defined, employed, critiqued at length and in some cases nominally rejected. This thesis is not about what homosexual panic is, because this already has been done by Eve Kosofsky Sedgwick in

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literature, Edward Kempf in psychiatry and various legal scholars including Cynthia Lee in the U.S. law. Instead, this thesis is about how these definitions are made to make sense within our contemporary culture and the importance of understanding these sense-making structures. As Michel Foucault has shown throughout his work, in addition to defining something already extant, knowledge can be read as the effect of diverse networks of power which work to constitute that piece of knowledge as a thing to be known.⁵ Along with Smith’s thinking about how Sedgwick took the term homosexual panic from psychiatry, and Lee’s demonstration of how the law adapted the term from Kempf’s book, this thesis examines the forces which facilitated the literary and legal appropriation of homosexual panic, as well as the forces which set homosexual panic’s origin within psychiatry.

My use of the term forces indicates a specific way of thinking about my primary texts. As Chapters One, Four and Six will demonstrate, the scholarship on homosexual panic typically cites the origin of the term in another text. A tension arises in that the citation and the primary text are usually at odds, if not oppositional. For example, the psychiatric use of homosexual panic cites an understanding of the term in Kempf as non-violent. However, in Kempf’s *Psychopathology* there are several case studies involving violent instances of homosexual panic. The chapters of this thesis point out these disparities not to prove a specific citation wrong or to employ a more accurate reading of the primary text against contemporary scholarship, but instead to show that the process of citationality does not depend fully on a fidelity to the source text. Instead, I start with contemporary texts in order to affirm that the intellectual trajectory of homosexual panic is created from the present and influenced not only by the primary texts cited, but also by other unreferenced forces. The chapters do not make a distinction between faithful and inaccurate representations, but rather look towards how a

⁵ See for example *The Order of Things* and “Truth and Juridical Forms” in which Foucault details the ways that man is both author and subject of systems of knowledge. Furthermore, in *Discipline and Punish* Foucault affirms “it is not the activity of a subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge,” (28).
misrepresentation of a citational history continues to function as a powerful legitimation of homosexual panic. This allows the thesis to explore the forces perpetuating and sustaining homosexual panic (which include commonly accepted, but perhaps textually inaccurate, understandings of certain seminal texts) without attempting to fix homosexual panic to a singular accurate definition.

By forces, then, I specifically mean uncited or mis-cited material including primary texts, concepts extrapolated from other author’s works and textualized events like court proceedings, psychiatric cases and historical accounts. This stance is influenced by Sedgwick’s work on the chunky concept through which books “can therefore have a presence, or exert a pressure in our lives and thinking, that may have much or little to do with what’s actually inside them,” and from other recent work including Freeman’s concept of drag and her mention of “the gravitational pull” of lesbian studies which draws queer back into previous understandings of certain identity movements (“Melanie” 625; Time 62). This thesis examines the gravitational pulls exerted on homosexual panic by other concepts and texts, as well as contending that homosexual panic, even with its relative invisibility in current academic works, continues to exert a significant force on other concepts of contemporary importance like time, sexuality and knowledge.

These forces do not act indiscriminately, but instead pull together texts and concepts that work with the same logic. This thesis refers to these concepts as sympathetic because they resonate productively with each other in order to enable understandings of each concept. The chapters chart those sympathetic concepts such as linear time, the bounded body and lack-based desire which exert a force on homosexual panic, and upon which homosexual panic

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6 My use of forces also bears a strong resemblance to Foucault’s term discourse. I avoid reusing his term for two reasons: first, as Chapter Seven will show, certain writers have deployed Foucault’s concept of discourse in opposition to reality, as in ‘mere’ words that still have an effect. ‘Forces’ hopefully reinstitutes the elimination of ontological distinctions between the material and fictive, characteristic of Foucault’s original use (see The Archaeology of Knowledge). Second, I use forces to acknowledge my indebtedness to Sedgwick and others, as forces combines their understandings of (and elaborations upon) power, relation and influence not exclusive to, or contained within, Foucault’s term discourse.
likewise exerts its force. For example, in *Panic Diaries* Jackie Orr explores the history of panic disorder in the U.S. through blending a performance-influenced writing style with feminist science studies in order to explain how panic stages future effects before their present causes. This understanding of the interaction between time and panic depends on the sympathetic concept of time as linear, because in linear time there is an understanding of a future that comes sequentially after the present. Without this concept, there would be no future for panic to implode into the present, and therefore no panic as Orr defines it.

While panic depends upon this sympathetic concept of time, it also breaks the logic of time by interrupting the temporal sequence and imploding future into present. In this paradoxical moment where panic interrupts the logic of a concept upon which it depends, panic opens up new ways of conceiving its sympathetic concepts, in this case time, through demonstrating how a certain model of time (what Chapter Two will call the chronologic) both functions and fails to function.

Contemporary feminist and queer theorists tend to critique temporality through demonstrating ways of experiencing time that distort chronologic constructions. For example, Elizabeth Freeman slows down normative time through her concept of temporal drag; Heather Love feels the affective pull of history and orients her time towards a backwardness; Judith Halberstam presents a compressed time that, according to her, opposes the domestic; Lee Edelman suggests a Lacanian temporality no longer grounded in an investment in a future guaranteed through reproduction and the Child; and Jose Muñoz emphasizes the future as a unique space of queer possibility. These scholars seem to draw upon David Halperin's understanding of the term queer to indicate “whatever is at odds with the normal, the

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7 For more on the interaction between sequence, sexuality and temporality see Jagose *Inconsequence*. For an examination of the ways in which the 'posthumous' similarly "throws chronology into disarray" see Tambling *Becoming Posthumous* (7).

8 See Freeman *Time Binds*; Love *Feeling Backward*; Halberstam *In A Queer Time and Place*; Edelman *No Future*; and Muñoz *Cruising Utopia*. For additional theorizations of queer time, see the GLQ special issue *Queer Temporalities* edited by Elizabeth Freeman. For an extensive feminist critique of theorizations of time, see Grosz *Space, Time and Perversion* and *Time Travels*. 
legitimate, the dominant” in order to respond to, and contort, the normative through an oppositional queer time (Saint 60).

This oppositional time seems to lead, as Tom Boellstorff has noted, to theories of time still governed by the linear temporal model that these academics set out to critique. In addition to these permutations of what Boellstorff calls “straight time,” homosexual panic poses a queer time more akin to Sedgwick’s definition of queer as “the open mesh of possibilities, gaps, overlaps, dissonances and resonances, lapses and excesses of meaning” (Boellstorff 228; Tendencies 8). The most common narratives of homosexual panic in U.S. law involve ‘going crazy,’ going ‘berserk’ and loss of memory/agency because of intense emotion.9 In these moments, time ceases to function as craziness and memory loss delete ideas of cause-effect, past-present-future and accurate memory. These queer gaps in time posed by homosexual panic potentially offer an avenue for thinking through moments not governed, and not governable, within the narratives of normative time, and ways of conceptualizing people and events that cannot be accounted for within the logic of straight time or an opposition to that straight time.

In addition to linear temporality, homosexual panic also relies on a sympathetic concept of the body as bounded. This is especially prevalent within psychiatry and the law in which the normative inviolability of the male body leads to the anxiety of being penetrated constitutive of homosexual panic. As noted in a wide array of feminist legal scholarship, including Ngaire Naffine’s “The Body Bag” and Susan Brownmiller’s Against Our Will, the law tends to promote a view of the body as complete, bounded and impermeable. The critique favored in response to this construction is a revision of the legal versions of the body to

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9 For examples see Parisie v. J.W.Greer (671 F.2d at 1015): “I just kind of blew up, went crazy. I don’t remember exactly or in anyway anything that happened after that;” State v. Van Hook (39 Ohio St.3d at 272): “I don’ know it’s like somethin’ possessed me, I jus’ wanted to try all these techniques of killin’ somebody that I learned in the service an ‘TV an’ so forth an’ jus’ went berserk;” Jones v. Delo (258 F.3d at 898): “He testified that after Mr. Albert grabbed him and he lost his balance and fell on his stomach, Mr. Albert jumped on his back and started pulling his (petitioner’s) pants down. All he could remember about the next twenty to thirty minutes was panic and pain.”
include the penetrated (male) body, and/or a celebration of the transgressive nature of the penetrated male, as in Leo Bersani’s “Is the Rectum a Grave?” and Tim Dean’s *Unlimited Intimacy*. Again, these critiques present a troubling of the norm through a valuation of its antithesis, yet as Halley’s work in *Don’t: A Reader’s Guide to the Military’s Anti-Gay Policy* has shown, this form of oppositional critique potentially reinforces the norm against which the critique argues. While homosexual panic also depends upon an anxiety that arises from threats to the bounded body, the panic then breaks the logic of this construction through presenting panicked moments in which the body is neither bound nor unbound but instead disincorporated.¹⁰

This thesis traces the ways in which homosexual panic relies upon and strengthens the forces of certain sympathetic concepts (such as time and the body) within the fields of literature, psychiatry and law. I also draw upon homosexual panic in order to rupture, break and queer these constructions, using the capacity of panic to evacuate time and the body to show the queer gaps in these sympathetic concepts.

Returning to homosexual panic provides a new way for considering another contemporary concern of lesbian/gay studies and queer theory, namely those lives which are at best precarious and at worst unlivable. These concepts of people’s lives, taken from Judith Butler’s recent work in *Precarious Life* and *Undoing Gender*, indicate those lives that fail to be accounted for within the governmental and academic disciplines charged with guaranteeing the recognition and respect of people’s existence. While numerous critics including both Sedgwick and Butler have suggested some benefits to existing within blind-spots and silences, others like Annamarie Jagose in *Lesbian Utopics* and Jeffrey Weeks in *Sexuality and its Discontents* warn against the violence still enacted against those queers who are relegated to spaces of transcendence, silence and non-recognition. Besides thinking about how lives can be either livable or unlivable, recognized or silenced, temporal or atemporal, bounded or

¹⁰ These disincorporated bodies will be discussed in Chapters Three and Five as well as Coda Three.
unbound, this thesis ultimately returns to homosexual panic to think of the catachresis\textsuperscript{11} that occurs when speaking of a gap in time as a temporal moment, or a break in the bound body as a new embodied experience. Here panic, in its ability to build upon the requisite either/or thinking that enables homosexual panic and to push people into the gaps, lapses and excesses that occur amidst and outside the either/or, provides a way to return to time, the body and lives with new possibilities for queer (non)understanding.

Drawing upon the discussion of forces and sympathetic concepts, and informed by a body of queer scholarship including Eve Kosofsky Sedgwick, Judith Butler and Michel Foucault, this thesis examines the concepts of homosexual panic through a close reading of critical, historical and fictive texts in literature, psychiatry and law. In literature, this means re-reading the primary texts “The Beast in the Jungle” and Confessions of a Justified Sinner, as well as Sedgwick’s work in Between Men and Epistemology of the Closet with an emphasis on the forces that enable and encourage an articulation of homosexual panic as an anxiety around homosexual potential. The psychiatric chapters follow writers like Shoshana Felman, who works at the intersection of literature, law and psychoanalysis, in asking how certain versions of psychiatry (and homosexual panic) are made to make sense by revisiting the primary texts in light of the force of these texts in contemporary psychiatric textbooks. The judicial chapters draw upon critical legal theory and writers like Janet Halley to examine how the language of

\textsuperscript{11} By catachresis I mean, through Butler, the part of speech where “this event that is no event will be subject to this same catachresis that I perform when I speak about it improperly as an event: it will be one that must be read for what it indicates, but cannot say, or for the unsayable in what is said” (\textit{Undoing} 43). Similarly, Edelman articulates catachresis in a psychoanalytic language, referring to “the catachresis of the imaginary when (what retrospectively will be construed to have been) bits and pieces are, as by fiat, transformed into wholes” (\textit{Homographesis} 193). The appropriation of the ‘fragmented’ concept/subject through this catachrestic wholeness will be examined in each chapter. Here I affirm that, for example, a gap in time is ‘improperly’ understood as a temporal moment, but speaks through the language of temporality, and is understood in both its resistance to, and articulation through, this language. As Derrida summarizes in “White Mythology:” “Catachresis does not go outside the language, does not create new signs, does not enrich the code; yet it transforms its functioning: it produces, with the same material, new rules of exchange, new meanings,” (59). Postcolonial theorist Gayatri Spivak expands Derrida’s conceptualization in \textit{Outside in the Teaching Machine}. Chapters Three and Five further explore catachresis through the idea of appropriation.
the law works to produce sympathetic concepts for homosexual panic in specific cases including *People v. Parisie* and in Cynthia Lee’s archetypical examples. In all three areas, this thesis traces how the language of the primary texts constructs a unique version of homosexual panic. I ask how U.S. literature, psychiatry and law define homosexual panic respectively, and what, if anything, these definitions have to tell us about how the writers envision their projects and their field. What sympathetic concepts of time, the body and sexuality need to be in place in order to understand homosexual panic in each of these areas? And what force does homosexual panic exert upon these concepts?

In examining these questions, I maintain a distinction between the homosexual panic of literature, psychiatry and law by dividing the thesis into three sections entitled Literary Panic, Psychiatric Panic and Legal Panic, each organized around one of the three areas that currently maintain a concept of homosexual panic. This sectional divisions emphasize homosexual panic’s emergence within various intellectual trajectories and how these trajectories are both constructed by, and reinforced through, disciplinary examinations. Furthermore, the separation of, for example, literary homosexual panic from legal homosexual panic, is intended to investigate how the distinct forces and sympathetic concepts of each area generate a particular version of homosexual panic for that area. The thesis also will survey how forces and sympathetic concepts work between literature, psychiatry and law to affect the other area’s concepts, as well as the ways in which the various homosexual panics pull on each other.

In order to reaffirm the distinctness of each type of homosexual panic (literary, psychiatric and legal) and indicate the places of resonance between them, each of the sections begins with a short overture and ends with a coda. These are not introductions and conclusions in the sense of pieces of writing devoted to elucidating, summarizing or rendering coherent a version of homosexual panic within each section. Instead, they are pauses in the argument that reformulate and challenge the concept of homosexual panic articulated in the
section while indicating the resonances and dissonances of that concept with the one articulated in the previous or subsequent sections.

Chapter One begins the Literary Panic section with a rereading of Sedgwick against her theoretical source texts in order to see how she constructs Western culture around the concept of homosexual panic. The chapter then critiques the use of Sedgwick’s construction of homophobic Western culture by others like P.J. Smith in her work *Lesbian Panic*. Through this theoretical backtracking, the chapter shows why and how Sedgwick places homosexual panic at the heart of Western culture, while also pointing towards the gaps that occur in arguing for a certain model of affirmative identity politics through this positioning.

Chapter Two develops the idea that homosexual panic draws together numerous categories including sexuality, time and knowledge into a singular expression. Positioning Sedgwick’s reading of “The Beast in the Jungle” against my close reading of the novella, I suggest that, in addition to sexuality, homosexual panic could indicate aberrant experiences of time, knowledge and the body. The chapter troubles Sedgwick’s conclusions about the power and possibility of coming out through questioning what these characters are asked to come out in to.

Chapter Three picks up this thread and continues it through a reading of one of Sedgwick’s earlier primary texts, James Hogg’s *Confessions of a Justified Sinner*. This chapter continues to show how sexuality becomes characterized as a topos towards which all aberrance is said to turn, even when that aberrance may have little to do with what Sedgwick would call genital sexuality. I conclude the chapter and the section affirming that through homosexual panic, homosexuality becomes representational for a set of pathologic modes of existence as well as serves as a codification of certain structural anxieties within Sedgwick’s version of Western culture.

Chapter Four begins the Psychiatric Panic section by tracing two histories of the American Psychiatric Association (APA) in order to show how homosexual panic provides a
framework for the way in which individual psychiatrists attempt to generate a coherent system of knowledge out of the diverse and fractured field of psychiatry. The chapter critiques both the histories written by psychiatrists in the 1980's in relation to homosexual panic, and the implicit histories written through the use of Greek mythology in panic disorder examinations. I suggest that, in these histories, the structural demands for coherency and the rejection of the multiple as pathologic are perhaps as formative of an understanding of panic and homosexuality as the APA's diagnostic categories.

Chapter Five develops this play of coherence and multiplicity through a critique of diagnosis. I suggest that while the APA uses diagnosis to generate knowable, singular and coherent 'souls' (to borrow Foucault's term), diagnosis also can be troubled or queered through the use of misidentification in the Delusional Misidentification Syndromes and Freud's concept of derealization. This chapter shows how structures of panic, which include diagnosis, can be used to both show the boundaries of a system (the either/or), as well trouble those boundaries through creating gaps and lapses.

Chapter Six introduces the Legal Panic section by looking at an axiomatic version of the Homosexual Panic Defense. Critiquing the supposedly constituent categories of this defense, the chapter employs alternate discourses from the military's anti-gay policy to the research into male-on-male rape in order to highlight how definitions, identities and lives are constituted through homosexual panic.

Chapter Seven takes this critique and places it in context by reading two cases of homosexual panic: the Matthew Shepard murder and the Parisie cases. These readings examine how knowledge about sexuality, identity and personhood are presented/constructed as truth and how this process borrows from the logic of homosexual panic. Juxtaposing the attempts to dismiss the HPD with the parallel discussions of res gestae evidentiary rules, I argue that homosexual panic is imbedded in the structure of both the judiciary and the critical
legal arguments against homosexual panic, so that while attempting to subvert the defense in its content, these texts ultimately uphold the logic of homosexual panic in their form.

This leads to the conclusion which follows the form of homosexual panic in order to both bring together and queerly rupture the understandings of Sedgwick’s Western culture, U.S. psychiatry and U.S. law articulated in the thesis. The conclusion brings the three sections together by demonstrating how the sympathetic concepts of time, truth, knowledge and sexuality occur in similar fashions through all three fields. In following the panic logic, the conclusion also splits apart these fields and concepts, in order to show again how the gaps and lapses presented by the unintelligible aspects of panic and people posit a 'beside' that cannot be made to signify coherently.
Overture

Literary Panic

The cure. May it be not worse than the disease.

—Man of la Mancha

In *Between Men* Eve Kosofsky Sedgwick, who instantiated the literary use of the term homosexual panic, asks “what does it mean...when the oppression of homosexual men has a marginal, terroristic, synecdochic structure rather than a wholesale, genocidal, literalizing one?” (*Between* 88). For her, it means that all men are under the continual regulatory control of homophobia in which the random persecution of small groups of homosexuals exercises a continual curtailing of the possibilities for intersubjective relations. This synecdoche, whereby the persecution of one homosexual represents the possibility of any male being persecuted as if he were a homosexual, explains why men have problems relating to other men, why females need to be included within male-male relations and why all men historically have gone to great lengths to establish their own incontestable heterosexuality. But does the threat of homophobic genocide really explain the structure of Western culture?

In Sedgwick’s understanding, this synecdochic violence functions even when the possibility of actually killing/persecuting all members of the group is logistically impossible. As she shows in a non-homosexual scenario, the lynch mobs of the post-slavery American South were effective in regulating the black populace only because of the terroristic affirmation that any black person at any time could be the source of a new outbreak of violence, even when it was impossible for there to be a “genocidal ‘solution’” in which lynch mobs killed all black people (*Between* 88). Hence, the synecdoche forces all people within the represented group to feel the pressure of threatened murder, while simultaneously hiding the impossibility of actualizing that threat. Sedgwick further affirms “in linking the descriptions ‘terroristic’ and ‘synecdochic’ here, I am describing a relation of part to whole that is, constitutively, unstable and unascertainable,” unascertainable because the link between individual violence and mass-

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1 Wasserman 42.
violence cannot be proven, and unstable because the promise of mass-violence that governs the relations can never be realized as more than an empty threat (88). Yet, through synecdoche, this threat is experienced as realized, even if not realizable.  

This continual fear of persecution makes some people's lives unlivable and as such Sedgwick advocates the elimination of the persecution and hatred of so-called aberrant sexualities. Yet, in championing this solution (a cure to homophobia), these writers risk proving the synecdoche true, showing that because the one emblematic case of homophobic violence involved killing a homosexual, all those who live under, and experience the fear of, homophobia's violent control must also be homosexuals.

Sedgwick describes this process of synecdoche later in *Epistemology of the Closet*, suggesting that all uses of the term 'coming out of the closet' demonstrate the indebtedness of other structures of persecution to a primary structure of homophobia:

I recently heard someone on National Public Radio refer to the sixties as the decade when Black people came out of the closet. For that matter, I recently gave an MLA talk purporting to explain how it's possible to come out of the closet as a fat woman. The apparent floating-free from its gay origins of the phrase “coming out of the closet” in recent usage might suggest that the trope of the closet is so close to the heart of some modern preoccupations that it could be, or has been, evacuated of its historical gay specificity. But I hypothesize that exactly the opposite is true. I think that a whole cluster of the most crucial sites for the contestations of meaning in twentieth-century Western culture are consequently and quite indelibly marked with the historical specificity of homosocial/homosexual definition. (*Epistemology* 72)

One figure comes to stand for all figures, and reciprocally, all these other figures can be explained through the originating explanation: the homophobic violence constitutive of the homo/heterosexual distinction. In *Literary Panic* I want to think of this process of synecdoche in reverse: not how the singular person experiencing persecution for his/her homosexuality

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2 In *Between Men* Sedgwick further explores the link between paranoia and homosexuality through a reading of Freud's “Psycho-Analytic Notes on an Autobiographical Account of a Case of Paranoia” (*The Schreber Case*). The influence of Freud's work on understandings of homosexual panic will be explored further in Chapters Four and Five. For a critique of Sedgwick’s use of Freud, see Van Leer “The Beast of the Closet.” For more on the links between paranoia and homosexuality in Freud, see Freud “Some Neurotic Mechanisms in Jealousy, Paranoia and Homosexuality;” for a critique of these links with reference to the Schreber case see Hocquenghem *Homosexual Desire* and the discussion in Chapters Four and Five.
becomes a synecdoche for all homosexuals, but rather how other experiences of persecution become explicable through this construction of homosexuality, so that we understand all cases of homosexual panic as having to do with a subject’s conflict between his/her homosexual wish and the cultural repudiation of homosexuality. What if there are other tensions and other problems caught-up in this synecdoche that are not concerned with sexuality per se? What if viewing homosexuality as the central concern, and viewing the elimination of homophobia as the primary answer, results in structures which still do not account for the ways in which certain people live their lives?

These questions simultaneously address the queer theorists of time from the Introduction, including Halberstam, Freeman and Love by challenging the efficacy of placing the word time next to an oppositional understanding of queer. The following chapters return to instances of what I believe to be queer time in Sedgwick’s literary examinations in order to critique the existent claims about the constructions of queerness, temporality and queer time. What if reducing temporal aberrances to instances of perverse sexuality is an effect of the homophobic culture of oppression rather than a move towards liberation and livability?

Sedgwick anticipates these questions, and states in the beginning of *Epistemology of the Closet*:

any critical book makes endless choices of focus and methodology, and it is very difficult for these choices to be interpreted in any other light than that of the categorical imperative...I would ask that, however sweeping the claims made by this book may seem to be, it not be read as making that particular claim. (13-14)

Yet following this passage she concludes “the only imperative that the book means to treat as categorical is the very broad one of pursuing an antihomophobic inquiry” (14). Thus, at all times, in all ways, homophobia should be eliminated. While I do not disagree with this project, Literary Panic explores the limitations of assuming that homophobia structures all lives, and that all people within what Sedgwick describes as Western culture need to be liberated from the synecdochic and terroristic acts of homosexual violence into a culture where their homosexuality is permitted. What if this liberation is a greater prison than the original panic?
Losing the Subject:
Homophobia, Origin and Homosexual Panic

The literary version of homosexual panic originates in Eve Kosofsky Sedgwick’s 1985 book *Between Men: English Literature and Male Homosocial Desire*. Drawing upon a “relatively rare psychiatric diagnosis,” Sedgwick explains several characters throughout her primary texts as suffering from states of homosexual panic (*Epistemology* 20). She also focuses on how the term homosexual panic signals certain structural impermissibilities for male-male relations within Western culture by chronologically tracing the development and repetition of homosocial and homophobic themes in English literature starting with Shakespeare and coming to a (temporary) coda in an analysis of English receptions of Walt Whitman’s poetry. Through this analysis, Sedgwick articulates homosociality as culturally permitted non-sexual bonding between males and homosexuality as (violently) impermissible male-male sexual bonding. For Sedgwick, homosociality and homosexuality are not opposites but rather the poles of a spectrum of possible male-male bonding with only a minimal difference between them (*Between* 201). As outlined in *Between Men*, the minimal difference between the two structures centers on the inclusion of the woman: homosociality properly routes male-male desire though the woman, while homosexuality impermissibly bypasses this requisite inclusion of the woman. To this construction of permissible and impermissible desire, Sedgwick adds homosexual panic: “the most private, psychologized form in which many twentieth-century western men experience their vulnerability to the social pressure of homophobic blackmail” (*Between* 89).¹ Homosexual panic is a state of anxiety that occurs when the subject cannot prove that he is permissibly heterosexual and encounters the injunction to his ability to

¹ Sedgwick in *Between Men* (85) links Bray’s *Homosexuality in Renaissance England* (102-103), Weeks’ *Coming Out* (4) and McIntosh’s “The Homosexual Role” in this construction of the permissible/impermissible, citing Weeks’ comments where he claims “it [homosexual identity] helps to provide a clear-cut threshold between permissible and impermissible behavior; and secondly, it helps to segregate those labeled as ‘deviants’ from others, and thus contains and limits their behavior patterns” (*Coming* 4).
participate within Western culture (he is blackmailed out of participation through the homophobic rendition of homosexuality as impermissible).²

Sedgwick in her subsequent work *Epistemology of the Closet* claims homophobia (as symptomatic of the hetero/homosexual divide) is so formative of Western culture that "an understanding of virtually any aspect of modern Western culture must be, not merely incomplete, but damaged in its central substance to the degree that it does not incorporate a critical analysis of the modern homo/heterosexual definition," (*Epistemology* 1). This affirmation establishes homo/heterosexuality as the central distinction in Western culture, the distinction that synecdochically stands for all other distinctions between the permissible and the impermissible, to the extent that, for Sedgwick, no other aspect of Western culture can be discussed without referencing this primary division. Within this homophobic structure, the males of Sedgwick’s analyses have three options: to be closeted and suffer from continual paranoia as they attempt to prove that their bonds are heterosexual, to homosexually panic when they realize the futility of the effort to prove their heterosexuality, or to come out as homosexual and avoid the anxiety, but not the stigma.³ But what happens to those people who find all three of these options unlivable? If culture is homophobic, or perhaps more

² In *The Homosexuality of the Law*, Moran traces the historical relationship between blackmail and homosexuality through the UK legal system, see his chapter three “Buggery: A Short History of Silence.” This thesis further discusses the legal understandings of homophobia with reference to homosexual panic in Chapter Five.

³ The paranoid/closeted option: “not only must homosexual men be unable to ascertain whether they are to be objects of ‘random’ homophobic violence, but no man must be able to ascertain that he is not (that his bonds are not) homosexual” in which the closeted subject becomes “the irredeemably self-ignorant man who embodies and enforces heterosexual compulsion” (*Epistemology* 210; *Between* 89). The panic option: “the coming to visibility of the normally implicit terms of a coercive double bind,” in which the double bind is the demand to be homosocial, but not homosexual, through a performance of ambiguously congruent acts (*Between* 89). The coming out option: “It is only through his coming out of the closet … that Marcher could even begin to perceive the attention of a woman as anything other than a terrifying demand or a devaluing complicity” though “even to come out does not end anyone’s relation to the closet” (*Epistemology* 206-207; 81). *Epistemology of the Closet* argues that the act of coming out viewed as a singular event is problematic as people can be both in and out of the closet at the same time. Coming out is a repeatable process; however, coming out is still figured as an event/choice from the other three options. With the repeatable construction of the event, this choice occurs regularly instead of once and for all (*Epistemology* 3-4).
poignantly, homophobia is culture, then where are the possibilities for homosexuality that are not one of these responses to homophobia?

While we could pursue this line of inquiry by reconstructing the Western culture Sedgwick describes in her analysis and then arguing against her rendition and/or highlighting places of sexual and social possibility within it, perhaps a more pertinent question to this investigation is not what Sedgwick constructs, but how she constructs it. By rephrasing the question in this way we gain two things: first, an avoidance of implicitly accepting this construction of Western culture, as I examine the form through which Sedgwick comes to articulate that culture and not the culture itself. In this way we move past a wholesale acceptance or rejection of Sedgwick’s construction without necessarily overturning her observations and conclusions. Second, this chapter does not evaluate Sedgwick’s accuracy in summarizing historical material or her ability to represent her primary texts faithfully. These debates would lead to either accepting or rejecting Sedgwick based on her congruence with critiques and models that appear more credible instead of examining how Sedgwick constructs her model as valid. With these two points in mind, the initial question about homosexual panic can be rephrased from ‘If culture is homophobic...’ to ‘how does Sedgwick conclude that culture is homophobic?’

1.1 Replacing the Center: How Sedgwick Argues

Sedgwick argues that homophobia is the boundary between permissible heterosexuality and perverse other sexualities, but how does she construct this division? In summarizing Between Men in her subsequent work Epistemology of the Closet, Sedgwick affirms “Between Men focused on the oppressive effects on women and men of a cultural system in which male-male desire became widely intelligible primarily by being routed through triangular relations involving women” (Epistemology 15). In this quote, Sedgwick reaffirms that male-male desire (both homosexual and homosocial) has been understood in Western culture principally through its construction around the triangular relations involving women. For her,
this routing of desire through the woman creates the oppressive forces directed towards men and women. She concludes that to route male-male desire through the woman is permissible, and to reject the woman is perverse. Sedgwick subsumes this construction under the title homophobia and affirms “what I wish to emphasize...is the focus on homophobia as a tool of control over the entire spectrum of male homosocial organization,” (Between 115). In her works, homophobia is not just a homosexual problem, something directed at and felt by only the minority of homosexual males, but rather a cultural tool that affects all males. Sedgwick further states “not only must homosexual men be unable to ascertain whether they are to be the objects of ‘random’ homophobic violence, but no man must be able to ascertain that he is not (that his bonds are not) homosexual,” (Between 89). With these affirmations, Sedgwick pulls homophobia away from its situation as a peripheral discourse about the homosexual minority and into the center of Western culture. Far from being a tangential effect of a culture of male privilege, homophobia becomes the governing principle for Western culture. This centralization occurs through the replacement of the previous central effect and the displacement of it to the peripheral status once occupied by homophobia. In this motion, Sedgwick bolsters her own model by displacing and replacing the existent explanations of the same cultural positioning.

Perhaps the most notable example of this displacement occurs in Sedgwick’s appropriation of the work of Gayle Rubin. Sedgwick’s development of the triangular exchange structure of Western culture is an adaptation of the same model elaborated by Gayle Rubin (who develops her model from a critique of Claude Lévi-Strauss’ work on kinship).⁴ Sedgwick, affirming the central placement of homophobia, states:

From the vantage point of our own society, at any rate, it has apparently been impossible to imagine a form of patriarchy that was not homophobic. Gayle Rubin writes,

⁴ See Lévi-Strauss The Elementary Structures of Kinship and Rubin’s critique: “they [Freud and Lévi-Strauss] see neither the implication of what they are saying, nor the implicit critique which their work can generate when subjected to a feminist eye. Nevertheless, they provide conceptual tools with which one can build descriptions of the part of social life which is the locus of the oppression of women, of sexual minorities, and of certain aspects of human personality within individuals” (Rubin 159).
for instance, "the suppression of the homosexual component of human sexuality, and by corollary, the oppression of homosexuals, is therefore a product of the same system whose rules and relations oppress women." (Between 3)

The system referenced in Rubin's statement (the one that oppresses homosexuals and women) is the abovementioned system of the triangulated trafficking in women, the one that grounds Sedgwick's claims about homophobia and Western culture. However, in the essay "The Traffic in Women: Notes on the 'Political Economy' of Sex" from which Sedgwick extracts this quotation, Rubin presents a Western culture that oppresses homosexuality but is not structured around this oppression. Instead, in Rubin's work, homophobia occurs as a byproduct of the oppression of women and not as the governing principal of its organization. Sedgwick in her analysis reverses the order, suggesting that the triangular exchange arose in response to anxieties over homosexuality to guard against impermissible same-sex desire. Transforming an effect into the effect, Sedgwick displaces Rubin's initial conjectures about the result of the triangular exchange system (for Rubin this is the commoditization of women) and installs a new primary fear, revising Rubin’s proposed cultural fear of female agency into a fear of homosexuality. Sedgwick accomplishes this by focusing on the structural importance of homophobia (it is ‘impossible to imagine’ patriarchy without it). She simultaneously marginalizes Rubin’s other affirmations in "The Traffic in Women" assertions that occur slightly after the citation given in Between Men, where Rubin writes "on the other hand, the very complexities of a kinship system may result in particular forms of institutionalized homosexuality" referencing the rights of certain New Guinea natives (as a singular example) in the prescribed homosexuality occurring between the male members of the tribe (Rubin 181).

While Sedgwick addresses Rubin’s statements against the necessity of homophobia, she does so through K.J. Dover’s study Greek Homosexuality, affirming "while heterosexuality is necessary for the maintenance of any patriarchy, homophobia...is not" (Between 4). Yet this affirmation is placed in context by the statement preceding her consideration of Dover’s work,

\[\text{See (Rubin 180).}\]
where Sedgwick argues "our society could not cease to be homophobic and have its economic and political structures remain unchanged," (Between 4). Sedgwick acknowledges the ability of other cultures, other patriarchal cultures and even the future of Western culture to not be homophobic (the axiom is not 'culture is homophobia; homophobia is culture'), while still maintaining that contemporary Western culture originates in, structures itself upon and reinforces a primary homophobia (the axiom is ‘contemporary Western culture is homophobia; homophobia is contemporary Western culture’).

While in Rubin’s system the commoditized woman is the central aspect of Western culture and homophobia is a secondary structure that occurs as an effect of her exchange, in Sedgwick’s system the commoditized woman is the object through which the central fears of a homophobic culture are diffused. In Sedgwick’s analysis, the woman becomes a secondary concern to the principal issue of homosexuality; culture is no longer (as in Rubin’s construction) obsessed with the exchange of the woman, but rather obsessed with the permissible forms of male bonding.6

This understanding of Sedgwick’s inversion of Rubin’s model potentially offers an alternate construction to Sedgwick’s Western culture in Rubin’s structure of female trafficking. If we shift our model from Sedgwick to Rubin, then homophobia becomes peripheral and able to be overturned or avoided. Theoretically, finding new possibilities for homosexuality not routed through homophobia could involve switching to a model in which homophobia is not definitive of culture. Rubin provides this model in her work as homophobia is not Western culture itself and is malleable (or eradicable) as a concept. Importantly, her model is mutable without eliminating/changing all of Western culture. Yet Sedgwick subverts this transition from one model to the next in the form of her argument. Through her appropriation,

6 This is also arguably Sedgwick’s construction of Rubin’s argument, for Rubin affirms “the ‘exchange of women’ is neither a definition of culture nor a system in and of itself. The concept is an acute, but condensed, apprehension of certain aspects of the social relations of sex and gender,” decentralizing the concept of female trafficking (Rubin 177). This does not affect Sedgwick’s own centralization of homophobia.
decentralization and reinscription of other understandings of Western culture, Sedgwick constructs her homophobia-centered model as *more* primary than Rubin's trafficking structure.

By placing homophobia not just in a central position but in the originating position for Western culture, Sedgwick diffuses the possibility of replacement for her cultural construction by totalizing her observations. In Sedgwick's argument a concept like the traffic in women that stands at the center of Rubin’s analysis, partakes of the same permissible/impermissible logic as Sedgwick’s model of homophobia, but is ultimately replaced as explicable by the more central concept of homophobia. Sedgwick accomplishes this origin centralization by turning to textual examples from the Western literary canon. Through close readings of numerous texts, Sedgwick enables her construction of Western culture as either (in the case of pre- and early nineteenth century texts) pointing towards the later advent of homophobia or (in the mid-nineteenth century and after) as fundamentally affected by the emergence of a codified system of homophobic violence. For example, in the case of *The Confessions of a Justified Sinner* (1824), a text written, according to Sedgwick, at the cusp of a codified homophobia, Sedgwick affirms “bonds between men, of fascination and of unmediated power-exchange already take the form of two-edged weapons ... not of two-edged pleasures,” (*Between* 113). Key to this statement is the word already, a word that indicates the presence of homophobia before homophobia institutionally exists (unmediated bonds as dangerous weapons rather than permissible pleasures). Through her analysis of these texts, as exemplified in this ‘already’, Sedgwick places homophobia in the position of the origin; always existent, it gives rise to a discernable structure of Western culture and also becomes the effect of that structure. Homosexuals cannot flee from this homophobic construction into the female trafficking construction, because the homophobic construction is the origin for, and already present before, in and after, the female trafficking construction.

In the rendition of Western culture from *Between Men*, the homosexual is crucial for, and always outside of, the culturally privileged and/or is a cautionary figure who shows the
consequences of transgressing the laws of triangulated desire. Through endowing homophobia with the status of origin for the other systems, Sedgwick removes homophobia from the play of difference that valorizes the other systems, rendering homophobia as constitutively present for all Western culture. This occurs again in her affirmation "our own society is brutally homophobic; and the homophobia directed against both males and females is not arbitrary or gratuitous, but tightly knit into the texture of family, gender, age, class and race relations," (Between 3-4). According to Sedgwick ‘our society’ is homophobic. While family, gender, age, class and race may inform, differ, compliment or ignore each other, homophobia is knit tightly into all of them, figuratively forming these components into a textured and textile whole.

If we accept this construction of homophobia as the origin of Western culture, we can critique the effects of homophobia in diverse ways. For example, we can return to the literary canon to investigate the function of homophobia in forming and continuing the repression of specific components of sex and sexuality. This construction also highlights how homophobia specifically affects everyday interactions and relations between men and women regardless of their sexual identification. But this construction limits the possibilities for understanding people without the permissible/perverse binary, as Sedgwick’s version of homophobia divides permissible heterosexuality from perverse homosexuality as the origin of Western culture. Here, the figure of the homosexual always falls into that impermissible category and out of permissible culture, leaving homosexuals with the options of coming out into a perverse subject position, passing problematically or panicking.

1.2 The Impasse of John Marcher

Panic, passing and coming out are the three options open to John Marcher in Sedgwick’s reading of Henry James’ 1903 novella “The Beast in the Jungle.” According to Sedgwick, Marcher’s inability to choose either to come out or to pass results in his homosexual panic. Yet this default state of panicky limbo seems to be a problem for Sedgwick who affirms that Marcher’s desire can only be realized once he comes out. In failing to come out,
Marcher’s life for Sedgwick becomes a tragedy. However, if for the moment we regard Marcher’s panic as an inability to desire, rather than a difficulty in coming out, then how can John Marcher’s panic and the homophobic structure be reconciled in order to make Marcher’s life livable? If we cannot shift the explanation for Western culture because of Sedgwick’s centralization of her structure, perhaps we can destabilize the logic of centralization that underpins Sedgwick’s argument and generate possibilities for existing within this logic not bound by (but still informed by) the understanding of homophobia as origin. But why would we care whether or not Marcher’s characterized life can be understood as livable?

One possible answer is that the character of John Marcher seems to be of immense importance to Sedgwick’s arguments about Western culture. It is in Sedgwick’s analysis of this character “to whom nothing on earth was to have happened” that she most fully articulates the qualities, scope and importance of homosexual panic within Western culture (James 460). In Epistemology of the Closet, Sedgwick affirms that “The Beast in the Jungle” stands for a larger cultural shift occurring at the time, one well documented in Michel Foucault’s own work on “The Repressive Hypothesis.” As Sedgwick concludes “In ‘The Beast in the Jungle,’ written at the threshold of the new century, the possibility of an embodied male-homosexual thematic has, I would like to argue, a precisely liminal presence. It is present as a...thematics of absence” (Epistemology 201). "The Beast in the Jungle” condenses the emergent concerns surrounding homosexuality into a personalized narrative in which anxieties around the homosexual possibility terrify and oppress Marcher as representative of the turn of the century male populace. Sedgwick reproduces what she labels the cultural link between the "terroristic" and the "synecdochic" in which the punishment of a singular random homosexual (in this case John Marcher) legitimates the system of control over the entire spectrum of male-bonding in order to make Marcher stand for "the nonhomosexual-identified men [who] were

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7 Chapter Two explores this premise at length.
8 See Foucault The History of Sexuality: Volume 1: An Introduction, especially part two “The Repressive Hypothesis” (17-49).
subject to control through homophobic blackmailability" (Between 88, 90). Sedgwick makes
the implicit claim that the synecdochic relationship between Marcher and the homosocial
world of the 1900's reproduces the structure of homosocial control lived by men in the 1900's.
According to Sedgwick, the readership of "The Beast in the Jungle" readily would recognize the
punishment of Marcher for his inability to prove his bonds to be permissibly homosocial and
not impermissibly homosexual. She reads "The Beast in the Jungle" as a didactic novella of how
one should act within the homophobic culture. The understanding of Marcher and his panic
thus stands for the closing down or opening up of the possibilities for the existence of an
entire spectrum of male-bonding opportunities.

Furthermore, within her analysis of "The Beast in the Jungle," Sedgwick utilizes the
existent interpretations of Marcher and their relative inability to name his sexuality, as a
synecdoche for current attitudes on homosexuality and male-bonding. As Sedgwick claims in
assessing the state of James scholarship and its lack of critical attention to sexuality, "any of
these critical motives would be understandable, but their net effect is the usual repressive one
of elision and subsumption of supposedly embarrassing material [on sexuality]" (Epistemology
197). Sedgwick characterizes the critics' understanding of Marcher as evidence for the real-life
persistence of the homophobia codified within the novella. She concludes that critics defend
James against accusations of aberrant sexuality because "it is possible that they fear that,
because of the asymmetrically marked structure of heterosexist discourse, any discussion of
homosexual desires or literary content will marginalize him (or them?) as, simply,
homosexual," (Epistemology 197). In this reading, the sexuality of Marcher comes to stand for
the sexuality of James, the interpretation of which has repercussions for the sexuality of the
critics investigating the author and his novella.9 The analysis of Marcher thereby represents
the relative ability to comprehend and embrace the possibility for sexual relation within our

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9 This reading finds strength in the biographical strains of criticism anchored in Leon Edel's weighty
biography of James and seen, for example, in statements like Goodheart’s affirmation that "The Beast in
the Jungle...is James' own story" (124). This biographical premise will be discussed in Chapter Two.
contemporary culture. According to Sedgwick, the way we read Marcher shows us the way we understand and exist within the contemporary homophobic system of Western culture.

These two explanations, however, do not necessarily account for why Marcher in particular is an apt figure for representing contemporary and historical homosocial, homosexual and homophobic themes. While it is possible that Marcher allows the critics and readership to contemplate their own sexualities in light of his synecdochic relation to masculine existence, it is equally possible that the critics and readership constructed Marcher as an apt synecdoche through the continued reading of the novella as if it accurately represented existence within a homophobic system. In either case, the centrality of Marcher within these debates, regardless of how he came to be central, constructs Marcher as an integral figure for examining those subjects who exist uncomfortably within the homophobic culture. Through whatever means, Marcher has come to represent the possibility (or impossibility) for living within a system that demands one’s exclusion as impermissible.

This placement of Marcher within a homophobic system leads to a reading that fixes Marcher on the outside of the privileged center of homosociality legitimated through a construction that positions homophobia as the origin of Western culture. In order to rethink the possibilities for Marcher’s (and others’) existence within this system and to see if there are any possibilities besides the primary rendering of homosexuality as perverse, the totalized origin of homophobia in Sedgwick’s version of Western culture needs to be dislodged. Through embracing for the moment a deconstructionist critique of the origin, the remainder of this chapter looks towards the value of the origin and the ways in which that origin functions, and fails to function, through a play of difference. If the deferral of the referent/origin (homophobia) is an effect of the play of differences between the various constructions that Sedgwick’s structure appears to supersede, then Sedgwick’s homophobic structure is pulled away from its status as origin (exempt from the play of difference) and back into the system of
replacement, as it can only attain its value through its difference from these other systems. Through this critique, Sedgwick's origin becomes an effect of her affirmations of origin, but not an essential aspect of the construction of culture. In this way, Sedgwick's system gains value to the extent that it can be replaced by, and differentiated from, other systems.

In this deconstruction, I am not affirming that homophobia is peripheral to Western culture, nor am I dismissing that idea that the effects of homophobia are felt brutally by members of a given culture. Instead, in remainder of this chapter I develop two interconnected arguments. The first is that Sedgwick's figuration of Western culture as homophobic opporates as a truth within her analyses of the primary texts, and synecdochally through the figure of Marcher, as a truth by which numerous Western subjects (as Sedgwick defines them) live their lives; second, I contend that this origin-function can be read as attaining its legitimacy through attempting to erase the play of difference which leads to its position as origin. In this double move of dislodging the centrality of Sedgwick's constructed homophobic culture while simultaneously recognizing her techniques of centralization, this chapter articulates both the specific importance of Sedgwick's observations (in regards to her unique iteration of male homosociality within a set of given texts) while at the same time affirming the interchangeability of her system with others. This critique evinces Sedgwick's structural elision of certain sexualities, while simultaneously positing other structures within which these sexualities can become intelligible, structures which may offer more possibilities than pathology, passing and panic.

In a similar fashion, while this chapter has implied that homosexual panic is bound up with Sedgwick's system, dependent upon her constructions of homosexuality, homosociality

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10 I am indebted to the works of Derrida in critiquing the concept of the origin, including his works "Signature Event Context," *Writing and Difference* and *Of Grammatology* where he affirms: "the trace is not only the disappearance of origin—within the discourse that we sustain and according to the path that we follow it means that the origin did not even disappear, that is was never constituted except reciprocally by a nonorigin, the trace, which thus becomes the origin of the origin" (*Of Grammatology* 61). Key to my thinking here is also the work of Barthes, including his essay "The Death of the Author," Foucault, especially *The History of Sexuality, Volume 1: An Introduction* and de Saussure *Course in General Linguistics.*
and homophobia, the rest of the chapter affirms that homosexual panic, like the system in
general, iterates to other contexts and constructs. Thus, homosexual panic can be split into
two versions: first, one within Sedgwick’s constructed Western culture that indicates the
division between homosociality and homosexuality (the function that Sedgwick outlines in her
work), and second an iterated version of homosexual panic abstracted formally from
Sedgwick’s observations, applicable to similar instantiations of a given cultural form, that
signals the difference between permissible and impermissible. Sedgwick’s understanding of
panic is called homosexual panic, I suggest, because it involves the confrontation between
hetero- and homosexuality. Through, for example, iterating her structure to a construction of
Western culture centered on the division between permissible female friendship and
impermissible lesbianism, we could refer to a newly translated form of panic called ‘lesbian
panic’. This panic formally parallels Sedgwick’s homosexual panic, but contextually differs. It
is not that these two versions are identical, but rather that the two panics occur
simultaneously and paradoxically relate to, while refuting, each other. In Sedgwick’s version
we accept that male homophobia is the origin of Western culture, and in the other versions we
accept some other fear is the origin. None of these versions is more correct than the other, but
each has a specific set of benefits and detractions. As Sedgwick has already examined at length
the concept of homosexual panic, we can now turn to the other versions of panic to see what
new possibilities arise for John Marcher through the iterability of (homosexual) panic within
the broader distinction of permissible/impermissible.

1.3 Destabilizing the Origin with Lesbian Panic

To examine this second function, in which homosexual panic iterates to multiple
disparate contexts, we could employ the numerous articles that use homosexual panic as a
tool for reading the characters within a given work. This critique would allow us to view how a

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11 This is in fact the starting point for Smith’s book *Lesbian Panic*, examined later in this chapter.
shifting context reconstitutes or upholds Sedgwick’s origin rendition. Yet these works offer an application of Sedgwick’s structure to a new set of primary materials. Because of this, the works reinforce her model of the homophobic origin through amalgamating new examples of the same cultural position. This reiteration does not challenge (or destabilize) the centrality of Sedgwick’s homophobia-origin, because it does not address the structure, only the content of that structure. However, P.J. Smith’s book Lesbian Panic offers a formal critique of Sedgwick’s work by troubling the structural understanding of the central term homophobia. At the same time, Smith’s book produces numerous readings of characters in states of panic, rehearsing the logic of Sedgwick’s argument. In this way, Smith’s text both destabilizes and affirms Sedgwick’s understandings, providing an opportunity to see how Sedgwick’s construction functions and how it fails to function within a different context.

Part of the difficulty in reading the deconstruction of the homophobia-origin with regards to Sedgwick’s work is the prevalence of male homophobia within the time periods Sedgwick examines. Archival, historical and literary examinations almost monolithically signify the dominance and centrality of homophobia. This preponderance of homophobic thematics complicates a separation of the methods through which Sedgwick centralizes homophobia, because the empirical evidence suggests that the origin is endemic, rather than constructed through difference. While Sedgwick explores this possibility in her own work (that homophobia is the origin), the validity of stating that homophobia is constructed as the origin needs to be assessed to see why it would be constructed as such. In this case, Smith’s text again presents an opportunity to observe and critique the process of centralization, for, as Smith shows, the codification and rendering as origin of homophobia directed against lesbians is signified less cogently. Therefore, Smith has to make more visible moves in legitimating her construction.

13 For examples see Sedgwick’s sources in Bray Homosexuality in Renaissance England, Dover Greek Homosexuality and Crompton “Gay Genocide: From Leviticus to Hitler.”
Finally, one of the problems with Sedgwick's construction of homophobia as the origin lies in the disjunction between *Epistemology of the Closet* 's structure of argumentation (which as we have seen generates a Western culture centered on the hetero-/homosexual divide) and the characters examined in her primary texts. This chapter has omitted a discussion of content in order to avoid accepting Sedgwick's construction of Western culture. However, as we saw briefly with the case of John Marcher, the reason for pursuing a deconstruction of Sedgwick's homophobia origin involves recognizing that there are people for whom the explanatory model fails to function, people who experience a disjunction between the origin structure and their subjectivity, people who panic. By pushing on the friction between the structure and the people purportedly contained within that structure, my critique of Sedgwick now requires attenuating to the content of *Lesbian Panic* as well as the Western culture it depicts in order to show possibly productive disjunctions between the two. In emphasizing these moments of tension between the content and the structure, the assumptions bound up in both Sedgwick and Smith's renditions of homophobia appear, as do the ways in which Smith attempts to fit content to a given origin structure in order to argue for lesbian visibility and inclusivity within that structure.

Smith's text *Lesbian Panic* sets out to apply the structure of Sedgwick's argument to a new set of texts, iterating the male-centered analysis of *Between Men* and *Epistemology of the Closet* to a female setting via an abstraction of Sedgwick's constructions. In her introduction, Smith acknowledges her source in Sedgwick and then moves to distinguish herself from Sedgwick's specific concept of male homosexual panic, affirming:

The model I propose [of lesbian panic] bears, of course, a resemblance to Sedgwick's concept of homosexual panic. It is not, indeed cannot be, a systematic transferal across sexual boundaries because of the substantial historical differences in the social regulation of male and female sexual expression. (Smith 6)

According to Smith, *Lesbian Panic* is not a mechanistic translation of Sedgwick’s structure to a new set of novels in which the protagonists are panicking lesbians. Instead, Smith envisions *Lesbian Panic* as an iteration of homosexual panic: the related but distinct concept of lesbian
panic. In order to make the iterativeness of this concept work, Smith first derives a basic structure from Sedgwick and then fills in the specific content of the newly analyzed scenarios which in turn changes the structure. By elucidating the structure that Smith transfers, and observing how this structure constructs (and fails to construct) the people within that structure, we can view the deconstruction of Sedgwick's homophobia as origin; for, in *Lesbian Panic* the origin fails to account for certain iterations of the origin and returns to a play of difference with these iterations.

Smith's homosexual panic is still grounded, like Sedgwick’s, in a concept of the traffic in women; but, while Smith routinely acknowledges the creation of this concept in Rubin’s landmark essay, she derives and cites her concept of female trafficking from Terry Castle’s rereading of Sedgwick in *The Apparitional Lesbian*. By shifting the structure of Western culture from Rubin’s model to Castle’s model, Smith avoids the wholesale transference of Sedgwick’s construction. But why does Smith shift the source text for trafficking?

Castle, as opposed to Rubin, constructs the triangular relations with respect to the potentiality for female sexual agency and lesbianism. In *The Apparitional Lesbian*, Castle provides an extensive analysis of Sedgwick’s model of triangulated homosocial desire. This analysis affirms that Sedgwick’s construction only remains stable as long as Sedgwick omits lesbianism as a possibility. When lesbianism enters into the triangulation of desire, Castle believes that the triangles begin to destabilize. To illustrate this point, Castle provides the following diagrams of triangulated desire, in which ‘M’ is male and ‘F’ is female (Castle 72):

- **Fig. 1**
- **Fig. 2**
- **Fig. 3**
In figure one, (which Castle terms the “Sedwickian model”) two males achieve relation through the female (Castle 72). In figure two, another female achieves relation to the first through one of the two males. In figure three, Castle isolates the female-male-female relational triangle to show how two females achieve relation through a singular male. According to Castle, this triangle destabilizes male homosociality as it only contains one male and that male no longer attains relation with any other male. The single male becomes the exchanged commodity between the two females, allowing for their relation in an inversion of the “Sedwickian model.” In a fourth (non-diagramed) situation, Castle posits the elimination of the male altogether as the two females fully embrace their lesbian desire, expelling the male as no longer necessary for the facilitation of their relationship.

While these diagrams offer a concise reformulation of Rubin’s triangular relation, their clarity belies the complexity essential to their functioning. For example, in figure one the line connecting the first male and the female suggests their independent relation to each other; the line connecting the second male to the female suggests the same, and therefore the third line connecting the first and second males similarly denotes their independent relation. This is inaccurate, as it is the only through the female that the two males come into relation with one another. A more accurate diagram would be:

![Diagram](image)

In this diagram, the males only achieve relation through the female. This ‘Sedwickian model’ is Sedgwick’s characterization of Western culture’s ideal form of relationality for there is no chance of homosexuality occurring. If the males relinquished their claims to the female, there would be no ‘line’ to connect them to one another and no homosocial relation. This two sided reconfiguration of Castle’s diagram destabilizes her claim that:
The male-female-male erotic triangle remains stable only as long as its single female term is unrelated to any other female term. Once two female terms are conjoined in space, however, an alternative structure comes into being, a female-male-female triangle, in which one of the male terms from the original triangle now occupies the “in between” or subjugated position of the mediator. (Castle 72)

In the hypothetical situation Castle posits, the introduction of a second female renders one of the two males a facilitating fulcrum between two females. However, this depends upon the belief that all these triangulations are three sided, representing independent relationships existing between all parties. However, we could hypothetically introduce another female in the form of either of the following diagrams:

**Fig. 4**

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M -- F -- M
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**Fig. 5**

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M -- F -- M
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In both diagrams the homosocial bonding of the males still occurs and neither male is necessarily the fulcrum for the lesbian pairing. By shifting her source text from Rubin to Castle, Smith gains an elaboration of the possibilities for female bonding and an inclusion of a consideration of lesbian desire in relation to the male subject within triangulated desire. Yet, these gains break down in light of the impossibility of a triangle in which all three terms maintain independent relation.

In figure five, the central male figure could be construed as occupying a position of facilitator for the relation between the two females. Yet, in this construction, the second problem with Castle’s diagrams occurs: namely, that the lines uniting the couples in the triangulations are not congruent paths of desire. In exploring this construction of desire within Castle's work, we can return to Sedgwick in order to critique the way that Sedgwick’s work constructs (and totalizes a certain model of) desire, through the reintroduction of apparently ignored lesbian desire within *Between Men*. 
Within Castle's system, even if we assume that these triangulations only occur in the realm of the 'erotic', it does not follow that all of the relational lines proceed with the same erotic feeling or intent. Judith Butler explores this problematizing of desire in her essay “Capacity.” This essay, written for the anthology Regarding Sedgwick, centers on Butler's interpretation of Sedgwick's models of desiring. In the article Butler affirms, “the man who seeks to send the woman to another man sends some aspect of himself, and the man who receives her, received him as well” (“Capacity” 112). In this affirmation, Butler intertwines the desire for the outcome of desiring the woman with the desire for the woman herself, demonstrating that there is no pure erotic desire for the female by a male. Rather desire for the female is always already entangled with the desire relate to the other male. In receiving the woman, the second male already desires not only the woman, but also the relation with the first male. Butler expounds upon the multitudinous other identifications and desires that occur in this triangulation, so that at no point is desire simply reducible to the pure erotic attraction of one male to another female. Butler states “it may be that the one desire is not in the service of another, such that we might be able to say which one is the real and authentic one, and which is simply a camouflage or deflection,” (“Capacity” 113). It is not that the two men really desire each other and camouflage this desire through their desire for the female, but that the men simultaneously desire the female and each other. This understanding also includes any number of other desires as well, for example, the first male not erotically desiring the female, but rather desiring to identify with the female in order to attain erotic relation with the second male. Butler lauds Sedgwick's ability to maintain the tension present in the relational lines of the triangle, lines which represent not a singular erotic desire, but multiple

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14 Compare Sedgwick Between Men: “Oedipal schematics to the contrary, there is no secure boundary between wanting what somebody else (e.g. Daddy) has, and wanting Daddy” (106). For a taxonomic examination of the various possible conflations and separations of the desire-to-be (wanting to be daddy) and the desire-for (wanting daddy) see Sinfield "Lesbian and Gay Taxonomies."
and perhaps mutually exclusive desires, all of which are specific to the people embroiled in the triangulation. As Butler asserts:

Sedgwick takes us beyond that logic and opens up what I want to affirm as a certain ethics of thinking, one that postpones the question of logical incoherence in the name of historical possibilities that emerge when no single schema turns out to exhaust the epistemological field. (“Capacity” 117)

Castle’s diagrams offer singular iterations of relationality and a possible scenario in which the erotic desire for another female by a female disrupts the erotic relation of two men to that female, affecting their homosocial relation. However, these triangulations do not ‘exhaust the epistemological field.’ Castle’s claims of the necessary disruptive force of the introduction of a second female term fail in light of possible incoherent structures in which the tension of erotic desire for females is held congruently with any possible number of other desires.

This idea of ‘exhausting the epistemological field’ returns us to the initial discussion of the origin, in that Sedgwick, by constructing her system as originary, sets the terms for the epistemological field. While no singular iteration of the system (including the original one) could exhaust the content of the epistemic field (as Butler argues), the parameters of the original construction delimit the possible content of the epistemological, so that while the individual iterations of the system are not epistemically totalized, the quality of the system to iterate enables a secondary accounting for this totality. In this construction, the epistemological field contains the permissible and the perverse, setting out the possibilities for the interactions between these two categories, while simultaneously governing both categories within the understanding of homophobia as origin. Homosexual panic in Sedgwick’s limited sense might not account for everything, but through its ability to provide the structure for other versions of panic (like lesbian panic) it generates versions of itself that can and do account for all scenarios.

Smith, however, returns to Castle in order to reconstitute the contents of Sedgwick’s foundational division by including different attributes within each category. Smith iterates Sedgwick’s concept of the permissible and the perverse divided from each other by the line of
homophobia, but redefines homophobia to include lesbianism as perverse. But why? Perhaps
the solution to homophobia against lesbians is to not be included in the epistemological
system at all: to be unknowable and therefore neither perverse nor permissible, but rather an
impossible third category.\(^{15}\) Why translate lesbians into a system that only seeks their
exclusion?

The first answer (the one provided by Smith) is that lesbians already exist within this
construction. Smith is not translating lesbianism into the structure, but rather elucidating that
the lesbian is oppressed already by the same mechanisms that oppress the homosexual male.
This justification parallels Sedgwick’s ascribing of homophobia to the origin in that it constructs
homophobia as always present and foundational. To articulate this rendition of homophobia,
Smith turns to what Castle calls Sedgwick’s “Queen Victoria Principle.” According to Castle, just
as Queen Victoria was infamously unwilling or unable to accept that desire existed between
women, so too is Sedgwick unable to see that lesbian desire was/is considered perverse.
Because of this, Sedgwick fails to account for the inability for lesbians to, as Castle states,
“walk down a city street holding hands,” (Castle 72). Therefore, Sedgwick is unable to account
for the chance that these lesbians may be feared and may panic. Smith extrapolates this
conjecture affirming, “I feel certain that examples of lesbian panic are there to be found in the
literature and other cultural artifacts of every nation and every language and every period
written by authors of every sexual and gender persuasion,” (Smith xiii). In this way, Smith
returns to Sedgwick’s already present origin of homophobia in order to suggest that part of
this origin is the universal and eternal fear of lesbians.

\(^{15}\) For example, Butler in Undoing Gender suggests in the wider context of identity that “there are
advantages to remaining less than intelligible” (3). Phelan in Unmarked: The Politics of Performance
similarly states “possibly, through the impossibility of saying a wholly material truth, we might see what
the possibility of the immaterial is...I am speaking here of an active vanishing, a deliberate and conscious
refusal to take the payoff of visibility,” (19). A critique of the debate over the merits of visibility and
invisibility with reference to a lesbian context can be found in Jagose Inconsequence and Lesbian
Utopics.
This universalizing assumption runs contrary to the archival findings of researchers like Laura Doan who in her book *Fashioning Sapphism* troubles claims like these by examining the purportedly antagonistic receptions of *The Well of Loneliness*. In responding to critical assertions that *The Well of Loneliness* was banned because of a dominant homophobia, Doan explains, “as others have demonstrated, witch-hunts and scapegoating would occur, but in 1928 there was as yet no recognizable ‘innocent [lesbian] group’ to attack,” (brackets in original) and after the publication of *The Well of Loneliness* “the great mass of English people continued to go about their daily business. Nor did the state intervene to enact any laws against lesbianism, and while the police were ‘activated,’ it was to seize and burn copies of the banned book,” (*Fashioning* 30, 28). While perhaps homophobia in the United Kingdom existed during the publication of Smith’s primary texts *The Prime of Miss Jean Brodie* (1961), *The Golden Notebook* (1962) and *The Little Girls* (1964) her reading of *Mrs. Dalloway* (1925) invokes a non-existent homophobia, as do her assertions about the presence of a universal transhistorical hatred of lesbianism.

In this critique I am not suggesting that at no time before the 1930’s did someone fear or hate the idea of two (or more) females erotically desiring each other. Instead I affirm that universalizing certain contemporary, and isolated historical, events into a paradigm of original omnipresent lesbian homophobia denies the complexity and specificity of the erotic triangulation which Butler carefully highlights in Sedgwick’s work. So, after this problematization of the origin explanation, we return to the question ‘why does Smith translate Sedgwick’s system into a lesbian context?’

### 1.4 Fixed-Origin Argumentation

Perhaps the answer lies in what Smith gains through her translation. As we have seen, she gains a cogent (if problematic) system of homophobia that divides permissible from

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16 Smith highlights numerous occasions in *Mrs. Dalloway* (1925) in which the characters express homophobia against the purportedly lesbian characters, most notably in the scene in which Peter interrupts a sexually charged exchange between Clarissa and Sally (46).
impermissible desire. She gains a claim to the origin and to the totalizing epistemic field. But, as in Sedgwick, the epistemic field is the problem, as it sets permissibility against the perverse desires. So why would Smith wish to totalize this field if it was not endemic to Western culture?

Returning to the critique of Sedgwick, if homophobia was not the origin of Western culture, then John Marcher theoretically could shift to another cultural model that was inclusive of his sexual perversity. It is only through establishing the epistemic field as structurally original that Sedgwick could render the field’s current orientation as problematic. Similarly, by accepting the totalized origin of the described epistemic field, Smith overturns the “Queen Victoria Principle” which would suggest that lesbians are neither perverse nor permitted, but instead invisible in the culture. By rendering lesbianism perverse, and fixing the origin of culture in this perversity, Smith follows Sedgwick in being able to argue for the permissibility of these perverse sexual desires, rather than just having recourse to a shifting of the epistemic field.

This action of fixing the origin in homophobia brings me to the crux of Smith’s argument and to one of the key features of Sedgwick and Smith’s conceptualizations of homosexual panic. In Smith’s understanding, lesbian desire occurs as a perversity in a totalized Western culture founded upon the division of the perverse from the permitted via homophobia. The totalized and originary nature of both the positioning of homophobia and the construction of Western culture means that, according to this construction, there can be only two categories through which to understand homosexual desire: perversity and permissibility. Because the structure of the culture cannot change, Smith counsels a change in the positioning of lesbianism within that culture, arguing that the current characterization of lesbianism as perverse is wrong. In this complex model that I call fixed-origin argumentation, a certain structure is universalized in order to eliminate recourse to structural changes. This fixing of the origin legitimates an argument in favor of altering the position of certain identities within the origin-structure (as there is now nothing other than this structure). The fixed-origin
legitimates a form of argumentation in which the desire to be permissible is fundamental and needs to be honored in an authentic form (in this case by making lesbian desire permissible), rather than in an inauthentic form (making lesbians become heterosexual in order to become permissible).

Through fixed-origin argumentation, Smith claims that all subjects desire to be permissible; she decries the need for those with non-normative sexualities to have to normalize themselves to gain permissible status. For example, Smith interprets the actions of Peter (a homosexual man), and by parallel construction Clarissa (a lesbian), in Mrs. Dalloway after they renounce their homosexual desire, stating that they are “congealed in a life of empty and ultimately feckless repetitions of masculine tropes,” (Smith 62). Here, performativity becomes performance as the (heterosexual) subject positions produced through repeated stylization prove disparate to the identification of the person (and therefore become untenable). In Lesbian Panic, the characters are able to repress their sexual impulses; but, as Smith is quick to point out, this repression occurs only at great cost to the person. For example, in The Voyage Out, when Rachel denies her desire in favor of ‘feckless repetitions,’ she encounters lesbian panic “arising from the prospect of being permanently subsumed into institutional heterosexuality” which “is an active agent in her [Rachel’s] retreat from life and its possibilities” (Smith 36). Smith concludes that her primary texts depict lesbians who choose to enter into the permissible by rejecting their perverse desire and successfully, if lamentably, re-assimilating into institutional heterosexuality (the closeting option from Sedgwick’s three responses to homophobia).

Against this renunciation of desire, Smith proposes the reunderstanding of lesbian desire through an inclusion of that desire within the permissible, not through conforming or assimilating, but through an acceptance of the permissibility of the desire itself. In order to understand how and when to re-label certain desires, Smith draws upon lesbian panic, constructing it as the encounter with the forbidden desire which should be permitted, and
thus, a sort of barometer. For example, Smith affirms “unless we find new narratives to shape societal perceptions of lesbians and their existence, we may never be able to move completely past lesbian panic – either in literature or in life,” (Smith 186). Characters panic as they attempt to actualize their homosexual desire only to encounter the oppressive forces of homophobia; forces which, according to Smith, ought not to exist. Lesbian panic shows the characters and the reader where the homophobic boundary lies, setting the terms for the efforts against this boundary. In Smith’s conclusion, she calls for the creation of new narratives that will empower us to move beyond lesbian panic, presumably into the realm of total sexual permissibility. For example, her analysis of Lilly, “the first of Woolf’s lesbian characters to progress beyond lesbian panic,” extols the character’s newfound abilities to “create artistically and to love another woman should she so choose” (Smith 69-70). For Smith, panic indicates the boundary between what is permitted and what should be permitted; panic needs to be overcome by rejecting the boundaries barring free expression of sexual desire.

Sedgwick’s reading of John Marcher within “The Beast in the Closet” similarly relies upon this structure of argumentation in order to affirm the inclusion of Marcher within the permissible. Akin to Smith, Sedgwick idealizes those subjects who have been able to freely express their desire in ways the dominant culture previously deemed impermissible. For example, Sedgwick revisits her assertion that homophobia structures the relations between all men within Western culture, stating that she means all men "aside from the historically small group of consciously and self-acceptingly homosexual men, who are no longer susceptible to homosexual panic as I define it here" (Epistemology 186). In this structure, these men are able to avoid the stigma of homosexuality through paradoxically accepting their homosexuality in a conscious manner. Similarly, Sedgwick contends that it is only in Marcher’s “coming out” as an aberrantly sexual person that he could begin the transition away from the petrifying forces of homophobia (Epistemology 206). Sedgwick takes on a more utopic version of fixed-origin argumentation, stating that in embracing the aberrant sexuality in a conscious and self-
accepting way, the impermissibility of the homosexual label gives way to an acceptance of the practice as permissible.

I am not suggesting that Smith and Sedgwick’s goals are somehow flawed; indeed, Smith’s intervention, judging from her book’s reception, seems both timely and important. Additionally, in structures which parallel the origin described by Sedgwick and/or Smith, fixed-origin argumentation appears to be the only way of enfranchising homosexual and other desires. Regarding homophobia as the fixed origin allows these critics to argue for the permissibility of alternate desires, even as homosexual panic signals the boundaries which the culture has yet to supersede. But as Sedgwick and Smith destabilize, translate, re-stabilize and render as origin a certain version of Western culture in order to argue for the inclusion of perverse desires within the permissible, they solidify and legitimate a singular version of Western culture that has as its central definition the distinction between permissible desires and impermissible desires. Even at its most optimistic, fixed-origin argumentation attempts to validate all people through their inclusion into the category of ‘those with permissible desire,’ but what about those like Marcher who cannot, or do not want to, come out into desire?

Fixed-origin argumentation potentially hides the ways in which it renders other desires (and non-desire) unlivable. For example, the characters in Smith’s analyses know their desire, know how their desire should function, and panic when their desire cannot find its appropriate expression. Knowledge of the self and the ability to express this knowledge are at the forefront of Smith’s work, to the extent that in summarizing Peter and Clarissa’s repression of their homosexual desire in the end of Mrs. Dalloway, Smith states “Peter … shares with Clarissa in his own life of loss—his lack of a career or stable relationship—the living death that results from the absence of self-knowledge” (Smith 62). Repression here becomes the death of the

\[17\text{ For example, Farwell calls Smith’s work an “exciting and welcome addition to the study of women’s writing,” while Breen affirms that Lesbian Panic is an “important contribution to lesbian scholarship” and Doan asserts that the concept of lesbian panic “works effectively as a springboard into a multifaceted reading of narrativity and lesbian desire” (Farwell 436; Breen 355; Doan, “Rev. of Lesbian Panic” 298).} \]
subject precipitated by the rejection of self-knowledge. In this assertion, Smith returns to
Castle and affirms that desire is knowable and proceeds in certain directions towards
appropriate objects. But, as Butler’s reading of Sedgwick shows, desire can operate in
multitudinous and conflicting ways. The desire for the female can coexist with any number of
other desires. The desire for the female could be the desire for males, or the desire for ‘shoes
and gloves’ sublimated into the figure of the female. While fixed-origin argumentation
theoretically offers liberation to the lesbian (and perhaps serves as a guide for understanding
Sedgwick’s own liberatory moves), it does not account for what is possible in the field of desire.
In arguing for the opening up of the permissible, Smith represses illogic and places the
liberation of lesbian desire above the full consideration of the possibilities for the (desiring)
subject. Smith and those who affirm a fixed-origin argumentation lose those characters and
people who cannot or do not know their desire, as well as losing the possibility that desire is
unknowable.

Fixed-origin argumentation in Smith elucidates the specificities of Sedgwick’s own
iterating structure, what I want to call the ‘chronologic’. The chronologic is a specific version of
contemporary Western culture centered on the division between permissible and
impermissible desire with a boundary of homophobia, a boundary signaled by homosexual
panic. I emphasize the time and logic of this culture with the title ‘chronologic’ because, as we
will see in the coming chapters, of the importance of linear modes of time within the structure,
modes of time that sympathetically resonate with concepts of lack-based desire and
revelation-based knowledge. In this chapter’s understanding of Smith and Sedgwick, the
chronologic has served as the origin for the fixed-origin argumentation in which panic indicates
the boundary that impermissible people should be allowed to cross in order to rightly exist as
permissible. I have begun to show how fixed-origin argumentation requires the construction of
knowable and known subjects and relegates people to possibly inappropriate categories (for
example, closeted lesbians, oppressed homosexuals and entitled yet fearful heterosexuals).
Sedgwick and Smith utilize panic within their fixed-origin systems of the chronologic in order to compPELLingly affirm the need to include these marginalized impermissible subjects. Furthermore, both writers utilize synecdoche in order to make a specific iteration (of a character or a structure) stand for the complete epistemic field. However, one subject (perhaps non-subject) continually slips through these layers of enfranchisement. This subject fails at becoming wholly sexual, wholly desiring, and wholly subjective. S/he is the subject of panic.

So what is the subject of panic? What should s/he be? Perhaps this question itself is the problem. Perhaps in using fixed-origin argumentation to make something of this subject, a permissible or impermissible subject, a desiring subject, a sexual subject, we make the selfsame shackles we later seek to throw off.¹⁸ Now that we have seen the various ways in which fixed-origin argumentation, the chronologic and homosexual panic work to totalize and delineate a system centered on the knowledge and oppression of the homosexual, what are the other possibilities for homosexual panic disentangled from this assumed desire to be permissible?

¹⁸ In *Homographesis*, Edelman acknowledges a similar dynamic in relation to affirmative ‘outing’ practices: “the liberationist project can easily echo, though in a different key, the homophobic insistence upon the social importance of codifying and registering sexual identities” (4). Watney also provides an early queer critique of ‘outing’ in his article “Queer Epistemology,” affirming, "'outing', however, pictures an immediate and exact fit between hidden, secret sexual behaviour, and 'gay' identity... 'Outing' presumes that there is a simple, uniform 'truth' of homosexuality, and that everyone is equally aware of this private 'truth' of their nature," (21). Halley makes a fuller examination of the ways in which activist and conservative forces effectively perform the same logic (though around sodomy rather than outing) in *Don't: A Readers Guide to the Military's Anti-Gay Policy*, examined in Chapter Six.
Possibly Queer Time: Paranoia, Subjectivity and "The Beast in the Jungle"

John Marcher, the protagonist of Henry James’s 1903 novella “The Beast in the Jungle” stands petrified in front of his future. Numerous critics, assessing Marcher’s dire state, offer their own conclusions, using the figure of Marcher to warn others away from a similar fate. Beverly Haviland, for example, states "John Marcher failed to realize the meaning of his life by failing to understand the value of the relationship he was already having with someone [May Bartram]," while Sarah Aguiar briefly suggests the opposite affirming that May Bartram’s "unshakable faith in him [John Marcher] may actually work to promote his inactivity" (Haviland 123; Aguiar 29). Others like Dana Del George criticize Bartram's folly affirming that "though she [Bartram] hopes it [the event in the future] will be falling in love with her, she dies an old maid" (90). Still others take the novella as "implicitly advocating a return to the way we were" before the Wilde trials and their pathologization of homosexuality (Washington 86). Finally, Eve Kosofsky Sedgwick encourages Marcher to embrace the secret of the beast in the jungle and come out into a sexuality (Epistemology 206-207). These readings oscillate between endorsing and criticizing the characters and their actions, so that each commentary picks out an element of one of the characters that should not be there: Marcher should not be in the closet; Bartram should not commit to Marcher; Marcher should not commit to Bartram; Marcher should not waste his life waiting. From this cloud of judgments a pattern begins to emerge, in which the follies of the characters take on interrelated expressions. For example, Marcher’s ignorance in Haviland’s analysis parallels Del George’s accusation of Bartram’s ignorance that Marcher will never fall in love with her. The temporal aspect of Washington’s reading, that "The Beast in the Jungle" advocates a nostalgic return to the past resonates with Aguiar’s implicit enjoiner for Marcher to do something in the story, a sentiment Sedgwick

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1 Savoy takes a more nuanced stance on James’s response to the explosion of discourse while still pointing towards the "ripple effects" of the types of knowledge generated after the 1890’s (“In the Cage” 284).
shares in her glorification of a future in which Marcher is able to recognize his desire. The missed promise of heterosexual romance in Haviland’s analysis parallels Sedgwick’s admonishment of Marcher for having no apparent sexuality at all. These injunctions expand into the type of knowledge Marcher should have, the model of time he should ascribe to and the sexuality he should embrace. In Sedgwick’s analysis in particular, these disparate injunctions come together forcefully under a singular expression of what Marcher should do: he should come out.

This process of coming out and the judgment that Marcher do so seems to involve much more than sexuality. Knowledge, time and subjectivity cluster around Sedgwick’s analysis, so that a singular model encapsulating the correct expression of each aspect emerges as a cogent system as in Sedgwick’s model of Western culture that the previous chapter termed the chronologic. But what do these injunctions mean and perhaps more importantly what might they mean for John Marcher? Where do they come from, and how do they work in tandem to create a seeming pattern from the otherwise amorphous cloud of so many disparate concepts? Through a close reading of the "The Beast in the Jungle" placed next to Sedgwick’s canonical explication of the novella in her essay "The Beast in the Closet," I hope to constellate the elements of this chronologic system, searching for the ways that the mandates levied against John Marcher and May Bartram occur. Through this interpretation, I seek to find a way beyond the criticism that reads "The Beast in the Jungle" as a didactic tale and open up new avenues into this well-trodden Jamesian narrative that are neither cautionary nor congratulatory. We have spent so much time thinking of how Marcher could be and should be in the future, perhaps we have lost sight of what he is in the present. In attending to this present, we might

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2 Robinson produces a similar critique of 'boiling down' James to a certain type of discoverable, basic knowledge in his article "Henry James and Euphemism," restructuring the concept of the euphemism into an ability to "work out the complexities of a statement or a motivation or an ideology without the leaps into reassuring dualisms or abstractions" that resonates strongly with the use of queer within this chapter (413).
find new possibilities for the future of "The Beast in the Jungle," John Marcher and those whom John Marcher synecdochally represents.³

Setting her analysis of "The Beast in the Jungle" next to similar analyses of Tommy and Grizel and Lovel the Widower, Sedgwick nonetheless finds something enigmatic about the Jamesian protagonist John Marcher. Moving against previous criticism that sought to affirm that Marcher's secret was his unrecognized homosexuality and/or his missed opportunity to love May Bartram, Sedgwick concedes, "I would argue that to the extent that Marcher's secret has a content, that content is homosexual" (Epistemology 201). Here Sedgwick begins to shift the terms of the debate, playing with the definition of homosexual so that this affirmation of the secret's homosexual content stands next to her later affirmation that "Marcher is not a homosexual man" (Epistemology 205). Sedgwick's initial assertion about the nature of Marcher's secret, juxtaposed with this later statement about Marcher's sexuality, unhangs the link between same-sex desire and homosexuality, affirming that a space can be constructed as homosexual (the secret) while not containing homosexuality (as in same-sex desire). Complicating this disentanglement of same-sex desire and homosexuality, Sedgwick states "the supposed 'empty' meaning of Marcher's unspeakable doom is thus necessarily, specifically heterosexual; it refers to the perfectly specific absence of a prescribed heterosexual desire" (Epistemology 202). Drawing upon what she refers to as the "quasi-

³ This chapter follows some of the suggestions of Savoy in refraining from an explanation of Marcher through James's biographical information or as James's autobiographical literary self, relying instead on a narrative that sees each literary school and generation constructing its own version of the “real” Henry James” ("Entre Chien et Loup” 104). In omitting the biographical, I hope to avoid a presentation of Henry James as the true knowledge of Marcher, a reading that would appropriate the (queer) gaps in the narrative as explicable through James’s personal idiosyncrasies, while by no means refuting the important interrelation between James’ (auto)biographies and writings. For a discussion of “The Beast in the Jungle,” James’ personal lack of passion and his problematic orientation towards sexuality see Graham’s comprehensive study in Henry James’s Thwarted Loves as well as Book Two, Volume Five of Edel’s The Life of Henry James. Contrapuntally, Heyns in “The Double Narrative of ‘The Beast in the Jungle’” critiques these autobiographical accounts of James’ unrealizable desire with regards to the novella, suggesting that by 1903 James “seems to have achieved a reasonably happy accommodation, if not consummation, of this [homoerotic] side of his nature” (121).
⁴ Van Leer in “The Beast of the Closet” famously criticizes Sedgwick for, as he suggests, reducing Marcher’s secret to homosexuality. Following Van Leer, Tambling in Henry James also has taken issue with Sedgwick’s reading of Marcher as potentially homosexual: “she [Sedgwick] makes homosexuality a
nominative, quasi-obliterative structure" in which the sin-which-must-not-be-named names homosexuality while erasing the nominative process, Sedgwick lays out a complex trajectory in which Marcher finds himself closeted not through his knowledge of his homosexual secret, but through his ignorance of his own sexuality (Epistemology 203). It is this ignorance that condemns him to a life in the homosexual closet, as Marcher is unable to prove that he is not homosexual, because he does not have the knowledge of what would constitute adequate proof against accusations of homosexuality. In this subtle move, Sedgwick suggests that knowledge and self-knowledge become bound up with a heteronormative self-mastery, and ignorance slides into proximate relation with homosexuality. Homosexuality becomes a label for those individuals who are truly ignorant of both their own sexuality and a wider base of knowledge. Sedgwick contrasts this homosexual ignorance against a feigned unknowing that she calls the "Law of masculine self-ignorance," a law under which the heterosexual must affirm that s/he is not homosexual while simultaneously having to affirm that s/he does not even know what homosexuality is, pointing to the paradox that one would theoretically have to know of homosexuality in order to prove that s/he was not a homosexual (Epistemology 208). According to Sedgwick, part of the game of the triangular relation is this quasi-obliterative structure of self-erasure in which knowledge of the self needs to present itself as self-ignorance: within the rhetoric of Sedgwick's cultural model, to even know of homosexuality would be to affirm that one was homosexual, for how could one know of

matter which could have entered late nineteenth-century English public discourse in a way which could have been affirmatory, so that at the end of the text it is not possible for her to read as though Marcher ever could have desired May Bartram: the homosexual is homosexual, and cannot relate to a woman” (171-172). Sedgwick responds to Van Leer in her essay “Tide and Trust” where she accuses Van Leer of incorrectly representing her reading of the specifically non-homosexual content of Marcher’s secret. While both Van Leer and Tambling potentially reduce Sedgwick’s reading to a simple enjoinder for Marcher to come out into his homosexuality, they both importantly indicate the dangers of an affirmative political model transposed anachronistically to a previous time period. Tambling in particular opens up more potential readings of the protagonist by refusing a straightforward assignation of sexual desire to the character, stating “It [Marcher’s lack of passion] is not that there is a buried homosexual content in Marcher—that would imply the power of positive desire,” (Henry James 173). This is a starting point for this chapter's own explorations of Marcher’s queerness as indicating not just a buried desire, but also, among other things Marcher’s temporal disjunction.
homosexuality unless s/he had experienced homosexuality firsthand (it takes one to know one, therefore to know one is to be one).

This linkage between knowledge and heterosexuality, and ignorance and homosexuality occurs before Sedgwick presents the concluding analysis for her chapter. She prefaces her conclusion through a consideration of the relation between this structure of knowledge/sexuality and the temporal framework surrounding the secret(s) in "The Beast in the Jungle." As Sedgwick explains:

There are at least two secrets: Marcher feels that he knows, but has never told anyone but May Bartram, (secret number one) that he is reserved for some very particular, uniquely rending fate in the future, whose nature is (secret number two) unknown to him. Over the temporal extent of the story, both the balance, between the two characters, of cognitive mastery of the secrets' meanings, and the temporal placement, between future and past, of the second secret, shift; it is possible, in addition, that the actual content (if any) of the secrets changes with these temporal and cognitive changes, if time and intersubjectivity are of the essence of the secrets. (Epistemology 205)

Here, Sedgwick places intersubjectivity, knowledge and time at the center of the analysis of "The Beast in the Jungle;" yet, the final statement of this passage remains largely unexplored in the remainder of her chapter. In reducing questions of time to the future/past orientation of the characters towards the secret, Sedgwick forges a link between knowledge, (inter)subjectivity and even sexuality (for the content of the secret as cited above also concerns homo- and heterosexuality). While Sedgwick does not explore the conceptualization of time that seems to permeate and facilitate her assertions about John Marcher and May Bartram, perhaps examining the role of time within "The Beast in the Jungle" will enable a more thorough understanding of these linkages, allowing us to critique the ways in which certain understandings of knowledge, sexuality, subjectivity and permissibility become condensed into the chronologic.

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5 A similar linkage to the one Smith presents in the conclusion to Lesbian Panic in which closeted homosexuality is deadly ignorance while knowledge of the self enables a fulfilled and joyful life (62).
This critique turns back from the chronologic by returning to the primary text that Sedgwick deploys to fix these the elements. This chapter offers a different reading of the novella, one that attends to the temporal elements and how they both structure and destabilize the chronologic. Perhaps the concept of time will allow us the leverage needed to disentangle the sympathetic concepts of chronologic sexuality, knowledge and desire long enough to see how they became so tightly congealed within Sedgwick’s cultural construction. In seeing these linkages denaturalized and disentangled, we might find a space and time for John Marcher and those like Marcher besides the chronologic structure of permissible/impermissible.

2.1 The Queer Time outside Weatherend

"The Beast in the Jungle" begins with John Marcher and May Bartram discussing their previous manner of acquaintance during a party at Weatherend. After Marcher fails to recall the significant details of their previous encounters, Bartram reminds him that, some years prior, Marcher had shared his great secret with her: his belief that something waits for him in the future, something profound that is to happen to him. Taken aback, Marcher begins to recall that he did indeed share the secret (at other times called the "catastrophe" (James 443), the "beast in the jungle," (436) the "climax," (436) "the real truth" (436) and simply "the thing"(430)) with Bartram. Informing her that she is the sole person besides Marcher who knows of his secret, Marcher exacts a pledge from Bartram to wait and watch for the coming of this great thing in the future. The subsequent sections of the story recount the development of Marcher and Bartram's relationship. The climax occurs as Bartram falls ill and dies, though during her final days, she reveals to Marcher that the thing for which they waited has passed Marcher unnoticed. After the death of his one great friend, Marcher sets off traveling, returning one year later—and in the final pages of the tale—to his home and to the grave of May Bartram. Looking across the graveyard, Marcher catches the eyes of another male mourner and comes to the epiphanic realization that the grief of the other man is far deeper
than any emotion Marcher could feel for his lost friend Bartram. Through this recognition, Marcher realizes that the thing that was to have happened is that nothing was to have happened to him: that he was to have lived an unremarkable life with no notable occurrences. In his grief over this realization of his once future secret, he throws himself upon the grave of May Bartram and the story ends.

If, as Sedgwick suggests, the essence of the secret possibly lies in 'time and intersubjectivity,' then beginning at the level of the subjective relations and their indebtedness to the temporal places us in dialogue with the structures articulated in *Epistemology of the Closet*. So what does time look like for John Marcher? Formally, the time that clusters around Marcher is one of stutters, lapses, gaps and problematic origins. In introducing Marcher, the first line of the novella reads:

> What determined the speech that startled him in the course of their encounter scarcely matters, being probably some words spoken by himself quite without intention—spoken as they lingered and slowly moved together after their renewal of acquaintance. (James 426)

The *in medias res* beginning refutes a knowledge of the past even as it motions towards the past, playing upon the reader’s ignorance of the preceding incident here indicated with the

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6 That this final realization happens in a cemetery resonates with what this chapter will come to call Marcher’s queer time. As Foucault affirms in “Of Other Spaces” cemeteries present a heterotopia which “begins to function at full capacity when men arrive at a sort of absolute break with their traditional time…the cemetery begins with this strange heterochrony, the loss of life, and with the quasi-eternity in which her permanent lot is dissolution and disappearance,” (26). In a return to the queer time outside Weatherend which as a space encapsulates the temporality of heteronormative courtship while also motioning towards Marcher and Bartram’s ‘beside’ placement, Marcher’s full realization of the death of the chronologic time embodied in Bartram allows the heterochronic time of Marcher to find resonance in the space around him. This parallel between the character’s time and location also can be seen in Chapter Three’s primary text *Confessions of a Justified Sinner* which similarly ends at a burial site. In both cases, the queer qualities associated with the protagonist of the tale extend into the surrounding environment of the cemetery so that the person and the space maintain (symbolically) an undifferentiated relation which will be explored through dark space in Chapter Five.

7 Menikopf produces a similar reading (though to a different end) of the subjective pronoun in James’s late works, affirming that in the beginning of James’s tale “Julia Bride” “we do not, for example, even know who ‘she’ is, and we do not find out for some four paragraphs” while concluding that these initial pronouns in James’s tale “place us in immediate connection with the character and establish the informal tone” (437, 439). This alternate conclusion does not affect the current discussion as Menikopf’s argument illustrates the reader’s orientation towards the central figure, while I am discussing the story’s (a)temporal introductory form.
inverted phrase 'what determined the speech' occurring before the main verb 'matters'. Compounding this temporal awkwardness are the numerous pronouns with ambiguous antecedents, which also serve to destabilize the fixity of the proffered subjects. There is a 'he' but who is this 'he'? Here we seem to have an early confirmation of Sedgwick's quasi-nominative, quasi-obliterative structure, as the subjects of the initial sentence are named pronominally yet denied proper names. However, the obliterative effect goes beyond the antecedent of 'he', eliminating not just the nominal antecedents, but also the antecedents for the entire incident. What did startle him? Something in the past of this story, something outside the story and before the story: an origin to the novella. Yet, in an instant, the story dismisses the importance of this past, asserting that it 'scarcely matters.' If this is the temporality that begins the story, then it is a temporality that does not have a past. There are no antecedents for the 'he', no need for the event to be formally indicated, because there is no past to indicate.

Continuing the action from this point of no-past, the tale turns back upon itself with the use of the dash to repeat the adjectival phrase twice ('spoken ... without intention' and 'spoken as they lingered'). This sentence is cyclical, as if the absence of a historical past causes an overcompensation of time-and-time again, echoed in the use of the word renewal at the end of the sentence. The story does not go forward so much as it comes around. The sentence repeats itself, returning to the present moment again, and moving on to the next present moment (which was the same present moment) in a slightly altered repetition of that event. 'What scarcely matters' seems to be this repeating moment: a moment in which the renewal of acquaintance for an unknown 'he' turns into a returning event for the unknown 'they'. This moment does not have a past and does not go to a future; it remains ambiguously in the present.

This returning moment localizes itself around the figure of the 'he', a figure that motions towards the temporality of the chronological past in the grammar of the past tense,
yet still destabilizes the past through the lack of complete past referents. How can this 'he' exist in a past, when he grammatically has no past to reference? What did startle him in the past that is motioned to, but obliterated? It scarcely matters. In this initial tortured grammar, the tale sets up a time that partakes of the nominative past, referencing it with past-tense verbs and ambiguous pronouns, and yet plays against this past with its own ambiguity, causing gaps in the time, knowledge and subjectivity of the proffered character(s). In this temporality, pronouns, sentences and even moments cannot be made to signify fully. They point back towards a referent that is not existent in the text, a signified that is endlessly deferred. I want to suggest that because of this lack of signification, this time localized initially around the 'he' is a queer time. To articulate this, I borrow from Sedgwick's definition of the term queer already partially cited in the Introduction to this thesis where she states:

That's one of the things that "queer" can refer to: the open mesh of possibilities, gaps, overlaps, dissonances and resonances, lapses and excesses of meaning when the constituent elements of anyone's gender, of anyone's sexuality aren't made (or can't be made) to signify monolithically. (Tendencies 8)

The lack of monolithic signification within the first moments of “The Beast in the Jungle” establishes the 'he' within the gaps and overlaps of the temporal framework of the tale. As the story stands with a past referenced yet not existent (quasi-nominative, quasi-obliterative) Marcher (or more accurately 'he') motions to a past and a future, yet without either. For Marcher, there exists the present moment, renewed and renewing, lapsed and relapsing.

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8 For further discussion on Henry James's ambiguous relation to time, especially his ambivalence in relation to the past and future, see Rawlings "Grammars of Time in Late James."
9 This new version of queer time is based on Sedgwick's idea of queerness in order to maintain the coherence of my argument around Sedgwick's unified Western culture. I also want to distinguish queer as a lapse or gap, from another reading of queer as a state of contrariness (which as will be argued, re-enters into the dominant play of either/or rather than suggesting a surprise that cannot be accounted for within that binary). For a critique and summary of the ways in which queer was turned “into a generic badge of subversiveness, a more trendy version of ‘liberal’” see Halperin “The Normalization of Queer Theory” (341); for a discussion of the ways in which queer time can be figured through the lens of alterity, see Halberstam’s In a Queer Time and Place and the discussion in the Introduction.
10 Savoy, following Sedgwick, similarly locates James's definition of queerness in the "gaps and fissures," while motioning towards the legibility of this queerness through discourses of "proscribed sexualities" ("In the Cage" 286, 284)
From this introductory sentence, the narrative does go forward, but only after the introduction of two elements which 'press upon' and 'trouble' Marcher. The first element is Weatherend and the people within it. The novella describes how "the great rooms caused so much poetry and history to press upon him [Marcher] that he needed some straying apart to feel in a proper relation with them" (James 426). History reenters Marcher's world as a weight, pressing upon his sense of the returning, stuttering present in the form of the house that imparts the past lessons of the poets and the historians through its physical form. Though Marcher exits the house in order to maintain a distance to the events remembered, the other patrons of the party move about the house and "when they were two they either mingled their sounds of ecstasy or melted into silences of even deeper import" (James 426). Marcher links these intimate moments of sub rosa coupling metaphorically to a "look-round" prior to the sale of a house, paralleling the rise and fall of the couple's emotions to the rise and fall of expectations for acquiring property (James 426). Sedgwick's *Between Men* argument for the commoditization of the woman as integral to the formation of social bonds finds strength in Marcher's metaphor as Marcher links the heteronormative pairing of the party guests to the ability to gain land (*Between* 26). What Sedgwick does not mention in her analysis is the role of the historical past in this semantic field. Within the story the couples pause to consider the objects and attributes of the house, a house that Marcher characterizes as weightily historical. In this description, the heteronormative coupling united with the concept of land ownership routes itself through the historical past, using this chronologic in order to facilitate the metaphor of the look-round that indicates both the courtship and the property aspects of the couple's interactions. Without the historicity of the house there would be nothing to bring the couples together, and it is Marcher's distance from this history, in his queer time of stutters, lapses and quasi-obiterated pasts that causes him to leave both the house and its promises of heteronormative coupling.
The attempt to maintain this appropriate distance from the historical, poetical and heterosexual world of Weatherend leads Marcher to encounter May Bartram, the second element that, like the history of the house, "troubl[es] him" (James 427). In this case the sense of foreboding surrounding Bartram is "rather pleasant" as she, rather than presenting a definite historical context that presses upon Marcher, affects him "as the sequel of something of which he had lost the beginning. He knew it, and for the time quite welcomed it, as a continuation, but didn't know what it continued," (James 427). Like the pronouns and past-tense verbs of the opening sentence, Bartram references a past unknown, an obliterated previous incidence in which the two of them became acquainted. Bartram promises the past but does not provide the past until pressed by Marcher who, embracing the uncovering of their previous relation like a game to be played, entreats Bartram to reveal the hidden meanings. Bartram cautions Marcher stating "it's dreadful to bring a person back at any time to what he was ten years before" (James 430). In this judgment, Bartram sets out the terms of the knowledge requested. Marcher, having lived in a time without a specific past, in a queer moment of stutters and lapses, now finds himself, like the other partygoers, in a position to accept a past through a heteronormative coupling with Bartram. The proposal happens not through a direct questioning of their ability to exist within the same form of (heterosexual) intersubjective relation as the other twosomes, but instead through a question of restoring a certain type of past to their interactions: a completed set of knowledge about the queer pronouns and verbs of the introduction. The tale makes this link specific as Marcher, about to accept the proposal of knowledge from Bartram, feels "their lightness gave way to gravity" indicating the return of the Weatherend historical force that, like gravity, pressed upon Marcher (James 433).

Tightening the semantic field, the tale continues "it was as if the long look they exchanged held them together" (James 433). Akin to the attractive force of gravity, the couple

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11 For an analysis of how this knowledge translates into (narrative) power for Bartram, and a critique of Sedgwick’s rendition of Bartram, see Heyns “The Double Narrative of ‘The Beast in the Jungle’.”
finds themselves held together in this same history, held together by a weighty force in a parallel of the other couplings that occurred over similar historical objects within the house at Weatherend. Though outside (or beside) the house and set apart from the fully heteronormative interactions happening within, the couple nonetheless find a way to route their desire through the reaffirmation of a historical past into an intersubjective relation. They begin a relationship that appears and performs heterosexuality in its unification of a male and female figure, yet in its performance somehow maintains a distance from the institutionalized Weatherend couples. This unification happens not through the playacting of heterosexuality but through the ascription of both characters to a specific model of time, a model that the story unites with courtship, history, knowledge and intersubjectivity, so that Marcher's heterosexual-appearing commitment to Bartram takes on a temporal emphasis through which Marcher leaves aside his queer time of lapses and embraces a chronologic time of known pasts.\textsuperscript{12}

The first page of the novella presents us with two distinct systems, each anchored in a particular temporal framework: the first, a chronologic time linked to heterosexuality, pasts, futures and grammatically complete referents; the second, a time linked to homosexuality, queerness, perpetual-presents and ambiguity.\textsuperscript{13} It is this second type of time, the one initially presented around Marcher that Sedgwick omits in her analysis, instead arguing for a liberation of Marcher based upon the chronologic and fixed-origin argumentation. In this initial close reading of the first part of the novella, I have suggested that the times clustered around the characters of Marcher and Bartram play a pivotal role in understanding how sympathetic

\textsuperscript{12} Goodheart makes a parallel assessment of the role of May Bartram in reclaiming the past, though he routes his analysis through the obviousness of the repressed love Marcher shares for Bartram in addition to rendering the emphasis on the present as a didactic lesson of embracing what is "plainly in sight," a reading this chapter hopes to problematize through a queering of the universality of desire (127). Similarly, Wagner in "Henry James: Money and Sex" acknowledges the importance of the present in "The Beast in the Jungle," though again reducing the tale into a didactic lesson of loving May Bartram.\textsuperscript{13} Here, Marcher's characterized queer time could be read as anti-autobiographical as it lacks the "self's awareness of temporal orders, and the operations of retrospect and expectation" necessary for the autobiography as Follini notes in refining Gusdorf's "Conditions and Limits of Autobiography" (Follini 212).
concepts like sexuality and subjectivity occur, moving away from Sedgwick’s emphasis on the sexual (or asexual) dimension of Marcher and Bartram’s relationship.14

2.2 Desiring the Future: May Bartram’s Chronologic Epistemology

The concept of the beast in the jungle, the event for which Marcher waits, proves to be the element of the tale that most firmly presses the central couple together as well as another indicator of the disparate temporalities the two characters embody. The beast waits for Marcher in the future, and yet, before the re-introduction of Bartram, Marcher makes no mention of this foreboding future event. Instead, in thinking upon his ambiguous interactions with Bartram, Marcher affirms "in such a life as they all appeared to be leading for the moment one could but take things as they came," (James 427). Reminiscent of the queer time articulated through the grammar of the first sentence, this remark points towards a life of endless presents in which the knowledge of future and past remains elusive and subjects have no choice but to take things as they come. In this time there is no waiting, no hope nor aspiration, but rather an affirmation of the inscrutability of future events. It is only after the return of Bartram to the narrative that the future-embodying beast becomes part of Marcher’s world again. Bartram remarks that Marcher seems to have lived "away from" this concept of the waiting future and that this could in fact be "so much the better," so that Bartram only reluctantly acquiesces to Marcher’s requests to reveal the information he forgot and to wait with him for the beast (James 430). Through his entreaties, Marcher constructs Bartram as the knowledgeable subject who holds the key to understanding the past and future accurately; she is the one to whom he must appeal for knowledge of their past interactions. Marcher commits himself to Bartram so that he can watch and wait for the future event.

14 With these questions I follow a similar trajectory to Grosz who in her work Space, Time, Perversion traces how concepts of time partake of, structure and are structured by concepts of the subject, and what both of these mean for the female. As she concludes “to transform the castrated, lacking, inadequate representation of female corporeality, not only do the relations between the sexes and the dominance of masculine in the formulation of universal models need to be questioned, the overarching context of space-time within which bodies function and are conceived also needs serious revision,” (100). I break from Grosz in that my project is not concerned with goals of transformation or revision.
Sedgwick explains this commitment as an act of closeting for both Marcher and Bartram, readable in Marcher’s case as “a playacting of heterosexuality that is conscious of being only a window dressing” (Epistemology 206). In Sedgwick’s reading, Marcher uses Bartram to pass for heterosexual, while Bartram similarly closets her own female desire in order to acquiesce to predominant male modes of desire. Bartram’s desire becomes the desire that Marcher should have but lacks: a masculine, heteronormative desire. However, this reduction of Bartram to a specific type of desire only occurs for Sedgwick in the final scene of the tale, and prior to this moment the tale “seems to give the reader permission to imagine some female needs and desires and gratifications that are not structured exactly in the image of Marcher’s or of the story’s own laws” (Epistemology 199). Sedgwick motions towards the queerness of both characters in the beginning of the tale, a queerness slowly obliterated as the tale progresses through the strengthening of their heterosexual commitment to one another. With the development of their intimacy, their theoretically authentic queer desires become sublimated into the 'story's laws,' meaning for Sedgwick the triangular exchange of women and the law of masculine self-ignorance. In this reading of the relationship and closeting of Marcher and Bartram, Sedgwick again invokes a fixed-origin argumentation, so that the lamentable 'window dressing' the two characters adopt is a strategy they should not have to embrace in order to live their lives. As Sedgwick concludes:

> It is only through his coming out of the closet—whether as a homosexual man or as a man with a less exclusively defined sexuality that nevertheless admits the possibility of desires for other men—that Marcher could even begin to perceive the attention of a woman as anything other than a terrifying demand or a devaluing complicity. (Epistemology 206-207)

In Sedgwick’s system, Marcher must admit his aberrant buried sexuality in order to attain a liberated existence, and while affirming that his desire may not fit well within the predominant codes of homosexuality, Sedgwick nonetheless concludes that Marcher’s problem with the system of heterosexuality, his unerringly inability to love Bartram, points conclusively to his inability to desire females sexually.
In Sedgwick’s larger understanding of the triangular-exchange system within Epistemology of the Closet and Between Men, this ‘window dressing’ performance of heterosexuality through the requisite inclusion of the female leads to an important gain for the male, whether this is his acquisition of property, the furtherance of a career or more abstractly a safeguard against competing males’ accusations of his homosexuality. Yet, "The Beast in the Jungle" details no such gains for Marcher. While Marcher and Bartram remark frequently on how normal they appear to passersby, and an extended passage in the second section recounts Marcher’s feeling of wearing a mask during his social engagements, the tale does not mention any material or relational gains. Returning to Sedgwick’s argument, we might suggest that Marcher adopts the female because of the intense social pressures to do so but is unable to accurately understand the system and fails to utilize the female in order to progress within the culture. Yet even in this reading, the tale does not dramatize any particular failings in Marcher’s relation, instead going to lengths to demonstrate the effectiveness of Marcher’s playacting of heterosexual relation. The only thing Marcher seems to gain from his interactions with Bartram is the guarantee of her watching for the beast in the jungle to spring. It is the beast that first enjoins Marcher to keep Bartram close, the beast that structures Marcher’s concept of the future and the beast that encourages Marcher to stay with Bartram in order to guarantee its occurrence. Marcher appears to give up on a life of queer time to adopt a mask of heteronormative relation in order to gain the beast, but what stops Marcher from waiting for the beast in queer time? Why does Marcher need Bartram?

Apart from Sedgwick’s analysis, another possible reading of Marcher returns us to the temporality potentially at the center of this tale. For while the beast in the jungle supposedly sits at the core of Marcher’s character, as the event that will determine the worth of his life, it is the character of Bartram who (re)introduces the concept of the beast, Bartram who is able

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15 See for example, “our habit saves you at least, don’t you see? because it makes you, after all, for the vulgar, indistinguishable from other men” and "he wore a mask painted with the social simper" (James 438, 437).
to watch for the beast and Bartram who finally understands the importance of the beast. Similarly, it is Bartram’s time that obliterates Marcher’s queer time, Bartram’s time that restores the past and Bartram’s time that pushes the narrative forward. Perhaps Marcher does not need Bartram so much as he needs the time Bartram guarantees.

This time, as we have seen already, is a time of restored pasts in which the historical comes to shape the present moment as well as a time of restored futures in which the introduction of Bartram’s knowledge of the beast allows for the progression of the tale past the repetition of the present moment in Marcher’s queer time. Bartram provides the beast for Marcher because she restores the future in which the beast lurks. In his queer time of ‘taking things as they come’ Marcher could not hope to wait for the beast, because there was neither future nor beast for which to wait. His self-ignorance and ignorance of the futures that await him and the pasts that lay behind him force Marcher to commit to Bartram in order to attain the desire that he forgot he wanted: the desire for the future event to occur. This desire finds its expression in the imitation of heterosexual courtship, but the Marcher behind the mask does not desire women (or men) in this instance; he desires the future, and the guarantee of the future, through the figure of Bartram.

One of the ways Bartram is able to offer the future is through her system of knowledge. Bartram offers Marcher knowledge of the future beast through her accurate recollection of a past event in which Marcher shared the details of his future-desire. Beyond this instantiation, Bartram grammatically restores past referents to the tale, offering completion of the past in order to move the narrative forward. Again we see the dichotomy that Sedgwick presents between the knowledgeable heterosexual and the ignorant homosexual. What Sedgwick does not acknowledge is the extent to which Bartram’s chronologic epistemic system presents a highly specific rendition of knowledge, one that is informed and shaped by the sympathetic concept of chronologic time. In this re-orientation towards the characters of Bartram and Marcher, the emphasis on knowledge and self-knowledge becomes secondary for the moment
to the question of what knowledge and self-knowledge look like. As the liberation of Marcher, according to Sedgwick, depends upon his own orientation towards the closet, a closet structured around who knows and who does not know the knowledge of the protagonist's self, the construction of what counts as knowledge, what knowledge is, becomes all the more important. What if the liberation of John Marcher binds him to a form of self-knowledge that contradicts his own versions of knowledge?

The introduction of the game of knowing Marcher occurs in tandem with the introduction of Bartram. As Marcher sits with Bartram beside Weatherend, he attempts to provide the pertinent historical details for their previous interactions, only to prove wholly ignorant of their acquaintance. It is Bartram who reconstructs the historical past for their interrelation and, in doing so, reconstructs the future and the possibility for their intersubjective relation. Bartram's promise of the future beast pulls Marcher away from his ignorance and into a system in which knowledge of the past (knowing what Marcher told her) produces a predictability of the future (knowing when the beast will come). Bartram's ability to read the past becomes her ability to watch for the future, as Marcher affirms "you [Bartram] know what's to happen," a comment followed by the prophetic statement from Bartram "you'll never find out" (James 441). This passage lends itself to Sedgwick's understanding of ignorance/knowing, while also motioning towards the temporal elements anchoring these concepts. For Bartram, the past contains secrets that must be found out, and in finding out these secrets, the future can likewise be known.

This discourse of finding out, uncovering and secrets circulates within the tale around Bartram’s epistemology. In summarizing Marcher’s viewpoint of Bartram, the narrator describes “the buried treasure of her knowledge. He had with his own hands dug up this little hoard, brought to light...the object of value” (James 434). In this passage, knowledge becomes that which is hidden, perhaps quasi-obliterated, in the past: a knowledge that, through the careful efforts of those in the present, can again be dug up and brought to light. This
construction sets out the past as a field of limited discovery in which memories, like so many objects of value, lie beneath a surface ready to be rediscovered by the knowledgeable observer. In this specific metaphor, Bartram becomes both the knowledge and the system of knowledge, the ‘little hoard’ that Marcher digs up through asking her to commit to him. Marcher’s enactment of digging up knowledge and the treatment of knowledge a material artifact to be recovered performs the system of knowledge acquisition before the system is articulated fully within the text, as the tale earlier states “as soon as he heard her voice, however, the gap was filled up and the missing link supplied” (James 428). Against the gap that Marcher’s queerness initially posed, Bartram and the knowledge she embodies fill in the past with the hidden treasures of her knowledge. As opposed to the queer time Marcher lived, in which things could not be discovered but rather taken (incompletely) as they came, in committing himself to Bartram, Marcher enacts the ability to chase the antecedents of the ambiguous pronouns and flesh out his world of gaps with the dug up treasures of knowledge.

However, Marcher’s characterization keeps him at a distance from this form of knowledge as past discovery, for even as he fills up the gaps of his knowledge, he does so in an incomplete way. After ‘hearing her voice’ Marcher begins to recount the past restored to him, attempting in his actions to dig up the treasures of their bygone relations, yet every detail Marcher supplies is, according to Bartram, inaccurate. Bartram allows Marcher to attempt to restore the past and then affirms that “in his haste to make everything right he had got most things rather wrong” (James 428). In this statement, the novella reaffirms Bartram’s control and containment of the knowledge and casts Marcher again as the ignorant subject who must appeal to the knowledgeable surveyor of past and future for any hope of right knowledge. In these passages, knowledge becomes constructed as a type of digging up, the discovery of a

16 In analyzing The American Scene, published the year after "The Beast in the Jungle," Posnock points out James’s ability to exemplify the “more” of the Other who refuses the “identity compulsion” that would assimilate all subjects into a stable and fixed identity (Posnock 40). Borrowing from Adorno’s concept of nonidentity, Posnock highlights moments in which James and James’s characters (like Marcher) play at dominant identity modes while refusing to be singular, pointing towards additional modes of being without embracing a (false) stance of transcendence.
truth underneath the surface, while ignorance conversely becomes the inability to look through time and survey the locations of these buried treasures. Furthermore, the tale links knowledge to a time of pasts and futures and to heterosexuality, while ignorance becomes a queer time of presents without pasts and futures.

This chronologic system of knowledge gives rise to the understandings of time and desire that turn back upon and imprison Marcher both within the story and within Sedgwick’s analysis so that the understanding of a need to liberate Marcher depends upon accepting the sympathetic concepts of knowledge and time in which secrets and truths are buried within the past and the future. Sedgwick’s analysis centers on this trope of liberation; for example, when Bartram commits herself to Marcher, Sedgwick claims “so begins the imprisonment of May Bartram in John Marcher’s closet” and that “the admission of May Bartram importantly consolidates and fortifies the closet for John Marcher” (Epistemology 206-207). Additionally, Marcher’s ability to engage in the system of desire, according to Sedgwick, will only occur “through his coming out of the closet” a process which forces him to confront “the inner or future secret” (Epistemology 206). This semantic field of locked up inner secrets that characters need to liberate follows the system of knowledge that Bartram presents in being concerned with the revelation of knowledge within time. In Sedgwick’s analysis and in the novella, we see the construction of knowledge as a hidden interior object to be discovered through careful observation and a discourse of finding knowledge that reinforces the concept of knowledge as a hidden thing, of time as a place where one hides knowledge and of desire as wanting the knowledge that was hidden. Taken together, these sympathetic concepts form the chronologic at the heart of Sedgwick’s fixed-origin argumentation.

Fixed-origin argumentation offers Marcher liberation from a prison of ignorance into a freedom through knowledge in which both prison and freedom are constructed by the chronologic knowledge and time circulating within the construction. Yet in the novella, this is a discourse that Marcher performs poorly. Even with Bartram present, Marcher still wears his
knowledge, his temporality and his desire like a mask: getting past details wrong, missing the passing of the beast from the future to the past and playacting a desire for Bartram. While Sedgwick enjoins Marcher to come out into a new self-knowledge, this enjoinder may not be intelligible under the system of queer time and knowledge that clusters around Marcher. In addition to a reading that would see Marcher come out as the final liberation of being so long trapped within the closet, I want to offer a new reading in which the play of in/out, knowledge as revelation and time as chronologic is forgone altogether as a totalized system that does not meet the characterized subjectivity of Marcher.

2.3 Paranoid Readings and Queer Time

In looking back on her work in Between Men and Epistemology of the Closet, Sedgwick makes a similar assessment of the systems of knowledge circulating within her understandings of the text. Dubbing her previous approach the ‘paranoid reading,’ she counsels future scholars to be wary of this manner of examination and this stance on knowledge. Sedgwick, expounding the attributes of the paranoid reading, claims that paranoid readings rely on five axioms: "Paranoia is anticipatory. Paranoia is reflexive and mimetic. Paranoia is a strong theory. Paranoia is a theory of negative affects. Paranoia places its faith in exposure," (Touching 130). Sedgwick draws upon these five aspects of paranoia in order to demonstrate that the paranoid reading "blot[s] out any sense of the possibility of alternative ways of understanding or things to understand" (Touching 131). Paranoia accomplishes this blotting out of possibility through a reduction of the future to a knowable space. The future, in paranoid logic, can be fully accounted for before it happens. Paranoia ‘is anticipatory’ because it prevents the occurrence of predictable futures that are not amenable to the subject (negative affects). To accomplish this prevention, the paranoid reading reduces the future to a discrete system of buried

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17 Person, Jr. produces an argument that grafts productively onto these conclusions, affirming that gender-identification in James happens in retrospect, facilitated through the creation of a viewable engendered object in the past from which the character derives his/her gender. Person, Jr. also suggests that this constructivitiy and plurality of constructions of gender renders stable notions of identification liminal, open and anxiety-inducing, what this chapter would call queer (517, 526).
knowledge that, once fully uncovered, can be exhausted (i.e., no longer containing new things to understand or ways to understand them). Knowledge becomes the antithesis of possibility within this paranoid system.

In this paranoid system, there can be no bit of knowledge that exists outside the knowable, for this would erode the coherence of the paranoid system by affirming that there exists knowledge that is fundamentally unknowable, knowledge that motions towards the possibility of alternative ways of understanding or things to understand. Sedgwick explains this as paranoia’s protection against the surprise, stating the "first imperative of paranoia" is "there must be no bad surprises" (Touching 130). The surprise, the event that was unpredictable and the knowledge that was unknowable, would destabilize paranoia’s claims to epistemic totality and undermine the system. Importantly, this version of paranoia again links together time and knowledge into a single unit whereby preventing the surprise becomes the function of knowledge, while time in its attributes of future and past, becomes reduced to containers of buried knowledge which must be uncovered in order to allow knowledge to prevent the surprise.

With the introduction of the imperative to knowledge within the paranoid system (that futures must be known and surprises must be prevented), we return to the fixed-origin argumentation that advocates that Marcher must come out in order to attain freedom from the closet of his secret. As Sedgwick affirms in the fifth axiom of paranoia "paranoia places its faith in exposure" so that the redemptive quality of exposure becomes the governing principle of paranoia (Touching 130). This same faith in exposure forms Sedgwick’s analysis of “The Beast in the Jungle” yet as we have seen, the construction of exposure as redemptive sympathetically depends upon a system of knowledge that constructs knowledge as hidden.18 While Sedgwick motions towards this in her analysis of paranoia, she does not account for the possibility that knowledge itself can be conceptualized in a different fashion; that we can

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18 For further discussion of Sedgwick’s belief in the liberatory affect of self-knowledge see Van Leer “The Beast of the Closet.”
queer knowledge in its construction as knowable and point towards the possibilities of un-
totalized epistemic systems. By refraining from the paranoid play of exposure, anticipation and
avoidance of bad surprises, embodied in the tale in Marcher’s relationship to Bartram, we can
follow Marcher’s initial temporality in order to think of new possibilities for knowledge that
are neither buried nor exposed, neither imprisoned nor liberated.

“The Beast in the Jungle” likewise constructs this limit to the epistemic system of
Bartram around the concept of the surprise. Like the paranoid reading which guards against
the possibility that there exist events which may surprise us because they were unknowable,
one of Bartram’s central functions within “The Beast in the Jungle” is to ensure that Marcher
not be surprised through his ignorance of future events. In the middle of the tale, Marcher
finally takes note of Bartram’s task of preventing the surprise. As Bartram’s health begins to
fade, the narrator remarks that Marcher “had just simply and suddenly noticed. She
looked older because inevitably, after so many years, she was old” (James 444). With the waning of
Bartram’s health, so too wanes her ability to stave off the surprise:

  His [Marcher’s] surprises began here; when once they had begun they multiplied; they
came rather with a rush; it was as if, in the oddest way in the world, they had all been
kept back, sown in a thick cluster, for the late afternoon of life, the time at which for
people in general the unexpected has died out. (James 444)

With the immanent end of Marcher and Bartram’s relationship, the predictable matrix of
Bartram’s time gives way to the return of the queer moments, the surprises, against which
Bartram’s paranoid system guards. Marcher also acknowledges the indebtedness of the
surprise to Bartram’s totalized system of knowledge as he suddenly questions “what did
everything mean—what, that is, did she mean” (James 444). Marcher’s questions suggest two
separate understandings of knowledge. If the questions are answerable, meaning that we
assume that everything can have a meaning and that this meaning can be known, then we
reproduce Bartram and Sedgwick’s paranoid epistemic system. Through this totalization, we
appropriate the concept of the surprise underneath the concept of ignorance, whereby the
surprise only comes to those ignorant of the possibility of the surprising event occurring. In this system the surprise points not towards knowledge that was unknowable, but rather to knowledge that the individual subject, through their ignorance, failed to accurately predict. In this construction, Marcher becomes subjected to surprises with the failing of Bartram’s health because he lacks the ability to effectively know the past and the future and cannot play the game of prediction. Yet because the surprising event *could have been known* by one more skilled in digging up past events and exposing future events, the totalized knowledge of the paranoid system remains intact in its ability to be known.

A second interpretation of the surprise leads back to the initial temporality of Marcher and the possibilities for queer existence. If we assume that the surprise could not have been predicted by any party, that the surprise itself was unknowable, unpredictable and undiscoverable, then we point towards the limits of the totalized paranoid epistemology and posit alternate ways of understanding, ones which do not place their faith in exposure or construct knowledge as a buried interiority. Furthermore, this stance on the surprise undoes the surprising aspect of the surprise, even as it undoes the concept of ignorance. The surprise gains its ability to surprise to the extent that it could have been rendered mundane through its uncovering. What surprises in the paranoid system is the subject’s own failure to uncover that which *should have been known*. Similarly, to be ignorant of the event in the future is to assume conversely that one could have been knowledgeable of that future event. To label Marcher ignorant and surprised is to participate in the paranoid logic whereby the surprise should be known and the hidden secret uncovered. If instead we accept another system in which a character can feasibly exist ‘taking things as they come’ not in a state of perpetual ignorance for this would re-inscribe the character under the aegis of buried knowledge and chronologic time, but as an alternate queer mode of existing, then we open up the limits of paranoid knowledge to the possibility that the epistemology of paranoia is not the only structure.

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19 A further discussion on the interrelation between the surprise and knowing in James can be found in Armstrong "Knowing in James: a Phenomenological View" (13).
In opening up possibility and moving past the limits of certain models of knowledge, this reading risks becoming more paranoid than the paranoiac by exposing Sedgwick’s bias towards a certain type of knowledge in hopes of disproving her conclusions about “The Beast in the Jungle” because they fail to consider every possibility. My analysis thus far has moved away from Sedgwick’s early renditions of the novella by uniting her reading with the actions of Bartram in attempting to give Marcher a type of life to live that may not adequately account for his previous temporal characterizations. The importance of temporality within ”The Beast in the Jungle” is highlighted in order to detail how the chronological system of knowable pasts and futures informs understandings of totalized knowledge, the pathologization of ignorance and the desire for the future.

In another way, like Marcher, I have committed myself to a system of (paranoid) knowledge in order to gain the benefits of that system (in this case, the faith in exposure) while simultaneously pointing towards the limits of that system by refuting the idea that the system is total and/or totalizable in its epistemology. Although I do not set out to know everything about the text, or to generate a system of knowledge around the text that can account fully for the characters, I do seek to frame a way in which the text and the interpretation construct knowledge as fully discoverable, while pointing towards the moments where both text and interpretation surprise each other in their inscrutability. I posit that these gaps in knowledge are not the failure of the ignorant subject to account fully for the knowable, but instead moments that indicate the removal of parts of the text and interpretation from the game of known/unknown, knowledgeable/ignorant. Following Marcher in his queerness is not a process of embracing ignorance or unknowing; instead I propose an alternate system that, while approximated by the binary of knowledge/ignorance as ignorance, removes itself from this play as not governable within its rules: a system beside the chronologic.20 This is not to say that Marcher’s queerness and my reading of his queerness transcend the play of

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20 This concept of ‘beside’ will be articulated further in Chapter Five, Coda Three and the Conclusion.
knowledge/ignorance, but rather that this queerness opens up new spaces within, without and beside the binary in which to conceptualize alternate modes of knowledge and the subject. 21

Thus far this chapter has considered the interaction between time and knowledge and time and subjectivity; the final element of Sedgwick's analysis of Marcher still remains: her interpretation of Marcher’s desire. As we have seen, in Sedgwick’s analysis, Marcher must come out into a subject position that is, in some way, sexual, in order to be counted as a subject in chronologic Western culture. However, this coming out process involves the acknowledgement of wanting something which he does not currently possess, more specifically desiring sex with another person. His subjective realization would involve dispelling the cloud of homosexual panic through admitting that he wants the male he does not have, or conversely through accepting that he does not desire men and instead desires either women or something/someone else (what Sedgwick terms ‘less exclusively defined sexuality’). Sedgwick's analysis of Marcher's desire hangs on his continual playacting of heterosexuality and his supposed desire being routed through the figure of the female.

Furthering this argument through the discussion of the centrality of time to this novella, this chapter has previously suggested that what Marcher desires is the future, a guaranteed future that can be guaranteed solely through committing himself to the female. Putting this together with the aforementioned trait of Marcher to perform the system before (or in lieu of) living the system, as he in meeting Bartram attempts unsuccessfully to recall the details of their past without the help of Bartram, we can rethink Marcher as a character lacking in the ability to look towards the future and desire something within it. In this construction of desire, the desiring subject points towards a moment of fulfillment of their present wish, so that what Marcher, Bartram or any of the peripheral characters wants can be desired only in a time that is not present. The event of the beast passes from the future to the past, and never

21 Similarly, Posnock reproduces James's renunciation of transcendence and the importance of entanglement in arguing for an understanding of what Adorno calls non-identity. This argument leads Posnock to affirm James's pluralization of the possibilities for subjectivity in The American Scene (Posnock 26,42).
attains presence within the story, so that Marcher’s commitment to Bartram always motions towards a desire unfulfilled, a desire to fill in the gaps that lack fulfillment in the present moment. Yet, in order to desire in this manner, Marcher has to commit himself to a system that would construct his lack of desire as a gap to be filled. In this reading, it is not that Marcher commits himself to Bartram in order to perform a heterosexuality that he lacks, but rather that Marcher commits himself to Bartram’s system of time in order to perform a type of desire he lacks. Without Bartram’s system of futures and pasts, Marcher could have no location in which to locate his lack. In his queer time of pure presents, he takes things as they come, and does not desire those things, but instead experiences them in their present fullness. Similarly, without Bartram’s system of knowledge, Marcher could not regard himself as a character that lacks, a character whose gaps must be filled. Again we see knowledge and time working sympathetically to create a subject who is ignorant and needs knowledge, a knowledge buried in the futures and pasts that he must uncover, and now, the linking of desire to this uncovering effect of Bartram’s system in which the future and pasts are places that enable the enactment of desire. Marcher gains his desire of the future, perhaps more accurately his desire of desire itself, through committing himself to the system of time and knowledge that allow him to enact the specific mode of desire promised within this system. Marcher, refuting his queer time of presents and his lack of desire, embraces what appears to be a heterosexual ‘window dressing,’ yet by generating a reading that emphasizes time, I now suggest that the heterosexuality of the interaction is a window dressing22 for a larger process of normalization that renders specific concepts of knowledge, time and desire central, even as divergent queer forces within the narrative attempt to provide not opposites, but alternates.

22 I use the term window dressing here to parallel Sedgwick’s important use of the term in her analysis. However, I do not intend to suggest that Marcher’s enacted desire for Bartram is really his desire for desire, but rather, in following Butler’s argument in “Capacity,” that both of these desires occur through the same expression with neither being more primary than the other.
"The Beast in the Jungle" is not solely a story of opposites, in which Marcher's ignorance opposes Bartram's knowing, or Marcher's present opposes Bartram's past and future, or Marcher's absent desire opposes Bartram's promises of heterosexuality. Beyond this play of binaries is the queerness of Marcher as he struggles to exist within a fixed-origin system of sexuality built upon the sympathetic concepts of chronologic time, knowledge and desire that he does not live. His difficulties in living this system demonstrate that though fixed-origin argumentation pretends at epistemic totality (either/or), still something escapes, or perhaps more accurately, someone exists beside.

This chapter has begun to challenge the ways in which the chronologic reduces terms like time, knowledge and subjectivity to a play of either/or in order to gain liberation through coming out into the permissible. I have also suggested that the desire to liberate characters (as synecdoches for certain groups of people) potentially ignores the ways in which ideas of liberation fail to challenge other problematic constructions prohibiting alternate understandings of characters and people. While these subjects may find their own ways to navigate the mores of Sedgwick's permissible/impermissible Western culture, the next chapter turns back to these structural understandings to wonder if there are more ways to render Marcher's life livable without necessarily rendering it permissible or impermissible. What would these new structures of comprehension look like? Would they be structures at all? And perhaps most importantly, how could we come to know and live them?
In 1824 the devil in the guise of a young nobleman walked the Scottish countryside. Detailed in the confessions of Robert Wringhim, collected and copied by the Editor and penned by James Hogg, the devil laid claim to the souls of the Calvinist elect through his subtle manipulation of the faithful young Robert. Over the years of their acquaintance, Robert began to suspect that his one time friend was in fact the prince of darkness incarnate and as his suspicions grew, so grew the odd occurrences. Voices in the night, beasts clawing at his shutters, long expanses of unremembered time, people impersonating Robert’s close friends, his family put to death by his own hand, all these horrible elements beset Robert Wringhim. Or perhaps he was just a little paranoid.

Commonly, paranoia is the belief that people are out to get you; analytically, thanks to the work in part of Sedgwick, paranoia is the process through which one explanation becomes the explanatory system for understanding all occurrences. This occurs, as we have seen in the previous chapters, as a singular model provides the structural framework for understanding and creating all other models. For example, paranoia enables us to look at time and see a system that applies to knowledge as well, to look at knowledge and see a system that applies to desire, and to look at desire and see the same system that applies to sexuality, and through syllogism, reduce all of these elements into a well-understood structural unity. In Sedgwick this unity is the chronologic in which time understood as a past and present contains a set of interrelated events that certain people can remember and predict accurately. The chronologic also contains a sympathetic concept of knowledge where people dig up previously buried pieces of knowledge in order to arrive at a more thorough understanding of past and future and an intimate comprehension of the interiority of other subjects. This chronologic epistemology enforces a desire for these bits of knowledge, a desire that points towards times and pieces of knowledge not present in the present moment, something lacking in this
moment that the subject nonetheless can desire and bring about through careful examination of the buried treasures of knowledge hidden in the past and future. This sympathetic concept of desire becomes a chronologic construction of sexuality in which the subject stands in, out or partially in and out of the closet in relation to his/her knowledge or ignorance of his/her inner buried self-knowledge. Through self-examination of one’s pasts and possible futures, or through the concerted efforts of others in discovering the buried desires of one’s own interiority, the chronologic subject can come to a final knowledge of his/her sexuality.

In the previous chapter I outlined each of these moves whereby knowledge, time, desire and sexuality became sympathetic concepts in the same chronologic logic. Each of these concepts built upon the strengthening resonances with each other, until all together, the amalgamated tessellation “blot[ed] out any sense of the possibility of alternative ways of understanding or things to understand” (Touching 131). In the face of the chronologic that contains both permissible and impermissible, both normative and non-normative, both hetero- and homosexuality, the characters in Sedgwick’s primary texts panic as they find themselves unable to commit to any of the understandings existent in a system that says these understandings are all that exist and what it means to exist. In this panic, these characters present queer modes of understanding the prescriptive notions of time, permissibility and knowledge, so that individually the disjunction between the characterized lives and the system of knowledge point towards the limitations of a system that purportedly stands as immutable and originary, a construction reinforced by, and necessary for, fixed-origin argumentation. Yet these characters are gaps that the epistemology of the chronologic eventually fills in, renders knowable (even if as a known unknown), so that deviance is accounted for within the structure.

But is there a possibility for a queer structure, derived from these individual characters? And, what would such a queer structure look like? What is the alternative imagined in these panicking characters to a structure that at any moment appears able to rotate and reposition itself in order to (re)incorporate any possibility that seemed to once exist beside the system?
The previous two chapters have drawn from what is perhaps Sedgwick's best known analysis of homosexual panic in "The Beast in the Jungle" for various reasons already discussed. To continue the analysis, I adopt a similar process of revisiting Sedgwick's primary texts while shifting the primary text to one of Sedgwick's earlier choices: James Hogg's 1824 work *The Private Memoirs and Confessions of a Justified Sinner*. Generally, this shift in text helps to address two possible objections to the previous chapters, the first being that the paranoid chronologic system I outlined is perhaps a specifically Jamesian concept, and the second being that the analysis unfairly reduces Sedgwick's work to a singular chapter written towards the end of her research into homosexual panic.

Beyond this redressing of my potential myopia, there are other more specific reasons for moving to Hogg's novel. First, the analysis of Hogg's work in *Between Men* occurs as the first articulation of the emergence of codified homophobia and homosexual panic within Sedgwick's work. While it is not the first text she analyzes, nor the earliest, the novel for Sedgwick presents "the newly virulent, newly personalized element...[of] homophobia" (*Between* 102). This analysis is the first time that Sedgwick addresses the governing attribute of the chronologic we began to outline in Chapter One. Second, her analysis of *Confessions of a Justified Sinner* presents an iteration of her concept of the paranoid gothic, a phrase derived from her earlier Ph.D. work *The Coherence of Gothic Conventions* that comes to inform both her endeavors in examining homosexual panic and also her later critique of her own work (and systems) as paranoid. Finally, the text of *Confessions of a Justified Sinner* has a fractured form that in its movements seems to both mirror and refute Sedgwick's analysis. Like James' "The Beast in the Jungle," *Confessions of a Justified Sinner* has a lot to say back to Sedgwick's analysis. For these reasons, this chapter takes as its central text *Confessions of a Justified Sinner* and Sedgwick's analysis thereof in *Between Men*'s sixth chapter "Murder Incorporated."
3.1 The Promised Origin of James Hogg’s Confessions

*The Private Memoirs and Confessions of a Justified Sinner*¹ is James Hogg’s novel of brotherly betrayal, bastards, revenge and Calvinism.² The story centers on the memoirs of Robert, the allegedly illegitimate son of the Laird of Dalcastle. Spurned by his father, Robert is adopted by the Reverend Wringhim a Calvinist preacher and supposedly Robert’s true father. The Laird of Dalcastle also sires a legitimate heir: the attractive, intelligent, masculine George. The plot of the novel is organized around Robert’s attempt to claim the family fortune as his own in order to fund the spread of Calvinism. The shady, chameleonic Gil-Martin, commonly read as Satan incarnate, aids Robert’s efforts.³ Eventually, Robert begins a series of murders, justified as God’s will, due to his belief that he is one of the Calvinist elect and can do no evil. Robert kills his brother, and then plans to kill his father; however his father dies of a heart attack before Robert can commit the murder. Robert assumes the title of Laird of Dalcastle and attempts to renounce the company of Gil-Martin whom he has come to distrust and despise. Through a complicated series of unremembered crimes and days passed in apparent stupor, Robert finds himself accused of raping and murdering a local woman and set upon by the local authorities. Robert escapes the officers by donning Gil-Martin’s proffered cape and disguising himself as Gil-Martin, passing by the officers completely undetected. Eventually, Robert comes to believe in the evil of Gil-Martin and sets about printing the eponymous

¹ I refer to the novel as *Confessions*, to distinguish it from “Confessions” referring to the internal story “Private Memoirs and Confessions of a Sinner.”
² This paragraph presents a possible understanding of the events that transpire across a novel with two narrators and numerous formal shifts. The subsequent discussion critiques the ways in which this singular narrative gathered out of multiple divergent elements of a fractured structure comes to stand for the true telling of the narrative’s events. In this argument I juxtapose the strategies of editing multiple threads into a single unity with the technique of allowing the divergent, unintelligible and inexplicable elements of the tale to stand unedited. Because of this, supplying a culled narrative potentially is inconsistent with the rest of the argument; however, as I will discuss further later, there is a way in which I am playing at the same analytical structures of prior critics in order to highlight their construction, and at the same time, I wish to supply readers not familiar with Hogg’s work enough of a narrative context to follow the elements of my argument based on plot, though the liability of this comes at the cost of possible hypocrisy on my part.
³ See Carey: “The stranger, who calls himself Gil-Martin, but whom the reader soon recognizes as Satan” (x); Fang: “Gil-Martin, a mysteriously powerful personality who may be the Devil” and also “Gil-Martin, the devil,” (170); and Massie: “the impression dawns upon the reader that Gil-Martin is the Devil” (166).
“Private Memoirs.” Gil-Martin, however, pursues and torments Robert, and eventually, Robert allegedly takes his own life.

Several critics (Sedgwick included) refer to the Confessions’ ‘twice-told’ structure in which the events of the narrative appear initially via an occult "Editor’s Narrative" (roughly the first half of the novel) and then again in the more revealing “Confessions” (roughly the second half of the novel). According to these critics, the twice-told structure renders the story as an illustration of the attempt to provide credible knowledge through secondhand accounts, in which the “Confessions” explain the occurrences that appear illogical in "The Editor’s Narrative." For example, in "The Editor’s Narrative" Robert interposes himself in a tennis match in order to taunt his brother, yet the novel only reveals his motivation for intruding upon the match in the “Confessions” when the reader learns that Gil-Martin told Robert to head to the tennis courts to kill his brother.

In her reading, Sedgwick, instead of assigning the credibility of the events to the “Confessions,” assigns it to a set of knowledge amalgamated from the biased accounts, confirming that the Confessions present “the same events from two different perspectives” (Between 100). Sedgwick explains the gaps in knowledge between each narrative as a perspective on the ‘same events’ that transpired. To return to the tennis game example, Robert interposing himself in the tennis game happened, and his motivation for doing so and the manner in which this action informs subsequent actions are a matter of perspective. What happened were those events that were the same events in both tellings. Sedgwick’s reading unifies the two narratives into one set of events, and as such, one tale compensates for the gaps in the other and vice-versa. Returning to the system of the previous chapters, Sedgwick’s interpretation reinforces the chronologic as it suggests the gaps (surprises) within each narrative could have been predicted/known and as proof there exists a second narrative to demonstrate the knowability of that knowledge.

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4 See for example Sedgwick Between Men (98), Carey’s introduction to Confessions (ix) and Redekop (172).
In this search for the amalgamated story, the critics of *Confessions* present a similar structure to the analysis of Marcher's knowledge from the previous chapter. While Carey in his introduction to the Oxford World's Classics printing of *Confessions* asserts, "the editor does not supply 'the facts'. He repeats traditions which, he admits, may go no further back than the printers of Wringhim's memoir," Carey nonetheless begins his introduction with a culled articulation of 'the facts' of the novel's plot (Carey xii). Furthermore, in order to say that the Editor does not supply the facts, Carey needs to know the facts which the Editor does not supply. Akin to Sedgwick's analysis of ignorance and knowing, to profess that someone else is ignorant is to profess to know the knowledge of which s/he is ignorant. Much like Bartram's ability to correct Marcher's ignorance, Carey and the rendition of the tale as twice told uncover the past of the narrative from the muddling perspectives. In this twice-told structure, knowledge becomes the overlapping events reduced into a singular whole while perspective becomes an ignorance of this whole picture.  

However, the *Confessions* is more than twice told. In addition to the two central narratives ("The Editor's Narrative" and "Confessions"), several other formal divisions occur within the novel. After the events of the plot are doubly recounted through “The Editor’s Narrative” and Robert’s “Confessions,” the largely coherent form of the “Confessions” digresses into fractured epistles as Robert, on the run from Gil-Martin, intermittently presents the rest of the narrative through journal entries. After the alleged suicide of Robert (hinted at in his final journal entry) "The Editor's Narrative" returns, though this time detailing the Editor's own experiences of tracking down the buried journal and supposed gravesite of

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5 For more on the concept of the whole or authentic text, read through publication histories (and strategies) of Hogg with regards to *Confessions* see Duncan “Authenticity Effects,” especially when he characterizes Hogg’s technique of including himself within the text: “The Author’ does not occupy the station of an origin anterior to the novel’s thematic of a metaphysically disastrous doubling and splitting: he is himself subject to it, penned within, rather than transcending, the field of literary effects” (Duncan 102).
Robert Wringhim. Beyond these additional formal indications of more than a twice-told story, the framing of the novel occurs with the Editor’s introductory statement in which he proclaims "I am only relating to the greater part of the inhabitants of at least four counties of Scotland, matters of which they were before perfectly well informed" (Hogg 1). In setting up the story in this manner, the Editor presents the narrative from the outset not as a twice-told tale, but as something repeated numerous times in the oral tradition of at least four counties of Scotland. If considering the story as a twice-told tale establishes an interpretive framework in which knowledge is discovered through overlap, then what happens to this knowledge when we consider the story as a continual repetition?

In order to establish the narrative as part of an oral repetition, the Editor begins his telling of the events by affirming that his information comes "from tradition, as well as some parish registers still extant" (Hogg 1). As the information derived from the county registers comprises only some technical data on the first page, the Editor affirms "and this being all I can gather of the family from history, to tradition I must appeal for the remainder," the remainder being the 92 pages of the Editor’s story (Hogg 1). From the outset, the Editor signals the repetitive oral narratives that he, through his own interpretive action, assembled into a unified whole. Furthermore, the Editor presents the story first as a repetition of an existent tradition: the oral repetition that preserved the narrative until the Editor recorded the events. By combining the technical data with the culled information of the local inhabitants, the Editor prepares to present the definitive story of Robert Wringhim. The Editor in his edited story constructs a singular narrative out of multiple: containing the divergent repetitions within the overlap. And yet, the legitimation for the Editor’s ethos simultaneously establishes the story as a repetition rather than a doubling. While the Editor attempts to endow repetition with the

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6 Redekop explains this characterization of the novel as twice-told by referring to the other material included with the novel as “a Derridean supplement’ to a dead Book,” in which these explanatory notes and additional tellings traditionally would be dismissed as extraneous or additional material not essential to the tale, an oversight Redekop challenges through Derrida On Grammatology (Redekop 162). 7 For more on the interaction between the oral tradition and the written tradition in Hogg’s work, see Duncan “Authenticity Effects.”
same orientation towards knowledge as the doubled story, he also calls attention to the multiple stories and the actions of the Editor in editing the material.

The closing remarks made by the Editor prior to the “Confessions” further elucidate this technique of editing and its relation to repetition and knowledge. "The Editor's Narrative" ends by introducing the “Confessions” stating "I have now the pleasure of presenting my readers with an original document of a most singular nature” singular here meaning unique (paralleling the use of 'original' in describing the “Confessions”); but also, in contrast to "The Editor's Narrative" which is multiple repetitions told once again, the “Confessions” is supposedly the events told from the first-person singular perspective of the central figure (Hogg 93). This “Confessions” is the origin of all the Confessions' repetitions as its description as original indicates; yet the Editor, having related the events of the “Confessions” already, renders the “Confessions” a repetition and no longer singular. The Editor mirrors this action in the repetition of the word singular within the full sentence "an original document of a most singular nature, and preserved for their perusal in a still more singular manner" (Hogg 93). Singular becomes multiple in this repetition of the word singular that mirrors the Editor's (re)turning of the “Confessions” to its initial oral repetition.

The Editor re-invokes the concept of doubling as he repeats the word 'singular' twice. In this doubling that plays upon the twice-told (mis)understanding of the narrative structure, the Editor promises knowledge, the singular understanding of the narrative, an understanding that the concept of doubling likewise promises to fulfill through its illumination of the overlaps in the two stories. This singular that turns to double occurs as the narrative shifts into a repetition where the oral stories culled into "The Editor's Narrative" become the context for their origin that is now a repetition. The “Confessions” through this repetitive contextualization is no longer the singular origin, but rather another telling amidst many. If the concept of overlap promises a certain type of knowledge through reducing the twice-told narrative into one overlapping narrative and several divergent points of perspective, then
repetition is the return to this promise in the endless attempt to amalgamate more tellings of the events into an ever clearer picture of the overlapped knowledge.⁸

The events of the “Confessions” increasingly diverge from the Editor’s telling of the story as the novel progresses, challenging this promise of knowledge through doubling. As the overlaps become contradictory and the form of the novel breaks down into a series of epistles, the promise seems wholly unfulfillable. Where is the singular narrative the Editor promised in the introduction? Who has the knowledge of Robert Wringhim? Perhaps the structural importance of the overlap lies in this anxiety over the knowledge proffered through the double. In the repetition of the story, the Editor attempts to make good on his promise of a singular understanding through continually repeating and culling the narrative(s), while paradoxically the more the story repeats, the more the system constructing the events as ultimately knowable reveals itself, until the narration ceases and the novel shifts to a new story of the Editor’s own journey to uncover Robert.

Reading the novel as a doubling offers a sense of certainty to the narrative events, establishing a singular origin from the doubles. Conversely, reading the novel as a repetition of the non-existent origin that attempts to perform the type of knowledge believed to reside in the overlapping doubles destabilizes the clean explanatory model of the twice-told tale. Again we see the tension from Chapter One’s analysis between establishing the past as the origin (through doubling) and the endless play of difference that attempts to perform this origin while also signaling the limitation of the origin. If instead of accepting the commensurability of the multiple tales the story presents, we attend to the disjunction between the repetitions

⁸ Redekop makes a similar observation that the repetition both upholds and challenges the promised unity of the text in analyzing the tension between Hogg’s understanding of oral stories and printed stories: “in adapting his oral stories to print, Hogg used techniques of repetition and montage to create an illusion of circularity and completion which echoed his early love of annular ballad form. Such an illusion, however, was no happy regaining of the minstrel’s paradise...the more ironic and fragmented Hogg’s narratives become, the more they tend to project another world outside the narrative itself, a world of oracular unity which precedes the fall into the fragmentation of print” (Redekop 167). The process of projecting a wholeness outside of the fractured object will be explored in a psychiatric and psychoanalytic context with reference to panic in Chapter Five.
(the points in which the repetitions break down) perhaps we can see where the story resists the actions of the Editor to render the repetition knowable and moves against the chronologic epistemic structure outlined in the previous chapters.

In this analysis, this chapter attempts to discover if there are, or can be, a structural corollary to the queerness of John Marcher. Chapter Two discussed Marcher’s queerness in terms of a gap that could not be understood through the structure of permissible/impermissible and explained his panic as the encountering of a disjunction between his queer life and the structure attempting to make that life knowable. This chapter develops the ideas of a queer(ed) structure hinted at in the incomplete grammar of James’ novella in order to see the possibilities for living beside the structure of an unlivable system, rather than, as we saw of Sedgwick and Smith in Chapter One, attempting to find the ways to change it.

3.2 The Panic of Robert Wringhim

In *Confessions*, the anxieties around living the chronologic occur in the interrelation between doubling and repetition. Throughout the novel, there are numerous moments of explicit doubling that cluster around the central character of Robert Wringhim author of the “Confessions.” As stated before, Robert is the unacknowledged son of the Laird of Dalcastle George Colwin. As the laird refuses to acknowledge Robert, the family reverend Robert Wringhim, Sr. takes the child and baptizes him Robert Wringhim, Jr. after his own name. The implication is that Robert is the child of the Reverend Wringhim. This allegation comes to be articulated in a plot centering on the dismissal of the Wringhim’s servant John Barnet. Robert, believing that Barnet is an evil man, lectures the servant in the ways of Calvinism, to which the servant responds “I ne'er, for my part, saw a son sae like a daid, sin'my een first opened” referring to the likeness between Wringhim, Jr. and Wringhim, Sr. (Hogg 102). When Robert reports this to his adopted father Reverend Wringhim, the Reverend becomes enraged, seeks

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9 As stated in the Introduction, ‘gap’ is catachrestic as it potentially implies that Marcher’s queerness occupies either a non-time or a non-space. Here gap is meant to indicate a queerness not intelligible through, and not oppositional to, epistemologies of time/space.
out the servant and asks "did you ever say to any one, that he resembled me" (Hogg 106). When Barnet replies in the affirmative, the Reverend presents a list of possible explanations for the resemblance that are not based on him having an adulterous affair with the laird’s wife, but in the end, the Reverend informs Barnet that he either has to promise to never repeat this affirmation of sameness again or that he must quit the Reverend’s service (Hogg 106-107). Barnet replies that he cannot commit himself to silence and thus leaves.

This scene begins with a doubling of Robert Wringhim. This doubling suggests that the hidden knowledge of the relationship between the doubled Roberts lies in the adulterous affair of Reverend Wringhim. Yet as the Reverend attempts to demonstrate, the overlapping of the doubles can be explained through other means and thus does not prove the link but rather points toward the link. The Reverend does not dismiss the servant for simply suggesting a double in his speech, but rather delivers an ultimatum that this double should not become a repetition. This action suggests that the repetition of the affirmation would somehow perform the knowledge of the alluded to origin of the doubling.

This structure, of repetition performing the knowledge of the overlap, doubles itself in the form of speech enacted by John Barnet. As the Reverend affirms, Barnet speaks through innuendo in which the meaning of the sentence becomes doubled through the denotation and the connotation. The Reverend chastises Barnet for this doubled speech stating "John, I do not approve of these innuendos...for your dark hints are sure to have one very bad meaning" (Hogg 104). Yet it is not the doubled speech that causes the dismissal of the servant, but rather the unwillingness of the servant to not repeat this doubling. As such, the doubling has one very bad meaning (adultery) the proof of which through repetition cannot be tolerated. Again, the doubling hints at the knowledge of the perverse relationship though the overlap of the character trait of the two Roberts, while the repetition of this doubling becomes the proof that this is credible knowledge, for it continues to overlap with other corroborating stories.
The final aspect of Barnet’s accusations of the familial relation between the doubled Robert Wringhims is that it is not only the physical resemblance that doubles the two characters, but also their propensity for certain actions (in this case, sermonizing). Gil-Martin later elaborates this relationship between appearance and propensity stating:

By contemplating a face minutely, I not only attain the same likeness, but, with the likeness, I attain the very same ideas as well as the same mode of arranging them, so that, you see, by looking at a person attentively, I by degrees assume his likeness, and by assuming his likeness I attain to the possession of his most secret thoughts. (Hogg 125)

In becoming the double of someone, Gil-Martin is able to know their secret thoughts, repeating the construction of knowledge from the previous chapter as that which is hidden inside. In this case, the way of 'digging up' this knowledge is through the observation and imitation of the person in his/her self-stylization. It is, as Judith Butler states in refining Foucault, not the inside that expresses itself on the outside, but rather the outside appearance which constructs the inside as truth. By mimicking the performative categories of a person, Gil-Martin becomes the individual, where the performative is the "repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being" (Gender 44). It is the repetition of the doubling over a period of observable time that creates the construction of interior knowledge, in the chronologic system that characterizes knowledge as hidden, time as a place in which knowledge is hidden, and the knowledgeable subject as one who can uncover the interiority of the other subject.

In the chronologic, doubling suggests a hidden knowledge through overlap, a knowledge that the continual repetition of the double constructs, whether this is the subject

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10 See Gender Trouble where Butler states "this also suggests that if that reality is fabricated as an interior essence, that very interiority is an effect and function of a decidedly public and social discourse, the public regulation of fantasy through the surface politics of the body ... in other words, acts and gestures, articulated and enacted desires create the illusion of an interior and organizing gender core," (Gender 185-186).

11 As Robert lists, these categories contain "the clothes ... the form ... the apparent age; the colour of the hair; the eyes; and ... the features" (Hogg 117).
or the authenticity of the story related. The presence of repetition guarantees the persistence of the knowledge (its repetition through time). As such, chronologic time creates and maintains (even as it is created and maintained by) this repetition, which gives rise to the ability to understand the repeated actions of the performative as subjectivity. The subject (like Gil-Martin in his doubling, or Wringhim, Sr. in his injunction against repetition) then reproduces (doubles) the logic of his/her own subjectivity through affirming in his/her repeated actions the logic of repetitions and doubling and thereby doubling the logic of the prevalent system (the chronologic). In the ascribing of credibility to the system of doubling through the tautological use of doubling to prove the system, the subject exists both in repetition and because of repetition.

Though repetition serves to prove this system, it also undermines the system, as the performative repetition highlights its own performance: the repetition breaks down.\textsuperscript{12} Confessions dramatizes this breakdown through a rupture in both the series of repetitions and in the characterized subjectivities within the narrative. The re-emergence of panic within the narrative heralds this destabilization of repetition and points towards a possible link between panic and the disruption of the logic of the chronologic. In examining these moments in which the logic of repetition, time and knowledge becomes void perhaps we finally can come to additional understandings of ways to live within and (possibly) beside the chronologic.

At the center of the breakdown of the chronologic system in Confessions is the novel's guiding temporal framework: Calvinist soteriology. In Confessions’ Calvinism, the souls of humanity are unconditionally elected for salvation. All actions are inscribed within a reading of a future that is already known, as the elect can only act justly, while the wicked may attempt

\textsuperscript{12} Butler in Bodies That Matter: On the Discursive Limits of “Sex” similarly indicates the instability that adheres to performative repetitions, affirming “if the cultural construction of sexuality compels a repetition of that signifier, there is nevertheless in the very force of repetition, understood as resignification or recirculation, the possibility of deprivileging that signifier” (89). In The Psychic Life of Power, she further states: “A subject only remains a subject through reiteration or rearticulation of itself as a subject, and this dependence of the subject on repetition for coherence may constitute that subject’s incoherence, its incomplete character. This repetition or, better, iterability, thus becomes the non-place of subversion” (99).
to be good, but will ultimately fall to sin. The character of Reverend Wringhim is a staunch Calvinist and during the first part of the *Confessions*, he prays for a sign from the Lord that Robert is indeed one of the elect. Once his election is secured Robert will be able to live his life in the knowledge that his is assured salvation no matter what transpires on Earth. This sign eventually comes to the Reverend who, one night, exits his chamber and gives a long speech culminating in the affirmation "rejoice and be thankful, for you [Robert] are plucked out of the burning, and now your redemption is sealed and sure," after which Robert remarks "I wept for joy in thus being assured of my freedom from all sin" (Hogg 115). As Robert has been acknowledged as one of the elect, none of his actions can be regarded as sinful. This certainty of knowledge underpins the trajectory of the rest of the novel, as shortly after learning of his election Robert meets Gil-Martin. Gil-Martin argues that, as a member of the elect, Robert need fear no divine repercussions from his actions as whatever he does he does as a man assured of his righteousness. Similarly, Gil-Martin implies that he has a vast amount of influence and power which he can use to forestall any legal consequences that could arise from Robert breaking earthly law. With immunity from both governmental and divine justice, Robert assents to committing the series of 'just' murders as "having such a powerful back friend [Gil-Martin] to support me, I [Robert] hardly needed to be afraid of the consequences" (Hogg 134). After the assurances of both his father and Gil-Martin and with the predestinarian dogma of Calvinism, Robert enters into a world of mechanistic causality in which all the causes lead to predefined effects. This hyperbolic instantiation of chronologic time erases all possibility from Robert’s future: there is no possibility that the murders will result in his condemnation.14

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13 Carey in his introduction to *Confessions* summarizes the antinomianism beliefs at the heart of *Confessions*’ version of Calvinism that affirm “the elect are not subject to moral law” because they cannot act immorally as they are unconditionally elected (Carey xx).

14 This process is read as Hogg’s critique of Calvinism through Antinomianism. For an extended discussion of both the Antinomian controversy and Hogg’s relation to Calvinism see Thorpe “Calvin, Darwin, and the Double: The Problem of Divided Nature in Hogg, MacDonald, and Stevenson.” Stirling, through reading *Confessions* with the film *Fight Club*, suggests that the critique is not of Calvinism per
After embracing the antinomian chronologic, Robert begins to murder unrighteous members of the community, culminating in him killing his brother. After this murder Gil-Martin encourages Robert to kill his father, but before they can begin plotting the father has a heart attack. Being the only living heir however illegitimate, Robert becomes the new Laird of Dalcastle. At this point, Robert’s mother goes missing. This dismissal of the mother and father, the supposed hereditary origination points for Robert, also signals the beginning of the breakdown in the story’s temporality. In the previous discussion of repetition and doubling, I suggested that both of these terms are precipitated upon the idea of the origin: an origin that is doubled and an origin that is repeated. The origin of Confessions’ narrative, for example, can be found allegedly in the points in the two stories that are doubled. The veracity of the origin is guaranteed through its continual repetition in the same form. On the other hand, this overlap can occur only as an effect of the doubling of the origin, so that the origin is both cause and effect of the overlapping doubles. In both cases, the logic of repetition and doubling depends upon, and constructs, the presence of the origin that repeats. As Robert unmakes the doubles of the plot (first killing his brother and then killing his father) he also unmakes the origin that these doubles perform, not through eliminating the origin, but through eliminating the ways in which he comes to know the origin: the logic of the origin.

In destabilizing the logic that underpins the origin, Robert likewise destabilizes the other attributes of the system, attributes once guaranteed through their repetition of this same logic, so that knowledge as hidden, time as hiding place and subjectivity as interiority all

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15 Cojocaru, drawing upon Girard’s concept of limited transcendence, has suggested that the continual repetition of the murders links to the inability of the subject (in this case Wringhim) to achieve the promised ‘genuine being’ or ‘transcendence’ (which can also be read in this context as ‘wholeness’) (191). Again, the repetition attempts to perform a wholeness while also signaling its own limits.

16 Tambling further argues, “Hogg locates the psychic disturbance in the family: specifically within the impossible demands—because of their contradictoriness—laid on the child through the oppositional nature of the parents,” (Confession 131). Chapter Five and Coda Two will suggest that it is the friction between impossible demands that, in psychiatry, leads to homosexual panic. Here, it is the letting go of these familial obligations (in the removal of the Mother and Father) that leads to the formal panic of the text and the panic of Robert Wringhim.
lose their legitimacy through losing the logic that legitimates them. Again, I depart from Sedgwick to suggest that is in the formal breakdown of the narrative's chronologic sympathetic concepts that the panic of the character occurs. The rest of this chapter explores a potential new understanding of panic as the ability to upset the origin of the chronologic system. But how can Robert live without a system that guarantees the constituent elements of his life, namely time, knowledge and subjectivity?

In the sections of *Confessions* immediately following the death of the father/origin, Robert journeys to Dalcastle to take up his new estate. In the narrative, a local woman visits Robert, accusing him of having seduced her daughter over the past four months. Robert, outraged, responds that he has not been in Dalcastle for more than a month and furthermore affirms that he has "never so much as seen either of her daughters" (Hogg 174). However, Gil-Martin corroborates the woman's story, stating that Robert is inaccurate in his belief that only a month has passed. The doubled story in the form of the overlap between Gil-Martin and the woman's assertions performs the accuracy of the transpired events, trumping Robert's own attempt to perform history singularly. Later, a similar lapse in time involves Robert awaking and calling for his servant only to be greeted by a servant he does not recognize. After inquiring where Andrew Handyside his normal servant is, the new servant responds "surely ye haena forgotten that Andrew Handyside has been in his grave these six months?" (Hogg 185). This discovery results in a discussion in which Robert slowly acknowledges that he (without his recollection) personally had hired this new servant after the death of his last servant. Shortly after, Gil-Martin returns with news that Robert stands accused of killing the young woman he seduced, and later, that officers are coming to arrest him for the murder of his mother. Robert escapes the officers by donning Gil-Martin's proffered cape and thereby assuming Gil-Martin's subjectivity, passing by the officers undetected.

Through these events, Robert finds himself in a world he no longer lives, in which the chronologic system now fails to provide him the knowledge, time and subjectivity he once
possessed. Having expelled the mother, the father and their codification as the origin, while still embracing his belief in Calvinism and the determinate nature of the future, Robert enters into a period of applied chronologic time in which the time he lives (without origin) is disparate to the time to which he ascribes (with origin). Robert abides by the tenets of the chronologic system (knowability, temporality, subjectivity) while experiencing a time that refuses to be chronologic. For example, as the effect of the death of his old serving man, Robert hired a new serving man. However, Robert hired this man in a past which is like a future to him, as upon awaking he believes his serving man to still be alive and is surprised by the reality that his first serving man is dead. In response to this surprise, Robert reaffirms the logic of the chronologic system by anchoring the explanations of this occurrence in the logic of that system, even as that logic proves absurd. Robert does not continue to affirm that his serving man is alive and will die, but instead accepts that the old serving man has died. Robert places his faith in the fact that the events doubly related to him as a past will certainly come to pass in his future and accepts the events as if they were already a past. Robert occurs out of synchrony with the chronologic mode of time while still attempting to uphold the logic of that system.

The rupture, between the time in which Robert believes and the time that he lives, comes to a climax in the conclusion of the murder plot. When the constables arrive to arrest Robert for a crime that, under the chronologic model of time he has committed while under his personal model of time he has yet to commit, Robert panics. In this panic, Robert surveys the futures that lie in front of him and sees only one path for the chronologic subject of Robert, a path that leads to his punishment for a crime that under chronologic modes of time he committed. By acknowledging the lawmen's accuracy in exacting the effect of the law against murder, Robert simultaneously affirms that the cause will assuredly happen, reinforcing (repeating) the chronologic construction of the past-future. But Robert does not desire to be killed, though ironically, in desiring to not be killed, Robert again reaffirms the truth of the chronologic system through presenting an option in the future which he lacks in the present,
an option which he desires in the chronologic sense, but in a double-bind an option that the chronologic deems impossible. There is no feasible way within the chronologic for Robert to avoid the lawmen, so Robert takes leave of the chronologic.\footnote{Jagose performs a similar reading of disjointed temporalities in \textit{Rebecca} analyzing “the narrator’s inability to sustain herself in any temporal framing for long, her pitching back and forth between the scene she describes and those she imagines might precede or follow it” (\textit{Inconsequence} 105). Here, Jagose speaks more to the interruption of causal narration though a confusion of the elements of chronologic time, rather than the eruption of types of time not adherent to the chronologic. She observes, “the narrator often and vainly attempts to hold herself apart from temporality, to exist in a frozen moment beyond the blandishments of past and future,” (\textit{Inconsequence} 181). Existing apart from time is figured as a vain impossibility, yet I would argue that while, as Jagose suggests, lesbianism and male homosexuality cannot exist apart from the time which renders intelligible the system of desire, the queerness of Gil-Martin, Wringhim and Marcher posits a (non)personhood perhaps divorced from both time and chronologic desire.}

I want to label the process of leaving as Robert’s panic, refining Sedgwick’s concept to do so. Like Sedgwick, I affirm that panic occurs at the encountering of a boundary, as evidenced in Robert’s reaction in finally encountering something he desires (to be free) which he cannot have. However, unlike Sedgwick, I see panic as the strategy for evacuating this boundary rather than an indication of the boundary’s existence. In this restructuring, I follow Jackie Orr’s own analysis of the temporal elements of panic in her work \textit{Panic Diaries} in which she affirms "today the future is again staged in the panicky present tense" (280). Through her analysis, Orr demonstrates how panic implodes the future into the present, forcing the effects to occur before their causes in an inversion of chronologic time. In bringing the future into the present, the panicking subject manages to empty out his/her future of its contents by making the contents immediately present. The subject who panics paradoxically has both no future and all futures: no future in the sense that as the concept of the future has become the present, there is no longer a chronologic future in the sense of the lurking beast in the jungle that will occur in the space of tomorrow; all futures in the sense that by making the futures present, the subject finally has those futures in the present tense, and fulfills his/her desire for them, even as s/he eliminates the ability of that desire to continue existing (as there are no other futures to desire). In panicking, the subject enters into what Chapter Two labeled as
Marcher’s time of ‘taking things as they come’ where the concept of the chronologic future is absurd. Likewise, when Robert panics in *Confessions* the future both immediately occurs as present and becomes voided as a concept anchoring the chronologic system of repetitions.

The narrative of *Confessions* depicts this new type of panic in two ways. The first, already discussed above, is through the breakdown in the story’s form, so that the doubling becomes a repetition and the twice-told tale quickly loses its recourses to knowledge. The second is a narrative incarnation of this panic, which occurs through Gil-Martin handing Robert a cloak, stating "change habits with me" and "there is a virtue in this garb" (Hogg 207). Previously in the story, Gil-Martin acknowledged his ability to change form and through changing form performatively exist as others. As aforementioned, subjectivity within the chronologic can be expressed as the repeated overlapping actions within the past localized and hidden as knowledge in the subject's body. Gil-Martin, however, is an entity who can, at will, change his body in order to adopt the performative categories of another as if they were his own, and in so doing attain the same hidden knowledge of the subject as if it were self-knowledge. In this way, Gil-Martin represents what under the logic of the chronologic could be expressed as a non-subject, or at least a non-unified or non-unique subject. Gil-Martin's characterized subjectivity within the novel occurs in opposition to the other characters that, through the Calvinist soteriology, have rigidly unchangeable lives. Gil-Martin stands beside these dogmas and their logics, changing his 'habit' at whim. In this attribute, he occurs like the devil as the antithetical component, in this case the antithesis to the chronologic system. Where the system upholds stability, Gil-Martin offers impermanence. Where the system upholds a digging-up model of knowledge acquisition, Gil-Martin offers a mimetic form of knowledge acquisition. However, Gil-Martin exists within the narrative as a character known to other characters and central to several of the plot elements. To say that he was a non-subject would be to remove him likewise from the other attributes of the subjects. Yet throughout the
novel Gil-Martin becomes various subjects of the chronologic: mimicking, knowing and being even as he moves freely through these various subject positions.

Chapter Two discussed the ways that queer time and queer knowledge lead to (quasi-obliterated) modes of queer existence, as in the case of John Marcher who, by living a queer time, could pretend at, and exist beside, chronologic modes of time. In the *Confessions* this queerness occurs in the form of Gil-Martin. Describing Gil-Martin as antithetical to the chronologic potentially obscures an understanding of queerness as the ‘gap’ or ‘lapse’. In this understanding, Gil-Martin, like John Marcher, is not the opposite, but rather the accident within the system. The concept of queer avoids reducing Gil-Martin to the divergent antithesis of the privileged positions of the chronologic and instead begins to articulate the ways in which Gil-Martin plays at, embodies and transitions through these various binaries, queering their origin-based divisions as he does. Gil-Martin is not so much a non-subject as he is an entity who is not strictly chronologic, not strictly singular, and in his multiplicity continues to both refute, and occasionally abide by, the rules of the chronologic, while simultaneously pointing towards a ‘beside’ that queers a system of universal intelligibility.¹⁸

This queer characteristic of Gil-Martin, his ability to change freely between multiple subjects, is the quality that Gil-Martin passes onto Robert in order to enable Robert to stop existing in the chronologic. As Gil-Martin hands Robert the cloak, Robert's futures, in which he kills his mother, in which he rapes and murders the townswoman, in which the constables arrest him, implode into the present. At the same moment, Robert adopts Gil-Martin's queer habit and steps aside from these futures, presents and pasts into a new subjectivity that is not Robert. In this queer state Robert walks past his imploded futures out into the present that he will take as it comes. Through this ruptured panicky temporality, that likewise ruptures Robert, he becomes otherwise.

¹⁸ A further discussion of multiplicity and the beside occurs in Chapter Five around the Delusional Misidentification Syndromes in psychiatry.
3.3 Appropriating Queer

There is an argument to be made, as Sedgwick does, around the point that the giving of queerness occurs between two male characters, so that the elements of their interactions take on a dimension of homoeroticism. This argument becomes doubly powerful when considering the outcome of Robert and Gil-Martin's relationship in relation the heteronormative gender dynamic of “The Beast in the Jungle.” In Confessions the two males exchange gifts allowing one male to exit the normal and become queer like his compatriot; in "The Beast in the Jungle" the female allows the male to perform the chronologic and appear normal in spite of his queerness. In this way, Confessions presents a highly legible coming out story, while "The Beast in the Jungle" presents a closeting story. It would seem that homosexuality is integral to an understanding of queer time, subjectivity and knowledge, and likewise that heterosexuality is integral to an understanding of the chronologic. In these chapters, I have attempted to rearticulate this argument through suggesting that homosexuality becomes a shorthand for those poorly articulated elements of the chronologic that the characters move against, so that in "The Beast in the Jungle" Marcher's queer time becomes intelligible through the idea of homosexuality and his commitment to chronologic time is likewise intelligible through the idea of heterosexuality. In the same manner, Robert's acceptance of a queerness, and his rejection of the chronologic time becomes expressible in the narrative through the legibly homosexual relationship enacted between him and Gil-Martin, so that the queerness of the couple in failing to ascribe to certain modes of existence becomes shorthanded into the catchall category of homosexuality, even as it does not necessarily contain what Sedgwick would term genital sexuality between males.

A possible understanding of this construction is that these queerings of time, subjectivity and knowledge are legible as homosexual, homoerotic and heterosexual because the stories have embraced existent cultural reference points for the ineffable that stands beside the normal in relation to desire, subjectivity and knowledge. As Sedgwick affirms
throughout her two works, and most solidly in the introduction to *Epistemology of the Closet*, the play of knowledge/ignorance, the 'quasi-nominative, quasi-obliteratorive' structure, forms the understanding of homosexuality, and conversely, homosexuality stands for all which is quasi-nominative, quasi-obliteratorive. This false conversion illogically assumes that because all homosexuals are queer, all queerness is homosexual. This proposition accounts for how queerness, as we have seen in these tales, becomes culturally legible through the ideas of homosexuality and homoeroticism, while reducing queered expressions (queer time, queer subjectivities, queer desire) likewise into homosexuality. Sedgwick’s work importantly highlights the cultural machinations that reduce queerness to homosexuality, while this chapter has sought to use panic to underscore the idea that not every character who fails to fit into a normative framework is wrestling with issues of sexuality and sexual identity (even though the tale may render their failure to attain normativity through homosexual tropes).

This process of rendering otherness knowable through the chronologic finds its articulation within the concluding pages of *Confessions*. With the re-emergence of the Editor into the narrator position, the novel presents a search for knowledge that appropriates Robert Wringhim. In this process of identifying Robert, we are given a final function for the chronologic system as it endeavors to present itself as epistemically whole. In seeing this functioning denaturalized perhaps we can, like Robert, panic the system in order to generate new ways of thinking and things to think.

In the conclusion to the novel, the Editor journeys to the grave of Robert Wringhim in an attempt to disprove the letters of James Hogg though an exhumation of Wringhim’s corpse. Finding the grave, the Editor remarks "it [the grave] had been twice raised before this, but only from the loins upwards" and that "the part of the grave that had been opened before was filled with mossy mortar, which impeded us exceedingly, and entirely prevented a proper investigation of the fore parts of the body" (Hogg 249). Nonetheless, the Editor and his friends are able to exhume the corpse and in doing so discover the manuscript of the “Confessions”
sealed up with the corpse (the 'singular' preservation alluded to earlier in the story). The Editor concludes the novel by summing up his beliefs on the crimes committed or not committed by the young Robert Wringhim and then ends by diagnosing Robert as either a fool or a maniac.

This process of digging up Robert Wringhim presents a narrative of the process of appropriation. Prior to the exhumation, Robert, donning Gil-Martin’s cloak, troubled his existence within the chronologic mode of time and began to live queerly. This amorphous nature of Robert resonates with the ambiguity surrounding his personage, his work and his history so that the Editor sets out to 'dig up' the true corpse of Robert, learning on the way that Hogg's assumed exhumation of Robert occurred at the wrong grave site (Hogg 246). If we view Robert’s death as his final exit from the chronologic system, through viewing it as a rejection of those structures of knowledge which would make him intelligible, then we can read the actions of the Editor as a culling of different facts in order to compose a structural unity around the figure of Robert in the form of Robert’s life, appropriating the body which has potentially (queerly) taken leave of the chronologic. But why is the Editor so invested in the body of Robert Wringhim?

As in Chapter Two, the logic of the chronologic affirms that all subjects are recognizable (even in their unrecognizability) within the system. In order for the system to function, there can be nothing which exists beside it (Sedgwick states this as “alternative ways of understanding or things to understand”) (Touching 131). If a subject existed without this system, then the logic of the system and, as such, the system’s claims to knowledge would be destabilized, a claim validated in the breakdown of the structure of the novel after Robert’s panic. This destabilization would result in the loss of knowledge, time (past-present-future) and subjectivity for the other people/characters like the Editor. Robert’s exiting from the system in the form of panic potentially eliminates the ability of the Editor and others to continue to believe in the system that provides the definitions for their existence. The other
subjects therefore ‘dig up’ Robert in order to (re)inscribe him within the chronologic and reaffirm their own subjectivity.\textsuperscript{19}

The Editor and Sedgwick, however, turn away from the ‘fore parts’ of Wringhim’s corpse and towards the untouched lower half of the corpse, towards what Sedgwick terms Wringhim’s ‘genital sexuality.’ In this case neither Sedgwick nor the Editor is interested in proving that Robert’s genital sexuality was (anachronistically) hetero- or homosexual. Instead, Sedgwick follows the Editor in attempting to affirm the possibilities of Robert’s desires: what Robert wanted (to be). Sedgwick reinstates the role of the erotic in these channels of identification through a restatement of her thesis that "Oedipal schematics to the contrary, there is no secure boundary between wanting what somebody else (e.g. Daddy) has, and wanting Daddy" (\textit{Between} 106). For Sedgwick, Robert, in desiring to kill his father and assume his father’s title simultaneously desires his father. Here the erotic should not be confused with what Sedgwick refers to as genital sexuality, for Sedgwick is not suggesting necessarily that Robert desires his father or any other man (though that argument could be made), but rather highlighting the congruence between the paths of desire (as Butler points out in her article “Capacity”). In these actions we see a similar motion to Sedgwick’s interpretation of “The Beast in the Jungle” in which the plurality of desires available to Marcher nonetheless elides the possibility that the character lives a queer existence that potentially does not have a concept of desire. In her search, Sedgwick digs up a body for Robert that contains a hidden desire within it, a desire that Sedgwick readily restores to the subject in order to reaffirm that in the logic of the chronologic: all subjects have desire.\textsuperscript{20}

\textsuperscript{19} Tambling describes this as the process where “at the end of the \textit{Private Memoirs} the justified sinner is exhumed from the peat grave where he lies, his body and the body of the text together, to be interrogated by those who would make the death speak, who would force some further secret from it,” (\textit{Confession} 123). A further discussion of the interaction between confession, the chronologic and the subject with reference to psychiatry and the U.S law can be found in Chapter Five and Chapter Seven respectively.

\textsuperscript{20} Jagose similarly characterizes the appropriative effects of critics and editors in their attempt to retell \textit{Rebecca} and straighten out the novel’s disruptive structure (\textit{Inconsequence} 121).
In these actions, Sedgwick follows the Editor’s attempt to restore sense to the amorphous conclusion of “Confessions,” though instead of exhuming the physical corpse, she exhumes the desire of Robert. In the tale, the exhumed body of Robert occurs formlessly, having degraded through the years. This destruction of the solidity of Robert’s body potentially reflects his adoption of the amorphous, gap-embracing nature of Gil-Martin. However, Sedgwick affirms that Robert’s formlessness is not a sign of the refutation of subjectivity, but rather a marker of subjectivity: here in the formlessness of Robert lies his elusive self. Sedgwick pronounces this fact through a resurrection of the two-edged sword motif, affirming “the final lodging place of the two-edged sword is in the liquefaction of his own bowels and bones” intoning that, at last, the homophobic thematics of the tale have found their victim in punishing the aberrantly desiring Robert (Between 113). In restoring this sense of subjectivity to Robert, recognizing him as a subject and placing him back within the chronologic, Sedgwick also re-enacts the punishment that was supposed to come to Robert through the chronologic, the punishment he avoided by panicking. Sedgwick’s interpretive actions of restoring subjectivity to the amorphous queer, rendering him in all ways a subject to the chronologic forces of knowledge and time, places him back into the punitive framework he escaped through his panic. In hailing him as homosexual and calling him back to a chronologic to be accounted for as a subject, Sedgwick simultaneously shows the chronologic where to stab its two-edged sword.\footnote{Cojocaru concludes “although Wringhim kills himself, death flees from him and his preserved body is evidence that he cannot fully serve as scapegoat for a society whose judicial system fails due to the loss of differences through deviated transcendency” (195). The indistinguishability of Wringhim in his both his post-mortem decay and his habit-changing inheritance from Gil-Martin can be read as a subversion of the law’s need to punish the knowable, discernable individual. While Cojocaru references specifically an inability to punish Wringhim for the murders he committed, we could also read this as the inability to punish him for his sexuality. Sedgwick (and others) make Wringhim intelligible and punishable. For a further discussion of the link between intelligibility and punishment, see Butler Undoing Gender where she states “to be oppressed you must first become intelligible” (30).}

Despite potential appearances to the contrary, this discussion is neither a condemnation of Sedgwick nor of the system I have been calling the chronologic. While I have
taken issue with the attempt of the chronologic to (through paranoia) claim epistemic totality, I cannot deny that the chronologic makes these claims well. Through its ability to unify seemingly disparate concepts into a net that effectively catches all possible people, the chronologic guarantees that no bad surprises befall people, even as it guarantees that all people desire and desire sexually. Sedgwick also shows how the chronologic incorporates panic as the boundary between permissible and impermissible, using it to attempt to change the boundaries of the chronologic. While I do not doubt that the boundaries can and do change and have changed, my analysis has shown that, for example, making homosexuality permissible does not change the way that the same structure once making homosexuality impermissible continues unabated through the chronologic construction of, for example, knowledge. I also have articulated how various repetitions re-perform the system while simultaneously performing the system's concept of knowledge. This chapter demonstrates that there are people who do not find themselves within the logic of the chronologic. These people, through whatever fashion, see the breakdown in the repetitions, as the system tries to fulfill promises of livability that are not livable for them. In the narrative of Confessions, panic comes next: a new type of panic that pushes aside the chronologic and renders the subject queer. Other subjects, in an attempt to maintain the logic of their own subjectivity, appropriate the aberrant queer underneath the chronologic in order to reinforce the system by restoring its epistemic totality, repeating the logic of its original division.

Yet these are again queer figures living within the structure of the chronologic that at every turn makes allowances for their queerness, appropriating the impermissible as knowable impermissibility. While this chapter set out to find new structures of queerness to make the lives of these queer figures livable, perhaps the structural corollary of queerness is not necessarily a new structure, but instead a way of knowing, playing with, and performing the existing structure of the chronologic: a game that relies upon a panicky origin-disturbing realization that the chronologic cannot account for all lives (though paradoxically, because the
chronologic can and does appropriate these lives inside its logic, and sets the terms for knowability, it renders these lives knowable even as the characters and people living them destabilize this taxonomy). In these situations, queerness is a dialogue with the chronologic that simultaneously positions the character within, without and beside.

This queerness presents a category of 'beside' that causes anxiety in those members of the chronologic who need to uphold their belief system by appropriating the beside as a beside that is within the system: as the known antithesis to privileged permissibility. This is not to say that the queerness envisioned in these narratives is a type of campy playing with dominant structures, lampooning and hyperbolizing the forms in order to highlight their artifice; instead, this is a panicky play that destabilizes the chronologic only at the points in which the tension between the structure and the person become fully untenable. This queering, this panic, temporarily suspends the structure, shifting the subject into a position that was unthinkable within the chronologic. Panic in literature can be understood as a destabilization that allows a re-entry into the structure in a way which more playfully meets the subjectivity of characters and those they are said to synecdochically represent.

This is not meant to suggest that ‘camp’ is inappropriate for an understanding of these texts, but rather that as opposed to a camp-queerness, this chapter proposes a model closer to Gil-Martin’s chameleonic nature, one which performs sexualities, genders and subjectivities without hyperbolizing them: a performance indistinguishable from non-queer performances. For a characterization and discussion of camp and its place within theory, see the anthology Camp edited by Fabio Cleto, especially the introduction “Queering the Camp” and Dollimore “Post/Modern: On the Gay Sensibility, or The Pervert’s Revenge on Authenticity,” as well as ed. Moe Meyer’s collection The Politics and Poetics of Camp which reinvests camp practice with a political and queer value by drawing upon a definition of queer as an oppositional identity, setting camp and queer as against normative values. Meyer uses camp as an activist response while this chapter reads panic as a tactic for negotiating the chronologic.

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Coda

Literary Panic

So what is the literary understanding of homosexual panic? Following Sedgwick, homosexual panic is defined as the indication of a boundary between the permissible and impermissible forms of desire that should not exist. These chapters have attempted to show a more active understanding of panic as the strategy for destabilizing an either/or rendering of cultural terms. Panic also allows for the exiting and re-entering of the chronologic in order to play at its binaries, rather than advocating new binary definitions through fixed-origin argumentation.

In order to come to an understanding of both what Sedgwick means by the term homosexual panic, and what I believe to be the possibility of homosexual panic, these first three chapters have produced arguments that simultaneously challenge and uphold Sedgwick’s constructions of homophobia and Western culture. The chapters uphold Sedgwick’s argument by recognizing the power of her construction of Western culture and the multiple (and well-cited) historical, literary and cultural texts that typically are explained through the chronologic. Following Sedgwick enables a reflection upon, and speaking to, people who believe in the system she describes, who nonetheless encounter a disjunction between that system and their own lives. The version of panic articulated in Chapter Three emerges as a process of departure that necessitates a return to the structure, but at no point does panic transcend or eliminate the structure. These chapters have also challenged Sedgwick’s and Smith’s fixed-origin argumentation that encourages people to embrace the permissibility of their desires, through critiquing what coming out into spaces of permissibility might mean (or fail to mean) for these people. Though there are benefits to Sedgwick’s fixed-origin argumentation, perhaps two related questions remain: the first, what if we recognize Sedgwick’s chronologic system as one among many that we can and do freely choose between; and the second, should we just avoid Sedgwick’s construction altogether?
Chapter One partially addressed the first question in describing how the structure of Sedgwick’s argument relied upon the understanding of the chronologic as foundational to Western culture. Through fixed-origin argumentation, Sedgwick and Smith were able to argue strongly about the need to render desire permissible because this, for them, was the only channel through which desire could, and should, be recognized. While Chapters Two and Three troubled these totalizing conclusions, the synecdochic relationship Sedgwick described still remains, so that even in light of a possible ability to change the structure, Sedgwick’s chronologic understanding still functions as the system for numerous people. In existing and functioning as if it were the origin, the chronologic simultaneously is the origin, because the only definitions and epistemologies through which the origin can come to be known for those people are through the chronologic that Sedgwick describes.

This leads to the second possibility, of eliminating Sedgwick’s system altogether. If we eliminated the chronologic (which, as Chapter One showed, is also a synecdoche for other’s systems), while attempting to maintain the sympathetic concepts of desire, sexuality, time and knowledge from within that system, we would be ignoring the ways in which those concepts can exist only within the structures of intelligibility articulated by that system. In this affirmation, I follow Foucault in arguing that a certain term cannot be separated from the relations of power which constitute the intelligibility of that term.¹ This is not to say that any term carries within it the full effect of every possible understanding, or that words and their meanings cannot and do not change over time, but rather that extracting a term like panic, or homosexuality, from the structure within which we came to know that term would ignore the ways in which those terms, as we have seen, are made intelligible through sympathetic concepts of time, knowledge and desire. If we eliminate the chronologic, we simultaneously

¹ As Foucault affirms in “Truth and Power,” “it’s not a matter of emancipating truth from every system of power (which would be a chimera, for truth is already power), but of detaching the power of truth from the forms of hegemony, social, economic, and cultural, within which it operates at the present time,” (74-75). This point is explored further in Chapter Seven.
eliminate the homosexuality, time and desire which structure the lives of both historical and contemporary people, even if these structures are experienced problematically.

In exploring the mutual constitution of these sympathetic concepts, most contemporary theorists of queer time have outlined the force that queer exerts on time, rather than the force that time (or atemporality) exerts on queer. Halberstam, for example, affirms “queers use space and time in ways that challenge conventional logics of development, maturity, adulthood, and responsibility” and that “‘queer time’ is a term for those specific models of temporality that emerge within postmodernism once one leaves the temporal frames of bourgeois reproduction,” (13; 6). Here Halberstam uses queer in a way that “detach[es] queer from sexual identity” through “think[ing] about queerness as an outcome of strange temporalities, imaginative life schedules, and eccentric economic practices” (1). This careful separation of queer from sexual identity nonetheless tracks back to the Foucault citation which begins Halberstam’s disentanglement, in which Foucault states “homosexuality threatens people as a ‘way of life’ rather than a way of having sex,” (qtd. in Halberstam 1). This distinction sets up the complex, and at times conflicting, interaction between having-sex queerness and ‘way of life’ queerness throughout Halberstam’s work. The previous three chapters have explored theorizations of queerness like Halberstam’s that through its various proximities to gay, lesbian and transgender lives occurs ‘as an outcome of strange temporalities,’ as well as the ways in which “queer subcultures produce alternative temporalities” and queer time ‘emerges’ oppositionally to reproduction and family, a similar claim to Edelman’s (Halberstam 1, 2). What Halberstam illuminates here and elsewhere in her work is the gravitational pull that queer (as in sexuality or as in a way of life) exerts upon

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2 Freeman also describes a queer time that “emerged from within, alongside and beyond this heterosexually gendered double-time of stasis and progress, intimacy and genealogy” (Time 23). Muñoz places this time in the future rather than the past, but still affirms that “taking ecstasy with one another ... can perhaps be our best way of enacting a queer time” and that “taking ecstasy with me thus becomes a request to stand out of time together, to resist the stultifying temporality and time that is not ours, that is saturated with violence both visceral and emotional, a time that is not queerness” (187). In all these examples, aberrant time is pulled into queerness and sexuality and set against normative time, rather than queerness being affected by alternate times and existing beside other times.
abberant temporalities. In these works, aberrance seems to turn perpetually towards sexuality or queerness.

Building upon Halberstam these chapters have attempted to illuminate the forces that allow her and Muñoz, Freeman, Edelman and Love to speak of a ‘queer time’. Chapter Three analyzed the appropriative efforts of Sedgwick and the Editor in their restoration of sexuality to the aberrantly temporal Robert Wringhim. This restoration rendered Wringhim’s temporality a queer temporality in order to understand it as a symptom of his queerness, rather than understanding it as a queer time of lapses and gaps that may (as we saw in Chapter Two) disrupt the ability to recognize sympathetic concepts like chronologic desire and sexuality. While understanding how and why certain forces push critics to produce specific understandings of queerness has been a key part of these chapters, they have also ultimately returned to the queer theorists of time to challenge the continual reproduction of links between queerness, sexuality and aberrance. The existent projects on queer time navigate the complex manners in which we live aberrant times as if they were a sexuality; these chapters have suggested that the other part of the queer-time project involves looking to the queer times of gaps that refuse to signify (monolithically, sexually or otherwise).

Sedgwick’s chronologic vision of Western culture allows for an understanding of how the concepts within that structure are dependent upon diverse and intermeshed sympathetic concepts of other terms, while demonstrating that attempting to eliminate the structure in order to liberate certain types of people only understood within that structure is an impossible and paradoxical project. These chapters have shown how rethinking what panic might be enables ways to navigate the chronologic in order to make livable various categories (not just those of sexuality).

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[^3]: This critique parallels Butler’s initial affirmations in *Gender Trouble*, where she states “feminist critique ought also to understand how the category of ‘woman,’ the subject of feminism, is produced and restrained by the very structures of power through which emancipation is sought” (4). See also Foucault *Discipline and Punish*: “the man described for us, whom we are invited to free, is already in himself the effect of a subjection much more profound than himself” (30).
Before moving on to the examinations of the psychiatric understanding of homosexual panic, I want to reaffirm the important distinctions between U.S. literature, psychiatry and law presented in the Introduction. These first three chapters have gone through various literature-based versions of panic in order to discover certain critics’ uses of terms like homosexuality, desire, time and panic. In moving to a set of primary texts taken from psychiatry and psychoanalysis, I want to emphasize that terms like homosexuality and panic are discursively and epistemologically different, and perhaps can be thought of most productively as different categories altogether. While Psychiatric Panic as a section will work to point out the moments of convergence between literary and psychiatric systems of knowledge, we need to remember that literary and psychiatric uses of the term homosexual panic provide two distinct concepts within different epistemologies. Finally, in remembering Chapter Two, it is not necessarily in the congruence between psychiatry and literature that we will find a knowledge of homosexual panic, but instead it is perhaps in the ‘gaps, overlaps, dissonances and resonances, lapses and excesses of meaning’ between the two fields that the (im)possibilities for understanding homosexual panic will occur.
II
Overture Two
Psychiatric Panic

And this science only takes itself complacently (non-problematically) to be a science when it in effect forgets the fictive, generative moment of its birth, when it forgets that it owes its creativity—the production of its knowledge—to a myth.

—Shoshana Felman

When Edward J. Kempf originated the concept of homosexual panic in 1920 as an intense feeling of nostalgia experienced by men on the World War I battlefront, he positioned it within a system of thought that already enabled an understanding of the concept. In 1988, when psychiatrists Henry Chuang and Donald Addington advocated the dismissal of the term, they did so because, they affirmed, the concept was no longer intelligible. What changed between these two historical points in order to take the term homosexual panic from obvious to obscure?

This question already potentially falls into the logic of a certain construction that Literary Panic was careful to avoid, namely a consolidated, universalized and linear understanding of time within chronologic culture. In asking what changed between Kempf’s 1920 chapter on homosexual panic and a 1988 article on the ‘same’ concept, I repeat a trajectory that would unify the 1920’s version of homosexual panic and a 1988 version. This unification would assume that something called homosexual panic remained stable across these sixty-eight years, during which time the historical context changed around that term. This is the stance adopted in the work of Chuang and Addington as they dismiss homosexual panic as an anachronism, no longer tenable within the ‘modern’ American Psychiatric

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1 (Jacques 158).
2 Edward J. Kempf was an American psychiatrist, psychoanalyst and psychologist of the early twentieth century, commonly regarded as the first to apply psychoanalysis to the treatment of psychosis. A brief summary of his beliefs and residence history can be found in Silver “Psychoanalysis and Psychosis: Players and History in the United States” (54-55) and Engel “Psychoanalysis and Psychosis: The Contribution of Edward Kempf.”
Association (APA). For these writers, homosexual panic represents a vestige of an older, imprecise and indistinct psychiatry that has been supplanted by the precision of the diagnostic method.

In addition to Chuang and Addington’s history of homosexual panic, I want to continue with the emphasis of the previous chapters and explore the anxieties associated with homosexual panic that result in its contemporary emphatic dismissal. These chapters again follow Foucault in asking not what the history of a specific concept is, but rather how and why we come to believe in a certain understating of that concept’s history. In addition to asking what changed between the 1920’s and the 1980’s, I ask why Chuang and Addington need to construct a change between these two time periods, and what this change means for an understanding of homosexual panic and its sympathetic concepts.

As Chapter Four will argue, one of the central sympathetic concepts of homosexual panic is a specific version of psychiatry. Like the chronologic described in Literary Panic, psychiatry in this section occurs as an envisioning of a field assumed by the theorists to be external and pre-existent to their works. In examining these writers’ versions of psychiatry, this section asks what forces are pulling upon psychiatrists like Chuang and Addington in their dismissal of homosexual panic from psychiatry. These chapters are grouped under the title Psychiatric Panic not because homosexual panic only occurs within psychiatry, but rather because homosexual panic as a concept becomes a way for these psychiatrists to construct a psychiatry maintained by a sympathetic understanding of the APA and antithetical to previous ‘imprecise’ incarnations of a purportedly historically distant psychiatry. The term psychiatry then references not a cogent field actually extant, but rather a body of psychiatry continually reconstituted through the writings of histories for psychiatry, chief among these histories of the APA, and more pertinent to this study, histories of psychiatry mobilized to defend or dismiss homosexual panic.

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3 For a discussion of anachronism and its relation to assumed modes of chronologic time, see Tambling On Anachronism.
This section does not draw a clear line between psychiatry and other fields like psychoanalysis, psychology and psychopathology, but rather looks towards how and when psychiatrists and psychoanalysts have drawn, and continue to draw, that line with homosexual panic. Overall, these chapters regard the taxonomizing of psychological, psychiatric and psychoanalytic articles as a tangential, if not impossible, task for this project. For example, Kempf was acclaimed for his application of psychoanalytic methods to the ‘inappropriate’ object of a psychosis (specifically dementia praecox later called schizophrenia); however, Chuang and Addington characterize Kempf as a psychiatrist and dismiss his theories as antiquated “psychiatric terminology” after tracing their historical uses in psychiatry (616). While we could return to Kempf in an attempt to outline the psychiatric, psychoanalytic and psychopathological influences on his work, this discussion would perhaps avoid an understanding of how and why contemporary psychiatrists adopt Kempf as a psychiatrist, only to later reject his theory of homosexual panic from what they term contemporary psychiatry.

Instead of creating a new, more accurate psychiatric, psychological and psychoanalytic history of homosexual panic, these chapters explore the questions of how, when and why histories of homosexual panic became intertwined with the establishment of taxonomic boundaries for these three areas, especially for psychiatry. This exploration follows interdisciplinary works like Emily Martin’s *Flexible Bodies* and *Bipolar Expeditions* and Jackie Orr’s *Panic Diaries*, which generate conceptual histories in order to both show the forces impacting upon the understanding of a concept and to propose alternate ways of understanding that concept. Just as Martin examines the immune system as “a field in terms of which all manner of questions and definitions about health are given meaning and measures,” so I shall take panic to serve as a topos through which these psychiatrists and psychoanalysts will come to understand what they term psychiatry (*Flexible* xvii). Psychiatric Panic explores these existing histories of homosexual panic by comparing Kempf’s book to later understandings of his concept in order to examine the sympathetic concepts organized
by each writer around homosexual panic, concepts intended to either make sense, or make nonsense, of homosexual panic. The chapters subsequently create alternate possible histories of homosexual panic in order to destabilize psychiatric dismissals of the term and to show when and how homosexual panic continues to pull on contemporary sympathetic concepts like homosexuality, panic disorder and the body.

These chapters also expand upon the idea of sympathetic concepts by asking how these writers actively place sympathetic concepts in congruent relation with a specific concept. For example, rather than asking which Greek myth enables an understanding of panic (a question that seems to stretch the idea of sympathetic concepts to absurdity), I ask how, when and why the Greek myth of Pan became central for an understanding of panic in contemporary psychiatry. This reading assumes for the moment that the histories of homosexual panic which result in its dismissal render homosexual panic as a thing to be dismissed through a specific construction of the concept in the present. Perhaps these histories do not describe a general waning of the term’s popularity in psychiatry, but instead perform an active erasure of the concept in order to construct a certain version of contemporary psychiatry. To examine this, I turn to the structures created around the term homosexual panic at various moments in psychiatry’s self-written history in order to consider what homosexual panic has to tell us about other diagnostic categories within psychiatry, the history of these categories and the view certain psychiatrists hold of the field.

Psychiatric Panic maintains the orientation towards epistemology from Literary Panic that, while critiquing the naturalizing and universalizing claims of the particular epistemic system, nonetheless recognizes and affirms the inability to understand specific terms and concepts without that particular system. The following chapters will trouble the belief that a diagnostic category of homosexual panic somehow labels an authentic experience in the real world, while simultaneously exploring the powerful ways in which this (mis)understanding of homosexual panic as real pulls upon other concepts. These chapters, like Literary Panic,
suggest that homosexual panic gains its obvious relation to the real world through a construction of both that world and obviousness through the discourse of psychiatry.

Psychiatric Panic builds upon the work of cultural theorist Shoshana Felman in exploring reality through the concept of myth, especially in Chapter Five's construction of an alternate possible mythological history for homosexual panic. In these chapters, myth is understood in the same way that Felman articulates the myths at the heart of Freudian theory. As she affirms:

Insofar as it is mediated by a myth, the Freudian theory is not a literal translation or reflection of reality, but its *symptom*, its metaphorical account. The myth is not pure fantasy, however, but has a narrative symbolic logic that accounts for a real mode of functioning, a real structure of relations. The myth is not reality, but neither is it what it is commonly understood to be—a simple opposite of reality. Between reality and the psychoanalytic myth, the relation is not one of opposition, but one of analytic dialogue: the myth comes to grips with something in reality that it does not fully comprehend but to which it gives an answer, a *symbolic reply* (Jacques 151)

The Greek myths characteristic of Freud's work and prevalent in panic disorder literature, and more abstractly the mythologization of Freud by later writers, enjoin a dialogue that makes sense of an ungraspable reality. As Felman and this overture stress, the myth is not the opposite of reality, but rather the reply to the ineffability of that reality that accounts for the real. This section will explore whether myth in its sense making of the unintelligible is the same process as the appropriation we saw in Chapter Three, again with reference to the ways in which homosexual panic seems to allow for an exiting of the logic that makes sense according to chronologic epistemologies.

This shift to a consideration of how diagnostic categories occur as real enables these chapters to suggest, through studying the symptoms of various categories, that what psychiatry diagnoses as, for example, homosexual is always in danger of becoming something else. Through the characterized historical progression of the field and the variety of writers within it, terms slip between each other, inform each other and cannibalize each other. What one psychiatrist calls panic, another may call the Frégoli syndrome; what one psychiatrist links to the myth of Pan, another might link to the myth of Medusa; and what one psychiatrist calls
homosexual panic, another might call panic disorder. In tracing these moments of interconnection and perhaps even palimpsestic revision, we hopefully can see the ways in which these diagnostic categories continue to impact and validate each other, and what these resonances tell us about homosexual panic and the psychiatry that rejects it.
Following World War II, the American Psychiatric Association (APA) published the Diagnostic and Statistical Manual of Mental Disorders (DSM) to consolidate and standardize diagnostic and treatment practices in the burgeoning field of psychiatry. Partially adapting the 1943 War Department Technical Bulletin Medical 203, the 1952 DSM outlined a relatively small number of recognized psychiatric disorders (Houts 935-36). Over the next sixty years the DSM was revised four times (and the current revision, the DSM V, will be published in May 2013), crystallizing various moments in the progression of thinking about categories like homosexual panic and its constituent elements of homosexuality and panic across their history as officially recognized diagnostic categories.

Included in the first DSM in Appendix C: Supplementary Terms, grouped with other “supplementary terms of the body as a whole (including supplementary terms of the psyche and of the body generally) and those not affecting a particular system exclusively” occur numbers 36 “homosexuality,” 83 “panic” and 82 “panic, acute homosexual” (DSM 121). The DSM also lists homosexuality under the diagnostic guidelines for “000-x63 Sexual Deviation” stating “the diagnosis will specify the type of the pathologic behavior, such as homosexuality,” grounding the understanding of homosexuality within a pathologic framework (DSM 39). Thus, according to the 1952 DSM, homosexuality was a pathologic condition and panic and acute homosexual panic were distinct and diagnosable reactions.

Over a decade later the APA revised the DSM producing the DSM II (1968). The DSM II eliminated acute homosexual panic from its definitions and placed panic as a secondary condition of numerous other mental disorders. The DSM II, however, maintained homosexuality as a pathology. In 1973, the APA eliminated the aberrant quality of homosexuality from the DSM II, though many of the APA members heavily criticized this decision calling almost immediately for a general referendum on the issue. In 1974 a
referendum upheld the depathologization of homosexuality by a 58% majority. In what was viewed as a clinical compromise, the APA acknowledged the category of ego-dystonic homosexuality as a specific pathology, allowing psychiatrists to diagnose the patient’s homosexuality as running contrary to his/her ego. Along with ego-dystonic homosexuality, the next revision of the DSM, the DSM III (1980), presented a retooled concept of panic, introducing the new diagnostic term panic disorder. According to Horowitz and Mayes, the DSM III also represented a large-scale methodological shift in the APA, from the DSM II’s supposedly “blurry boundaries between normal and abnormal behavior” to the DSM III’s precise “diagnostic model” (Horowitz and Mayes 250). After the publication of the DSM III, the APA reconsidered the implications of rendering homosexuality in any way pathological, which finally lead to the APA’s elimination of ego-dystonic homosexuality in a 1987 annual meeting, reaffirming the APA’s pronouncement in 1975 “that homosexuality per se implies no impairment in judgment, stability, reliability, or general social and vocational capabilities,” (Fox). The publication of the DSM IV upheld these distinctions.

Though, as previously mentioned, homosexual panic disappeared as a diagnostic category between the DSM and the DSM II, it continued to circulate within the psychiatric material of the time. Within contemporary psychiatry, the concept of homosexual panic resides somewhere between antiquated and forgotten. In fact, the last significant study of the term occurred in a brief article by Chuang and Addington entitled “Homosexual Panic: A

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1 For more information on this decision, see Robertson “The Historical Effects of Depathologizing Homosexuality on the Practice of Counseling.”
2 Kirby in “The 1973 Deletion of Homosexuality as a Psychiatric Disorder: 30 Years On” produces a reading of the creation of ego-dystonic homosexuality, and the elimination of this category as a response to “conversion therapists,” while situating the decisions of the APA within a more global psychiatric understanding of homosexuality (675).
3 Bayer cites the date of the acceptance of the committee’s recommendation to eliminate ego-dystonic homosexuality as June 28, 1986 (217). The six-month discrepancy in dates, between recommendation, acceptance and publication of the rejection of ego-dystonic homosexuality does not significantly impact this chapter.
4 Another highly-detailed history of this process can be found in Bayer’s Homosexuality and American Psychiatry: The Politics of Diagnosis. Importantly, the first edition of this text was published in 1981 before the elimination of the category of ego-dystonic homosexuality. However, a new afterword appended to the 1987 edition provides a full account of the final depathologization of homosexuality.
Review of Its Concept” published originally in the *Canadian Journal of Psychology* in October 1988. In their article, Chuang and Addington trace the history of the term homosexual panic from its inception in Kempf’s *Psychopathology* up to its diagnosis within three brief case studies of late 1980’s. After this survey, Chuang and Addington reiterate the conclusions of a 1982 article by Gonsiorek that “‘homosexual panic’ be permanently assigned to the ‘junkyard of obsolete psychiatric terminology’” due to the term’s lack of specificity, lack of consistent usage and dependence upon untenable and outdated psychiatric models (Chuang and Addington 616). The verdict of Chuang, Addington and Gonsiorek appears to have been accepted widely, as the only contemporary psychiatric references to homosexual panic are the continued inclusion of the term within the tables of ‘psychiatric emergencies’ in certain textbooks.\(^5\)

Thus, the decline of pathological models of homosexuality occurs in tandem with the rise of panic disorder as a stable pathology, and both of these trends surround the rejection of homosexual panic as an accurate diagnostic category. A possible interpretation of this historical trajectory is to assume that through the concept of homosexual panic, the APA transfers the pathological aspects of depathologized homosexuality into the less controversial diagnosis of panic disorder. But what would such transference mean for panic? And what assumptions and assertions would such a clean rendition of a 1980’s historical handoff reproduce? Can we even take the rough confluence of the rise and fall of certain terms’ clinical popularity to entail an interrelation between those terms?

In fact, this historical intertwining of the fall of pathological homosexuality and the rise of panic disorder could be considered coincidental but for the presence of two corroborating factors. First, as Papakostas *et al.* note in their article “A Historical Inquiry into the Appropriateness of the Term ‘Panic Disorder’” the first official use of the term panic is in Kempf’s phrase acute homosexual panic. Thus, the inception of panic within psychiatry occurs

\(^5\) See, for example, Sadock *Kaplan and Sadock’s Comprehensive Textbook of Psychiatry* and Sadock *Kaplan and Sadock’s Synopsis of Psychiatry: Behavioral Sciences/Clinical Psychiatry.*
in a yoking position to the understanding of homosexuality. The first two subsections of this chapter trace this trajectory, focusing on the ways in which panic and sexuality interact both historically and contemporarily in order to see the significance (if any) of the indebtedness of panic to sexuality.

The second factor that lends credence to the interrelation between homosexuality and panic disorder involves the unreferenced inclusion of Greek myths, specifically retellings of the myths of the god Pan within contemporary psychiatric discussions of panic disorder. These descriptions usually appear as a narrative (sometimes up to six pages) about the role of Pan in the etymology of the term panic (pan-ic). These various panic disorder texts recount several mythical tales about the god Pan and provide a general description of him and his temperament. This inclusion, however, is not as idiosyncratic as it might appear, since Greek myths are generally a prominent feature of psychoanalytic works, most notably the works of Sigmund Freud. What is surprising about the inclusion of Pan within panic disorder literature is the extent to which descriptions of the god parallel the earlier psychoanalytic use of Greek mythological characters to exemplify homosexuality. The relative congruence of the historical mythic expressions of homosexuality and contemporary mythic expressions of panic disorder can highlight the degree to which the two seemingly different categories reproduce the same pathological diagnoses. This is not to suggest that panic and homosexuality are the same thing, but rather that the figure of Pan and the figure of the homosexual both might provide a codification for the same set of anxieties within psychiatry at different times. The third subsection of this chapter explores the myths clustering around homosexuality and panic disorder.

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6 Papakostas et al. also affirm that homosexual panic “bears little or no resemblance to the current meaning of the term [panic] as established by the DSM-III” an affirmation that the first half of this chapter critiques as the panicked rejection of the term homosexual panic by psychiatry and that the second half of this chapter, and the next chapter, problematize through assembling alternate possible histories (197).

7 Examples examined later in the chapter include Baker Panic Disorder; Barlow Anxiety and Its Disorders; Campbell Panic Disorder; Dattilio & Salas-Auvert Panic Disorder; and Rachman & De Silva Panic Disorder.
Through an examination of these factors (the indebtedness of panic to homosexuality and the parallel descriptions of contemporary and historical uses of Greek mythology to explain panic disorder and homosexuality) we can evaluate the assertion that panic disorder maintains the pathological attributes of pre-1987 homosexuality and at the same time articulate what qualities previously diagnosed as pathologically homosexual would be maintained in panic disorder. Through a critique of this trajectory, this chapter sets out an analysis of the continued influence of the concept of homosexual panic on contemporary understandings of panic and homosexuality.

4.1 A History of Panic: Kempf and Ambiguity

The concept of homosexual panic begins with Chapter Ten of Kempf's text *Psychopathology* (1920). Coining the term to diagnose a neurosis first noticed in same-sex barracks during World War I, Kempf describes how the patients' continual proximity to other members of the same sex and the minimal presence of the opposite sex resulted in an aggravation of their latent homosexual cravings. Kempf also signals the proliferation of this neurosis in other same-sex institutions like prisons, monasteries, schools and asylums, but confines his case studies to the military and military personnel (with some incongruous deviations like a housewife with no history of extended same-sex environments). In all of Kempf's cases, the patient's anxiety around his/her repressed homosexuality occurs as the projection of those uncontrollable homosexual cravings into the external reality, transforming the cravings into paranoid delusions of persecution; as Kempf explains “when the sexual cravings can not be controlled they become disowned by the ego as a foreign influence” (Kempf 479). The herd quality of the same-sex group aggravates this paranoid disavowal by goading the aberrant individual in hopes of returning him/her to the herd: “the goading is the reflex reaction of the herd to get the individual into line with the needs of the herd. The herd can not afford to be biologically misled” (Kempf 477). However, this goading reinforces the person's paranoia, pushing him/her further into his/her delusional fantasy, and eventually
“when the erotic hallucination is felt to be an external reality and no defence is found, panic ensues” (Kempf 478). Homosexual panic is a secondary defense aimed as a response to the failure of the first defense against the homosexual craving (the assignation of the homosexual craving to an external force/person). Kempf however routinely refers to all three of these components (the rejection of the craving, the paranoid projection of the craving onto the other and the panic) as homosexual panic. In Kempf’s rendition, homosexual panic cannot occur without the initial rejection of the homosexual craving, nor can it occur without the formation of the paranoid delusions. Simultaneously, the rejection of the homosexual craving always leads to the engendering of homosexual panic. In brief, homosexual panic is a form of defense including a disavowal of the homosexual craving which attempts to maintain the herd coherence by refuting the group-destabilizing effects of homosexuality, but nonetheless leads to panic via a return of the homosexual craving to the individual via persecutory paranoia. But how does Kempf define the homosexual craving and why does it destabilize herd coherence?

Homosexual cravings and the homosexuality they characterize in Psychopathology occur as relatively assumed terms. Instead of theorizing homosexuality, Chapter Ten offers remarks, case studies and treatment options concerning the homosexually-panicking person. To this extent, Kempf represents homosexuality as the possession of a sexual craving that, for the good of society, needs to be repressed in order to ensure the biological success of the herd.

Kempf does make several secondary observations about homosexuality through his analysis of homosexual panic. Outlining the first of these observations in the introduction, Kempf states “the reader is asked to note particularly the factor of oral, homosexual eroticism” within the case studies (Kempf 480). In fact, the majority of the case studies center on the oral eroticism of the patients: their obsession with imagined semen hidden in their food (PD-19, PD-20), their fear of being labeled ‘c.s.’ (assumedly cock sucker) (PD-22, PD-23), and even the various patients’ overt acts of female and male oral stimulation (for example, PD-1, PD-10, PD-33, CD-9). While labeling oral eroticism a perversion in its own right, Kempf characterizes this
eroticism as a distinctly homosexual act, even referring to the act of a male performing cunnilingus in PD-15 as linked to that male’s homosexual propensities. Furthermore, as Kempf examines a patient (PD-20) who engaged in anal eroticism, Kempf appears more interested in the lack of oral eroticism, remarking that the patient “admitted sodomy and masturbation but denied oral-erotic acts” (493). From this emphasis on the oral, Kempf concludes that acute homosexual panic is exclusively a passive homosexual attribute and that “I [Kempf] have never seen an aggressive [active] homosexual female or male in a panic” (507). In relegating homosexual panic to an exclusively passive (strongly oral) homosexual function, Kempf splits apart homosexuality and panic. Homosexuality is either the possession of the passive homosexual craving to be penetrated, or the active homosexual craving to penetrate, and according to Kempf, some passive homosexuals panic, no active homosexuals panic.

While in his conclusions Kempf divides homosexuality cleanly into active and passive expressions, throughout the rest of his work homosexuality occurs ambivalently, typically incorporating both active and passive cravings. Kempf motions towards this ambivalence in other parts of Chapter Ten where, in multiple case studies, he refers to the patients as “erotic individual[s]” (Kempf 478). In these cases, Kempf describes patients unable to repress either their active or their passive cravings; these patients attempt to maintain both active and passive sexualities. This maintenance of two sexualities overburdens the patients, causing problems for their ego formation as the two cravings overpower their ability to function within the culture. In one case study Kempf goes so far as to describe a woman who became “too erotic to understand herself” as the pressure of both active and passive sexualities eroded her ability to self-recognize, trumping her ego (510). Unlike normal stable sexual people who only contain one sexual craving (according to Kempf) these patients are overly erotic by containing two different cravings. Furthermore it is this overly-erotic state that leads to, and occurs within, homosexual panic. With this label of the erotic individual, Kempf constructs a panicker who
has too much sexuality, but why would this person panic? And how does this erotic individual relate to the passive homosexual?

With the definition Kempf gives in the beginning of his study, that panic is a form of defense that ejects the homosexual craving, he suggests that panic functions in order to return the aberrant individual to the herd by ejecting the excess sexuality of the erotic individual into the bodies of other people through paranoid fantasy. This leaves the individual with only one sexuality (allowing the individual to function akin to a normal person in Kempf). The relation between the erotic individual and the passive homosexual is a relation of before and after, in which the erotic individual (with two sexualities) becomes the passive homosexual (with one sexuality) by expelling the excessive active sexuality through panic. In expelling the active craving (defined as the craving to penetrate in Kempf), the passive homosexual expels that craving into another person. Through this projection, the other person embodies the craving of the passive homosexual to penetrate another and ambivalently turns the craving back on the now passive homosexual, reinforcing this passive homosexual's panic by presenting the paranoid fantasy that the passive homosexual craves. In Kempf, panic always operates as the expulsion of the active craving, leaving the passive craving within the body of the homosexual in order to render him/her as a passive homosexual. Only passive homosexuals are said to panic, because panic constructs the erotic individual as the passive homosexual: a passivity that the paranoid incorporation of the active craving within the other reinforces.

A secondary tension exists in this structure, as Kempf then describes the passive homosexual as panicking. Yet, if the active cravings of the homosexual were ejected from the body, and projected into the other, and the only craving remaining in the body of the homosexual was the passive one, then theoretically the passive homosexual would welcome the (paranoid fantasy of) active sexual advances from the other and not panic. Kempf does not account for this paradox, nor does he account for the second panic undergone by the individual after the expulsion of his/her active craving. Furthermore, in the second panic (the
panic enacted when the individual perceives the active other advancing upon him/herself) many of the patients become overly erotic again. Perhaps Kempf reads the advances of the active other as the return of the active component to the passive individual, restoring his/her over-erotic double-sexuality, though this explanation would not account for the reason the passive homosexual cannot re-project the active craving, as Kempf describes this second scenario as the passive homosexual finding ‘no defense’ against this aggressive sexual threat. Perhaps Kempf presents an implicit understanding on the part of the passive homosexual that the projected craving still remains part of him/herself, a secondary subconscious recognition below the paranoid fantasy of projection. If this is the case, Kempf does not suggest it explicitly and bases the majority of his argument on the fact that the paranoid fantasies of the passive homosexual are totalized and recognized by the passive homosexual as real. With regards to this point, Kempf’s text remains ambiguous.

This ambiguity continues throughout the logic underpinning the case studies, as Kempf’s oscillation between male and female subjects problematizes any attempt to render homosexual panic uniformly, especially in light of a reading of passivity and penetration. In the female homosexual, the ejection of the active craving conforms to the model of ejecting cravings that are ego-dystonic, as the active craving is the non-feminine and non-female craving. In this model, the female properly ejects the active craving because it is theoretically ego-dystonic to her naturally feminine passive craving. Yet, in the homosexual male’s rejection of the active craving, he goes against this model by rejecting the craving that is ego-syntonic to his gender. In embracing his passivity, the homosexual male theoretically puts more pressure on his ego by going against that which is properly masculine, but again, this cannot accurately be said to cause an ego-refuting panic as the active craving of the ego has already been ejected, rendering the patient’s ego as purely passively homosexual: within Kempf’s passive homosexual, passivity becomes the new ego-syntonic craving in spite of the normative link
between the ego’s male gender and the active masculine craving. So again, what causes the second panic of the passive homosexual?

In his opening remarks, Kempf presents a possible resolution to this paradoxical ambiguity in the form of the herd mentality of the group through which the aberrant passive homosexual is brought back in line with the group via a reminder of the normative sexuality of his/her gender (goaded to reject his passivity and embrace his masculinity). While this explanation works for the homosexual male, and theoretically presents the friction required for the panic to occur after his acceptance of his passivity (the friction this time between the passive homosexual ego and the active sexual injunction of the herd), this explanation breaks down with regards to the female homosexual, as in her rejection of the active homosexuality she occurs as properly and femininely passive. The ambiguity of homosexual panic with regards to gender reoccurs.

In this rendering of the herd mentality and passive and active cravings there is an elision in Kempf between passive and active cravings and the genders towards which those cravings orient themselves. Kempf suggests at points that the passive homosexual is the only homosexual rejected by the herd, but the active homosexual would likewise be against reproductive stability. Similarly, the passive homosexual female craves penetration not from anyone, but from another female, an action that would move contrary to the herd's biological continuance. In again restructuring the prohibition on sexuality, this time from a rejection of passive homosexuality to a rejection of all sexuality, we can return the panic of the female homosexual based on the pressure for her to conform to the herd’s need for heterosexuality. However, we lose the explanation for the lack of panic in active homosexual males, for if the

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8 See for example, the anti-reproductive characterization of Queers in Edelman No Future: Queer Theory and the Death Drive. Katz troubles Edelman’s account of reproductive futurism in an earlier book The Invention of Heterosexuality which suggests that the normative value of heterosexuality occurs in the uncoupling of the “procreative imperative” from “different-sex eroticism” (Katz 86, 87). This does not necessarily discount the possibility that there is a contemporary resurgence in what Katz calls the ‘reproductive imperative,’ though it does destabilize the implied link in Edelman between heterosexuality and reproduction.
herd were against all homosexuality, the person would eject his *homosexuality* not just his active craving. In this rendition, Kempf appears to align active homosexuality with active heterosexuality.

It seems now that at no point in Kempf can a singular model of homosexual panic encompass all of his case studies. While he attempts to unify them under an overarching schema including passive and active cravings, homosexuality and heterosexuality, and overly erotic individuals, none of these models account for the proliferation of homosexual panic in every scenario. Ambiguity prevails.

Similarly, Kempf is unable to maintain the distinction of any of his categories: active homosexuals occasionally occupy the position of heterosexual males; passive females become akin to passive homosexual males; and overly erotic individuals become synonymous with homosexuals in general. Neither Kempf’s study, nor any of the patients within the study, can maintain the normative *singularity* required of them. Erotic individuals have two cravings, homosexuals occupy multiple gender identifications, and even the study seems unable to assign or stabilize these individual patients into singularities as it continually slips between males and females, passive and overly erotic, and the three types of panic.

Against this excess, Kempf presents structures that can be read for their expression of a normative coherence: the coherence of the herd and the coherence of the ego. In Chapter Ten’s depiction of homosexual panic, homosexuals occur as individuals that threaten the coherence of their ego, of the herd’s ego and of the ego as an *ideal*. These homosexuals fail to fall into coherent categories and so instead slip between the categories, existing in excess, in lack, in ambiguity. We can read the homosexual’s panic as an attempt to perform the requisite singular through rejecting the excess that makes him/her antagonistic to the herd, a rejection that paradoxically sets up the paranoid fantasy that legitimates (within the mind of the homosexual paranoiac) the excess that sets the homosexual apart. In the end, Kempf’s study
seems to offer not a codified rendition of a sexually-based panic but a nebulous set of possibilities, potentialities and rough explanations for the actions of certain patients.

This characterization of Kempf’s definitions as ambiguous reoccurs within later examinations of homosexual panic, most notably in Karpman’s “Mediate Psychotherapy and the Acute Homosexual Panic (Kempf’s Disease),” and Chuang and Addington’s “Homosexual Panic: A Review of its Concept.” Karpman’s article, written in 1943, attempts to address the ambiguity in Kempf through a solidification of his concepts and a more effective diagnosis of new case studies. Chuang and Addington’s article from 1988 also cites this nebulous, vague quality of Kempf’s work, but does so in order to dismiss the concept of homosexual panic as ‘too inconsistent’ for contemporary clinical practice. But what does it mean to set vagueness and inconsistency against functionality, especially with regards to a characterization that views psychiatry as totalized, cogent and intolerant of ambiguity?

4.2 Appropriating Kempf: The Development of Homosexual Panic

Twenty-three years after the publication of *Psychopathology*, Kempf’s colleague Ben Karpman continued the research into homosexual panic with the publication of his article “Mediate Psychotherapy and the Acute Homosexual Panic (Kempf’s Disease).” In this article, Karpman recounts the diagnosis and treatment of a patient suffering from acute homosexual panics over the course of eight (possibly more) years. Building upon the “bare outlines” of homosexual panic that Kempf provides, Karpman sets out to typify in a singular case study the “definite clinical significance” of homosexual panic (Karpman 494). Through his examination, Karpman produces a more coherent definition for homosexual panic, reducing homosexual panic to a definite etiology that diagnoses the patient. This diagnosis, while resonating with the various case studies presented in Kempf, also provides a more solidified rendition of both homosexual panic and the homosexual as Karpman moves away from the ideas of passive/active sexuality and over-eroticism that prominently feature in Kempf’s initial analysis.
Karpman’s major adjustment to Kempf’s theories is the restructuring of the nature of the sexuality presented within the analysis. As we saw with Kempf, there were various sexualities within homosexual panic, including passive and active homosexualities which grafted onto masculine and feminine sexualities which in turn responded to heterosexuality. In Kempf, all of these various sexual cravings occurred around the idea of the erotic individual. Yet, in setting out his terms, Karpman affirms that, with homosexual panic:

It is not however open or overt homosexuality as we know it, it is latent homosexuality that is pressing strongly to the surface for open expression but is held in check by the dictates of the super-ego with its sense of guilt. Finding himself between these two conflicting trends which he is unable to reconcile satisfactorily, the patient is thrown into an acute conflict, of which the panic is the clinical expression. (Karpman 493)

Within this description, Karpman redefines homosexual panic by omitting (initially) the distinction between passive and active and instead focusing on the qualities of latent and overt homosexuality. This restructuring also reframes the discussion around homosexual panic in epistemological terms. Overt homosexuality, the homosexuality which demonstrates itself, occurs in its form ‘as we know it’, while latent homosexuality seeks expression but is held in check by guilt and fails to become knowable. For Karpman, panic does not occur around the incommensurability of passive and active sexual cravings, but instead around an injunction to knowability: the attempt to bring latency to light and remove the repressive factors of the super-ego that obscure our knowledge of this latent homosexuality. As Karpman later concludes “the panic represents the individual’s inability to resolve the conflict in favor of the positive social demand. Thus the patient remains midway, unable to find satisfaction in either; with the libido remaining unsatisfied and floating” (Karpman 504). Homosexual panic becomes representational for the patient who cannot become one or the other. Here we see the suggestions of Kempf’s analysis of singularity and multiple coming to fruition, as Karpman moves away from homosexual panic’s ability to project excess sexuality and engender singularity. Within Karpman’s analysis, homosexual panic can represent only the presence of the multiple and the inability of a particular patient to conform to the super-ego’s demand for
singularity. Furthermore, the implicit epistemology of Kempf’s suggestion that a patient became ‘too erotic to know herself’ becomes explicit in Karpman’s affirmations that the panicker is a person of latency, of unknown sexuality, of unsatisfied and floating libido, a patient midway between hetero- and homosexual and yet neither hetero- nor homosexual: a patient unknown and unknowable, at least to himself/herself.

Within the Karpman article, this epistemological play of knowing and latency comes to a halt in the form of the diagnosis. Unlike the ambiguity of Kempf’s book, Karpman suggests that the ambiguity of panic is exactly what panic diagnoses, that is, panic represents a patient who is midway, a patient who is between, but not in the sense of a patient who is not a person, a patient who is unknowable as a person, but in the sense of a patient known and diagnosed as ambiguous and unknowable. Returning to Kempf’s epistemological assertion that the patient became ‘too erotic to know herself,’ we can suggest that Karpman’s re-inscription of homosexual panic would respond that while she may not know herself, the psychiatrist still knows her through her unknowability. Karpman’s article solidifies the inability to resolve tension as the etiology of the homosexual panicker, so that ‘midway’ and ‘between’ become categories in themselves, even as they remain categories between hetero- and homosexualities. Karpman concludes that homosexual panic arises “from the impossibility of adequately solving the two conflicting, mutually exclusive sexual drives,” (Karpman 506). In this assertion, heterosexuality and homosexuality both exist within the panicker, but as opposed to Kempf, neither of these sexual cravings are expelled through panic, but instead, through their mutual exclusivity, form panic itself. When Karpman describes the homosexually panicking patient as a latent homosexual, his diagnosis relies upon the presence of both

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9 For more on the interrelation between knowledge, the patient and the process of diagnosis, see Foucault The History of Sexuality: Volume 1: An Introduction and Chapter Five of this thesis.

10 This act of diagnosing the unknown in order to know it parallels the discussion in Chapter Three of Sedgwick and the Editor’s appropriation of the formless, liquefied corpse of Robert Wringhim. A further discussion of this process occurs in Chapter Seven as well as the Conclusion.
hetero- and homosexuality. Latency is not homosexuality ‘as we know it’ but instead an unknown sexuality, a known unknowable, the midway sexual-subjectivity of panic.

Through this reading of Karpman, this chapter has begun to suggest the way in which panic transitions from a specific action that attempts to fulfill the demands of the herd, to a representation of a set of unknowable, but nevertheless pathological, ideals. In this way, panic moves from a specific diagnostic category to a way of structuring knowledge within psychiatry. This panic-epistemology centers on the knowability of the patient, in that Karpman's article links knowability and self-knowledge to a sense of wholeness and completeness, while homosexual panic indicates the patient who is incomplete, either through his/her over-eroticization or through his/her inability to produce an accurate self-knowledge. 11 Contemporary articles on homosexual panic in their endeavors to reject the term similarly attempt to produce a coherent version of the body of psychiatry as an epistemology that can provide accurate knowledge of the person. These articles pathologize and panickingly reject what they label to be incoherent or ambiguous in order to reaffirm the coherence and the epistemological validity of the field of psychology. The remainder of this subsection will consider this assertion in order to suggest further that homosexual panic represents a set of anxieties within (what these psychiatrists’ envision as) the field of psychiatry.

In their 1988 article “Homosexual Panic: A Review of its Concept,” Chuang and Addington produce a consolidation of the body of psychiatric thought by tracing the historical vicissitudes of homosexual panic. Their article deploys this history in an attempt to eliminate the diagnostic category of homosexual panic, and in doing so reinforce a rendering of contemporary psychiatry as accurate, knowledgeable and complete. Presenting a trajectory of homosexual panic from its inception in Kempf, through its indebtedness to Freudian concepts, then into the works of Ovesey on pseudohomosexuality and finally into a clinical application of

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11 On the relationship between homosexual panic and ignorance, see Sedgwick *Epistemology of the Closet* (4-8), as well as this thesis’ discussion of ignorance and knowing in Chapter Two. This is also the starting point for Chapter Five.
homosexual panic in three case studies, the authors uphold the ideas of Gonsiorek’s 1982 article and proclaim homosexual panic "too vague" and "too inconsistent" (Chuang and Addington 616). Historically, the publication of Gonsiorek’s 1982 article dismissing homosexual panic occurs two years after the publication of the DSM III and in the wake of what Horowitz and Mayes characterize as a large-scale methodological shift in the APA from “blurry boundaries between normal and abnormal” towards a “diagnostic model” (250). Similarly, the 1988 article appears one year after the elimination of the term ego-dystonic homosexuality from the DSM III, the final decision to depathologize all forms of homosexuality. The situatedness of this article points towards the prevalence of a new system of diagnosis in which individual symptoms indicate a specific and unified state of the subject. The authors defend this system against the indefinite nature of homosexual panic, ejecting the term as inappropriate within the new APA.

Akin to both the Kempf and Karpman examinations, a thematic of cogency versus indistinctness circulates throughout Chuang and Addington’s article. In characterizing the indebtedness of homosexual panic to the work of Freud, the authors describe Kempf’s reliance upon Freud’s model of universal bisexuality, a model that they argue is no longer tenable within contemporary psychiatric practice. In its place, Chuang and Addington endorse a new model of "psychological sexual neutrality" in which the child is a desireless blank-slate until puberty (615). In this restructuring of the sexual subject, the multiplicity of Freud’s sexual models gives way to the singularity of the unified blank slate in a manner reminiscent of Kempf’s characterization of the action of homosexual panic in which the ejection of the pathologized over-sexuality of universal bisexuality (homosexuality and heterosexuality) occurs in an attempt to defend the cogency of the herd. Kempf’s panicker provides the structural logic for a psychiatry in panic: a psychiatry that, like Karpman's analysis of the homosexually panicking individual, cannot hold in place two contrasting demands (the model of universal bisexuality and the model of sexual neutrality) and panics by ejecting one of the
models as 'ego-dystonic' in the sense of not complying with the stipulated coherence of psychiatry as a body of practice. Again, homosexual panic occurs at the center of the struggle between cogency and incoherence, but this time the struggle transpires formally around the idea of psychiatry as if it were in panic.

Chuang and Addington establish this division between cogency and incoherence earlier in their remarks on the homosexuality-inducing anxiety surrounding the possible mutilation of the body, affirming "this [anxiety] usually occurs in adolescent or young adult males who have not yet fully consolidated their male identity" (613). Here the struggle between multiplicity and unity returns to the level of the envisioned patient, becoming the literal attempt to maintain/perform the unity of the body, in which the fear of castration (and bodily mutilation in general) represents a struggle to form a coherent identity. As Chuang and Addington make explicit, the young male's fear of mutilation, the fear that the body will not become whole, is specifically a fear informed by homosexual panic. The individual panics because he fears he will not become singular, unified and 'consolidated' into a male identity. Again, the fragmentary aspects of development are grafted onto the homosexual and panic, while normalcy attaches to wholeness and completeness. Furthermore, the privileged aspect of the binary lies with wholeness and completeness, as the male fears his incompleteness and actively desires to progress through his fractured states in order to arrive at the coherent, privileged identity of homosexuality.

The concept of the known-unknown also plays an important role in Chuang and Addington's work, as the authors envision a well-structured historical narrative that justifies their conclusions about homosexual panic and their affirmations about psychiatry and the patient. Contrary to the ambiguity characteristic of Kempf's work, Chuang and Addington affirm that all of Kempf's cases describe "a macho young man who willingly consented to be sexually seduced by a homosexual" (Chuang and Addington 614). As we have seen, Kempf's case studies rarely involve macho men, nor does Kempf go to any length to characterize his
patients as such. Additionally, two of his case studies are women, and throughout all of the cases, few if any of the men willing consented to sexual seduction. More typically, the patients were the sexual sedutors and/or felt the affections of the same-sex as a horrible burden and shame. In a similar reductive move, Chuang and Addington describe Freud’s models of universal bisexuality and homosexuality through power-dynamics, affirming that Freud believed homosexuality was “usually symbolic in nature to compensate for one’s low self-esteem and inadequacy” (Chuang and Addington 615). While some of Freud’s articles, like ”The Psychogenesis of a Case of Homosexuality in a Woman” describe a dimension of homosexuality (in this case between brothers) that involves a specific power-dynamic, this description does not depict the submission of the subject to his/her better, but rather the adoption of homosexuality in response to a recognition of the other male’s more dominant heterosexuality. This behavioral change does not lead necessarily to a desiring of, or to a physical submission to, that particular male. Furthermore, Freud’s work by no means cogently signifies this power dynamic as essential to an understanding of all homosexuality. This interplay between power and sexual submission is more indicative of Alfred Adler’s work on homosexuality, work that strongly informs Lionel Ovesey’s examination of pseudohomosexuality. Importantly, Ovesey is the other prominent figure within Chuang and Addington’s history of psychiatry. By uniting Freud and Kempf with Adler, Chuang and Addington gloss-over the differences in their psychiatric models while avoiding a wholesale rejection of Freud based on his ‘defunct’ theory of universal bisexuality. Instead, Chuang and Addington appropriate Freud within a trajectory that stages homosexuality within the social

12 See Freud’s discussion of ‘retiring in the favour of’ in footnote 1 of “A Case of Homosexuality in a Woman” (159). Merck in ”The Train of Thought in Freud’s Case of Homosexuality in a Woman” suggests the concept of ‘retiring in the favor of’ explains Freud’s own conclusions in the case (he eventually retires in favor of a female analyst), a point Jacobus picks up in ”Russian Tactics” again demonstrating how certain psychoanalytic concepts (like retiring, or I will suggest, like panic) can come to inform the structure of the argument and the composition of the knowledge presented (Merck 30; Jacobus 66).

13 For example, Freud’s “Three Essays on the Theory of Sexuality,” and “Some Neurotic Mechanisms in Jealousy, Paranoia and Homosexuality” which link homosexuality to universal bisexuality and interrupted development without mention of homosexuality as dependent upon power dynamics.

14 See Adler The Neurotic Constitution and Ovesey Homosexuality and Pseudohomosexuality.
dynamics of power relations between males, and reinscribe Freud within a coherent and unified history of the psychiatric tradition that rejects what Chuang and Addington characterize as Freud’s own version universal bisexuality.

This revisionist history in terms of Kempf and Freud’s work constructs a clear trajectory from the 1920’s to the late 1980's, presenting a narrative that rejects the ambiguous terms (bisexuality and homosexual panic for example) while embracing the steady march to coherence. There is a dual motion in Chuang and Addington’s work to eject the indistinct (as in their decision to reject the term homosexual panic) and conversely to include the indistinct as coherent (as in their revision of Kempf’s model of homosexual panic). This oscillation between revisionist history and rejectionist present, renders the body of psychiatry coherent.

Chuang and Addington’s article can be read as moving with a desire for coherence, a desire realized in the characterized field of psychiatry and a desire whose antithesis Chuang and Addington project into the imagining of homosexual panic. Abstraction, ambiguity and incoherence in these histories give way to consistency, precision and knowability, as the psychiatrists construct homosexual panic as an indistinct and unknowable category and, through knowing it as such, reject it from the coherent body of psychiatry. Through their analyses, this action of rejecting homosexual panic as pathological becomes the diagnostic symptoms of the pathology, so that fracture, mid-way indeterminacy, and the attempt to reject excess in favor of singularity become the definitional qualities of the panicker, and the panicker becomes antithetical to psychiatry.

Horowitz and Mayes' concept of a dramatic shift in medical models around the DSM III similarly constructs the APA as a cogent field through the generation of a significant break between the DSM II and the DSM III, a break that is endemic of the rejection of homosexual panic in psychiatry which endeavors to place fracture at a time historically past in order to categorize the present cogency of the field. This rendition of the APA's trajectory again resonates within the specific diagnoses made around homosexual panic, for example, in the
characterization of the historically vulnerable and problematic state of the male before the contemporary solidification of his male identity.

This evolution of homosexual panic, as representative of the anxieties of psychiatry as a field, shows how these psychiatrists continue to produce readings of patients within a framework that assigns ambiguity to a pathological status in order to maintain the coherence of the discipline’s body and the bodies within the discipline. We can read the movement away from homosexual panic as the panic of psychiatry: the attempt to eject the indistinct in order to establish the normative coherence of its own epistemic body.

These suggestions, however, operate by assuming a commensurability between the constructions of homosexuality and panic; though, at present, this chapter has not illustrated anything other than a historical negative relation between the pathologization of the two terms and a panicked rejection of both terms in various contexts due to their characterized symptomatic indication of ambiguity. In order to examine the possibilities of congruence, the remainder of this chapter takes up the Greek myths that circulate around homosexuality and panic disorder as figures which both possibly represent subjectivities of panic within psychiatry and psychoanalysis. What do these myths tell us about the field’s understandings of each category? Do these mythical figures resemble each other? And if so, what does this resemblance mean for our understanding of homosexuality and panic?

4.3 Panikon Deima: Mythologizing Panic

Most current longer examinations of panic disorder feature an origin story that traces the term panic back to its roots in Ancient Greece. In these etymologies, panic derives from the Greek πανικός (pertaining to Pan), or panikon deima meaning ‘dread of Pan.’ Though this citation is by no means universal\textsuperscript{15}, its predominance and parallel description over numerous works creates a semantic field in which panic becomes associated with "the goat-legged Greek

\textsuperscript{15} For example, there is no mention of Pan in Klerman \textit{et al.} \textit{Panic Anxiety and Its Treatment}; McNally \textit{Panic Disorder}; Root \textit{Understanding Panic and Other Anxiety Disorders}; or Rosenbaum & Pollack \textit{Panic Disorder and Its Treatments}. However, this section will later suggest that, while not specifically referenced, the semantic field surrounding Pan still constitutes many of these discussions of panic.
god,” “cloven-footed, dwarfish Pan,” who “caused the fear travelers felt in lonely areas,” “whenever disturbed” or “if a wanderer happened to pass the cave” by utilizing his “raucous voice,” “terrifying scream” or “shrill and terrifying scream” (Dattilio & Salas-Auvert 5; Campbell 8; Baker 2; Rachman & De Silva 1). One of the more lengthy contemporary accounts of Pan and panic that nonetheless participates in this same semantic field occurs in David Barlow’s Anxiety and its Disorders. In the book, Barlow begins a three-chapter discussion of panic and panic disorder by describing the actions of the half-goat deity Pan:

Unfortunately for the ancient Greeks travelling through the countryside, Pan had a habit of napping in a small cave or thicket near the road. When disturbed from his nap by a passer-by, he would let out a blood-curdling scream that was said to make one’s hair stand on end. Pan’s scream was so intense that many a terrified traveler died. This sudden, overwhelming terror or fright came to be known as “panic.” (Barlow 105)

This unreferenced description of Pan invokes the god’s mythical ability to startle by emitting loud noises, but also interjects new information not upheld in the Greek myths. For example, Graves The Greek Myths does reference how Pan “revenged himself on those who disturbed him with a sudden loud shout from a grove, or grotto, which made the hair bristle on their heads,” but more frequently describes Pan as inducing mass panic: a panic appropriate for a “God of herds and livestock,” (Graves 101). In Pan the Goat-God, Merivale confirms that Pan’s panic referred to the sudden and unpredictable stampeding of animals, a significant danger for pastoral herders. Furthermore, in The Greek Myths Pan is involved in numerous other stories including the giving of prophesy to Apollo, several mass orgies, a cross-dressing plot with Heracles and the winning of a war. While neither text makes mention of Pan killing people with fright, both emphasize that Pan is the only Greek god to die. Barlow omits these occurrences (some of which inform the understanding of Pan’s panic) while appending others, creating a unique vision of Pan that shares a discursive affinity with both classical Greek texts and

Another quality of these descriptions is that, despite one reference to D’Aulaire’s Book of Greek Myths for Young Readers in Dattilio and Salas-Auvert (5), all of the descriptions of Pan occur without any reference to source material and involve a conglomeration of various Greek and non-Greek concepts of Pan, supporting the idea that Pan in psychiatry is a myth of the present day, rather than historical.
contemporary psychiatric ones, but nonetheless generates a new Pan. Barlow’s Pan is a reference to the Greek god, but one that selectively partakes of his qualities and adds new qualities in order to construct a Pan that points to, but is distinct from, the classical god.

Barlow suggests as much when he begins his description of the Greek god stating “the roots of the experience of panic are deeply embedded in our cultural myths,” (Barlow 105). The possessive pronoun ‘our’ performs the indebtedness of this construction to contemporary psychiatric culture. This is not a myth removed from our culture, but rather a myth of our culture. So what has Barlow mythologized, and what does this tell us about ‘our’ understanding of panic? Returning to his description of Pan, Barlow states:

The Greek god Pan, the god of nature, resided in the countryside, presiding over rivers, woods, streams, and the various grazing animals. But Pan did not fit the popular image of a god: He was very short, with legs resembling those of a goat, and he was very ugly. (Barlow 105)

Pan does not fit the model of godliness. He is the outcast, the separate, the othered god. Very short and very ugly, Pan even appears partially bestial with his goat-like legs. This description highlights Barlow’s ambivalent characterization of Pan: man and goat, god but not god-like. Also for Barlow, Pan is the god of nature, yet takes refuge in caves and thickets to nap, seeking protection and solace in these places, becoming ambivalently both lord and subject of nature.

This psychical and physical ambivalence extends to the actions of Pan as well. In the abovementioned scenario of the travelling Greeks, the interloping Greek intrudes upon the sleeping outcast Pan in his seclusion, startling him. In response, Pan emits a loud noise which causes a panic reaction in the interloper. Pan’s defense is the creation of panic in the person who startled him, yet this defense depends upon Pan first being startled himself: Pan panics. Pan is not just the person who causes panic in others, but also the figure who panics himself, and then through panic, panics the interloper. Against this defensive, panicked use of panic,

17 Again, while Barlow’s description is unique to his work, it does partake of the same semantic field expressed in other psychiatric works on panic that describe Pan’s ugliness.
Barlow positions Pan’s active use of panic: “on occasion Pan would use his unique talent to vanquish his foes. Even the other gods were subject to his terror and at his mercy,” (Barlow 105). In Barlow’s description, Pan is both the originator and the embodiment of panic, a person who panics and a patient of panic disorder. Barlow and others construct and deploy a new version of Pan as the primal and primary example of the panicker, as the psychiatrists turn back to the root of the word in order to typify their views on contemporary panic disorder through creating an archetypical classic case of panic and panic disorder in the god Pan.

If Pan is the myth we tell ourselves about panic, the figurative origin point for our understanding of the concept, then what specifically does Pan tell us about panic? Before addressing this question, we need to contend with Barlow’s problematic chronology, for while his examinations are anchored in contemporary psychiatry, they point towards a tradition of panic stretching back to Ancient Greece. Thus far I have avoided accepting this trajectory by relegating Barlow’s Pan to a present-day mythological appropriation, reading the god as a specific recasting of the historical tradition (Barlow’s own version of history). But between the envisioned Ancient Greeks and the contemporary Pan lies the purportedly pre-contemporary-Pan discourses surrounding the first uses of panic. Theoretically, according to writers like Houts, this Pan and his panic should be absent from these early psychoanalytic and psychiatric accounts as panic disorder as a diagnostic category “literally did not exist” before 1946 (Houts 949). Yet, as we have seen, panic as a concept first occurred in 1920 (in the form of homosexual panic), and the contemporary discussion of homosexual panic traces its lineage back to writers like Kempf, Freud and Adler. So let us return to this beginning and see how, if at all, the earlier writers dealt with panic and the Greek god Pan and through this, characterize and critique the mythologized aspects of Barlow’s Pan.

While Kempf’s study of homosexual panic does not feature any Greek myths, the work of his contemporary Sigmund Freud is replete with psychoanalytic engagements with myth. Numerous studies have detailed Freud’s use of the Greek mythic tradition and his (and its)
influence upon the subsequent generations of psychoanalysts and psychiatrists. The central concepts in Freudian psychoanalysis like the Oedipus complex, Narcissism, Thanatos and Eros all derive from Greek myths. Additionally, Freud’s correspondence and childhood education speak to his passion for the Greeks, a passion that comes to influence other writers including Carl Jung who proposed the parallel female Oedipal structure the Electra complex from the Greek myth of Electra. Yet Freud’s work on panic (albeit brief) is devoid of a consideration of the Greeks. His only explicit mention of panic occurs in “Group Psychology and the Analysis of the Ego” (1921), in which he analyses the ability of mass panic to break apart group coherence through an elimination of the emotional bonds between constituent members. At no point does he mention Pan. Another panic-like concept occurs in his earlier work with Josef Bruer Studies in Hysteria (1895) in which Freud articulates the components of the anxiety attack but again omits any reference to Pan or indeed to even the word panic.

Additionally, the panic of “Group Psychology” and the anxiety attack of Studies in Hysteria do not turn back upon and reinscribe the patient’s life with meaning specifically derived from this panic. Instead, these works envision panic as a discrete event that affects the group or person temporarily. Unlike these articles, another of Freud’s papers “Medusa’s Head” (1920) presents a panic-like structure that does return to, and re-inscribe, the body of the patient. Yet, this panic-like event is not conceived around the figure of Pan, but rather around a separate Greek figure: the gorgon Medusa.

18 See Tourney “Freud and the Greeks: A study of the Influence of Classical Greek Mythology and Philosophy upon the Development of Freudian Thought,” Rosen “Patriarchy, Culture and Greek Mythology in Psychoanalysis” and Bowlby “Family Realisms: Freud and Greek Tragedy.” Winter in “Schoolboy Psychology” also explores the indebtedness of Freud’s psychoanalysis to the classical curriculum of the German gymnasium, reading Freud’s theories through his exposure (and their structuration around) mythic Greek Tragedy (140).

19 See Jung Freud and Psychoanalysis.

20 While Barlow suggests that Freudian anxiety attacks and contemporary panic attacks are the same, other researchers like De Poderoso et al. cite Donald Klein’s problems with this undifferentiating assessment, suggesting that qualitatively anxiety and panic are different (Barlow 124; De Poderoso et al. 169). As we are looking for the cultural understanding and construction of panic within these works, and not the specific etiologies of panic as differentiated from anxiety, this point is moot in the current examination.
In his paper, Freud suggests that the decapitated head of the snake-haired Medusa represents the threat of castration, further stating “the sight of Medusa’s head makes the spectator stiff with terror, turns him to stone” a reaction to Medusa that negates the castration she threatens as “becoming stiff means an erection...he [the stiffened individual] is still in possession of a penis, and the stiffening reassures him of the fact,” (“Medusa’s Head” 273). We can parallel this description with both Barlow’s description of Pan’s shout that makes "one’s hair stand on end" or even Graves’ description of Pan’s shout that "made the hair bristle on their heads" (Barlow 105; Graves 101). While in Freud’s work there is a visual rather than an aural trigger, the individual’s reaction followed by an erection (stiffening into stone or a piloerection) remains a common theme.\(^2\) Freud explains the erectile response, concluding "to display the penis (or any of its surrogates) is to say: ‘I am not afraid of you. I defy you. I have a penis’," (“Medusa’s Head” 274). Yet Freud’s own analysis in the article demonstrates this boast to be a lie or at the very least ambivalent. The erection caused by Medusa (and Pan) results from the viewer/listener being afraid. In this case, the penis becomes erect in response to the fear, affirming the fear by professing symbolically that one is paradoxically not afraid.

The response to Medusa, the stiffening in fear to demonstrate lack of fear, is the same

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\(^2\) This translation from aural to visual reproduces the emphasis on visuality presented in Freud’s oeuvre as well as reinforcing his assertions on the defensive properties of fetishization in which the reduction of the female to an object (the petrifaction of her) eliminates the threat of castration presented by the female. For a reading of fetishization and scopophilia as they relate to the image of the female, see Mulvey’s canonical "Visual Pleasure and Narrative Cinema." In her book “Sexuality in the Field of Vision," Rose also critiques the intertwining of sexuality and the visual within Freud, remarking that "he [Freud] relates — quite explicitly — a failure to depict the sexual act to bisexuality and to a problem of representational space...a confusion at the level of sexuality brings with it a disturbance of the visual field" (226). Benson in “Freud and the Visual” traces the importance of visuality in Freud with reference to “Medusa’s Head.” Edelman reads the emphasis on visuality as an appropriation of the homosexual: “Precisely to the extent that the homosexual, in other words, disturbs the epistemological security afforded by the logic of sameness and difference as these are grounded in perception, the dominant culture demands that homosexuality be read back into — be construed, that is, as readable within — the system of visualization so that this apparent epistemological threat can mobilize ever more sophisticated forms of surveillance” (Homographesis 197). The orality (and by extension aurality) of Pan reproduces a separate emphasis on oral eroticism and homosexuality within the trajectory of homosexual panic. However, as we will see, the structural function of both the aural and the visual occurs in parallel, and these differing qualities can be subsumed under the iteration of the component to a specific semantic field (the visuality of Freud, the orality/aurality of homosexual panic).
ambivalence embodied in Barlow’s Pan: the production of panic by a panicker. So why is Freud interested in Medusa and not Pan?

There appear to be two key differences between Pan and Medusa. First, in Freud, Medusa as the female genitals stiffens and transforms male subjects, while in Barlow Pan (a ‘he’) stiffens and transforms gender-neutral subjects. Second, Medusa triggers these reactions via visual stimuli, while Pan triggers reactions via oral/aural stimuli.

In the first difference, that of the gendered relation between the mythical figure and the stiffened individual, Freud defends his assertions on the paralyzing fear of Medusa by affirming “since the Greeks were in the main strongly homosexual, it was inevitable that we should find among them a representation of woman as a being who frightens and repels because she is castrated,” (“Medusa’s Head” 274). In this statement Freud unites the Greeks with homosexuality and then positions homosexuality as against the female: the male who becomes horrified at the sight of the female genitalia. The homosexual/Greek also becomes stiffened at the sight of the vagina, but according to Freud only to say ‘I defy you.’ In this defiant position, the Greek interloper turns the stiffening back upon the Medusa figure transforming the effect of Medusa’s gaze into an apotropaic talisman in the form of an erect penis. Similarly, Freud describes the Goddess Athene who wore the head of Medusa in order to use its stiffening power apotropaically to repel sexual advances (“Medusa’s Head” 273). The effect of the stiffened penis in its turning away of threats is the same effect Athene employs through her use of Medusa’s head; both the head and the penis are apotropaic, and furthermore apotropaic in their ability to stiffen. In a way, the person stiffened with fear becomes the Medusa by stiffening his genitals in order to frighten away the Medusa with a use of a parallel apotropaeus. In Freud’s description, there is not one Medusa but rather two:

22 The link between homosexuality and the Greeks has been explored in numerous studies, most notably Dover Greek Homosexuality, Foucault The Use of Pleasure: Volume Two of the History of Sexuality and Halperin One Hundred Years of Homosexuality. This chapter refrains from commenting on the link between Greeks and homosexuality, instead analyzing how Freud’s belief in the homosexuality of the Greeks impacts his work.
Medusa’s head and the individual looking at the head who becomes a Medusa himself. We now have further evidence of the cognate nature existent between Medusa and Pan, in that both figures reproduce themselves in the figures they frighten, so that the petrified or panicked person turns the panic and petrifaction back upon the original Pan or Medusa, becoming Pan-like or Medusa-like respectively.

But in Freud, this Medusa also is figured as a homosexual through Freud’s characterization of the Greeks as ‘strongly homosexual.’ Freud doubly signifies this homosexuality in his citation of the virgin goddess Athene who wears Medusa’s head as "the terrifying genitals of the Mother" thereby becoming both Mother and Medusa (“Medusa’s Head” 274). In “From the History of an Infantile Neurosis,” Freud traces homosexuality back to the inversion of the Oedipal complex in which the son wishes to become like the mother (and we can now by extension say like Medusa) in order to stiffen the father.\(^{23}\) The Medusa that frightens the homosexual Greek is then the figure that the homosexual wishes to become in order to re-enact the primal erotic relation between mother/Medusa/homosexual and father.

It appears as though Freud unites his Medusa concept with both the figure of the mother and the homosexual in order to present a singular construction that contains all three figures. This Medusa closely parallels Barlow’s Pan except (apparently) for the use of

\(^{23}\) The levels of patient’s identification and desire are more complex and varied within Freud’s “From a History of an Infantile Neurosis,” as Freud affirms “his [the patient’s] relation to his father might have been expected to proceed from the sexual aim of being beaten by him to his next aim, namely, that of being copulated with by him like a woman; but in fact...this relation was thrown back to an even more primitive stage” and thus “from the time of the dream onwards in his [the patient’s] unconscious he was a homosexual, and in his neurosis he was at the level of cannibalism; while the earlier masochistic attitude remained the dominant one,” (64). Yet, the final line of this passage, that “all three currents had passive sexual aims; there was the same object, and the same sexual impulse, but that impulse had become split up along three different levels,” permits a reading of Freud’s later interpretation that the patient believed that “only on condition that he took the woman’s place and substituted himself for his mother, and thus let himself be sexually satisfied by his father and bore him a child—only on that condition would his illness leave him” that renders all three of these currents as the patient’s desire to passively submit to the father via an identification with the mother (100). This case-study also shows a link in Freud between cannibalism and homosexuality that parallels Kempf’s and Barlow’s emphasis on orality and thus the orality of Pan’s shout, and another link between this shout and Medusa’s gaze via homosexuality. In a literary context, Crain produces a reading of the links between homosexuality and cannibalism through homosexual panic in his article “Lovers of Human Flesh.”
homosexuality, for while Barlow refers to Pan as a ‘he’, this ‘he’ affects gender-neutral personages like “ancient Greeks,” “a passer-by,” “one,” “traveler” and “foes” (Barlow 105). Though Barlow does not overtly signal gender or sexuality, his descriptions are replete with gendered erotic imagery. For example, Pan lays down in ‘a small cave or thicket near a road’ psychoanalytically translatable to the ‘laying down’ of the penis into the oral, anal or vaginal canals (caves by roads) perhaps surrounded or obfuscated by a thicket (pubic or facial hair).

Similarly, Pan is horrified upon being interrupted during this act of laying down (having sex), so he emits a “blood-curdling scream that was said to make one’s hair stand on end,” an active oral stimulation associated with the disruption of circulated body fluid (blood) that causes the spectator to become erect (Barlow 105). With this psychoanalytic lens, Barlow’s story becomes: an interloper (actively) interrupts Pan (passive) who, lost in the act of sexual intercourse, becomes panicked as the interloper fills Pan with panic. Responding to the intrusion, Pan (actively) orally stimulates the (passively) aural interloper who then becomes erect. In these actions we also see the oscillation from passive to active as Pan becomes passive-interrupted/panicked and then active-shouter/panic-giver and the interloper becomes active-interrupter/panic-giver, passive-listener/panicked: the same structure enacted visually in Medusa’s head though the petrifaction-repulsion stiffening-repulsion oscillation.

However, the undifferentiated gender of the interloper maintains the tension between Medusa’s purely homosexual male recipient, and the (now sexualized) gender neutral recipient of Pan’s panic. In “Medusa’s Head,” male-as-active and female-as-passive occur simultaneously in the figure of the homosexual, so that in the transition between stiffener and stiffened both Medusa and the homosexual Greek become (in Freudian psychoanalytic terms) both masculine and feminine. This collusion between the masculine and feminine feelings occurs, according to Freud, developmentally in all children through polymorphous perversity.24

24 In her essay “The Laugh of the Medusa,” Cixous argues against the pathologization of universal bisexuality through challenging the phallogocentrism of psychoanalysis, critiquing “Freud and his followers” by invoking psychoanalysis’ use of Medusa. She affirms “they [Freud and his followers]
However, in the adult male, this overabundance of feeling indicates homoeroticism, allowing us to add to the interpretation of Freud’s reading of the female genitals surrounded by phallic snakes as also the unification of the active male penis and the passive female receptacle, a combination of passive and active that, in Freud, signals male homosexuality.  

Returning to Barlow’s Pan, the gender neutral terms can similarly be read not as inclusive of individual males and females, but as inclusive of a person who is simultaneously masculine and feminine: in Freud’s terms, a homosexual. In Barlow’s story, the singular ungendered interloper interrupts Pan’s laying down, actively giving panic to Pan. The interloper then receives the same panic from Pan via an oral/aural exchange. The interloper, as with Pan, is both masculine-active and feminine-passive, both penetrating Pan’s resting place and being penetrated by Pan’s panic. As with the stiffened man and Medusa, the interloper becomes Pan: there are two Pans and two panics. And the Pans are both passive and active: under Kempf’s and Freud’s schema, the two Pans are overly-erotic homosexuals. Returning to our first remarks on Pan as well, his ambivalence between female and male parallels the other ambivalences encoded within the Pan figure: both god and not-god, both lord and subject. Again, this ambivalence runs congruently with the ambivalences of Medusa: both petrifying and petrified, both phallic and castrated. We can now suggest that both the doubled-Medusa, and the doubled-Pan are united intimately with the construction of homosexuality.

To further this claim about the relationship between Medusa, Pan and the homosexual we can look to the final description of Pan in Barlow in which the gender of the interloper riveted us [women] between two horrifying myths: between the Medusa and the abyss” (255). This chapter similarly challenges Chuang and Addington’s pathologization of universal bisexuality through a critique of the wider pathologization of ambiguity within their work, a pathology that universal bisexuality (via Freud) was made to represent. Contrastingly, in Cixous’ essay Freud symbolizes the repression of a bisexuality that is represented by women. Chapter Four has explored bisexuality as represented by the homosexual principally through the overly-erotic individual and also through this discussion of Pan/Medusa. While in the end Cixous partially reclaims the figure of the Medusa, this chapter examines the continued pathologization of this and other Greek myths, and how these myths represent a specific set of anxieties including (as Cixous notes through bisexuality) the pathologization of multiplicity and ambiguity.

\(^{25}\) See supra note 23 regarding the male’s identification with the mother and desire to be penetrated as occupying the ‘woman’s place.’
changes. Barlow concludes “even the other gods were subject to his [Pan’s] terror and at his mercy” (105). The deployment of the term gods is not necessarily an invocation of exclusive maleness, as combined with the other descriptions of the interlopers, the male-gendered term gods performs the English gender neutral possibility of pluralized masculine terms, signifying both the male and female gods. However, even in embracing a signified neutrality, this term is grammatically masculine. The term gods presents a noun that is masculine but signifies both genders; and in Freudian terms, the male that signifies both genders is homosexual.

In this interpretation of the masculine neutral as homoerotic, we can reconstruct the ambivalence in the phrase ‘subject to his [Pan’s] terror’ as ‘his terror’ can refer to both the quality of Pan to inspire panic, as well as ‘his’ possessively referring to the terror embodied within the figure of Pan, the terror given to him by the interloper, the terror that signifies his own homosexuality. In the first interpretation, subject to his terror signifies the active potential of Pan to unleash his panic upon the gods and subjugate them to his power by enacting his active-masculine potential and instilling in the gods the passive-feminine attribute that resonates with the gender neutrality of the term. In this interpretation, Pan makes the gods homosexual. In the second interpretation, ‘his terror’ indicates not the terror unleashed by Pan, but the terror embodied in Pan: the potential to (passively-femininely) receive panic. In this interpretation, the gods are not subjugated by Pan, they are subjects of Pan; subjects in the model of Pan. Pan as homosexual threatens the male gods, panicking them with the possibility of his (and their) homosexuality, presenting a homosexuality (and a Pan and a Medusa) at once both passively felt by the person (his homosexual panic) and actively threatening to those around him (the panic caused by the homosexual).26

26 Here there is also a possible link between panic and shame. In summarizing Thompkins, Nathanson affirms “the shame affect ... is triggered whilst thinking/feeling/doing something pleasant. The associated period of blush, cognitive shock, incoherence, and confusion lasts only moments until we seek freedom from this discomfort through the compass of interpersonal maneuvers I’ve described as withdrawal, submission, distraction or attack on whomever we deem responsible for our discomfort,” (xiv). While establishing whether or not shame is also a part of the symbolic chain of Pan-panic-homosexuality is beyond the scope of this thesis, this description and the articulation of disgust, shame,
Furthermore, this second attribute is also the process whereby Pan makes the other into another Pan, or Medusa makes the other into another Medusa, so by extension, it is also the process whereby the homosexual makes the other into another homosexual. In this Pan/Medusa structure, we have a basis for a homosexual panic based on the fear of latent homosexuality within the interloper: that the gaze of the homosexual-Medusa, or the shout of the homosexual-Pan, will stiffen the interloper transforming him into another homosexual.

This concept of the homosexual occurs with Freud’s use of Medusa and Barlow’s use of Pan through the ambivalence presented in each figure. This ambivalence also characterizes the panicker by uniting the homosexual, Pan and Medusa into congruent categories. Through tracing this congruence, this section has started to restructure the envisioned history of psychiatry in relation to panic, troubling the accepted history of Barlow and others that panic disorder was created in 1980 with publication of DSM III by suggesting that the diagnostic category of panic disorder existed in other forms: the homosexual and the homosexual-as-Medusa. Furthermore, this chapter has affirmed that the symptoms of these earlier homosexualities continue within the symptoms of panic disorder literature through the inclusion of the mythical Greek figure of Pan, the explanation and description of which are facilitated by, and expressible through, an understanding that places panic and homosexuality in metaphoric, if not interchangeable, relation.

Finally, I have outlined a structure in which the figures of Pan and Medusa link the expressions of homosexuality and panic disorder together as representations of a set of symptoms that continue to inform both homosexuality and panic disorder contemporarily and historically. These symptoms cluster around the pathologization of ambiguity and indistinctness and include the ability of the indistinctness to multiply itself through overriding homosexuality and affect within Nathanson’s forward to Queer Attachments suggest a possible link between the logics of shame and panic.

27 This parallels the scenario from Chapter Three in which Gil-Martin makes an ‘ambiguous’ subject out of Robert Wringhim by having Robert become Gil-Marin through adopting Gil-Martin’s habit.
the coherent subjectivities of others (like Pan makes others subject to Pan or Medusa stiffens the onlooker). Again, this chapter is not suggesting that these qualities are endemic to something called homosexuality or panic disorder but rather that in generating the constructions of these subjectivities Barlow, Kempf, Freud, Chuang and Addington draw from an existent semantic field which is governed by the play of coherence versus incoherence, a play that, in the later retrospective histories of psychiatry, comes to dominate the ideal image of psychiatry. The seemingly obvious inclusion of Pan mythology within panic disorder studies can be understood as enabled by the homosexual imagery circulating around both the contemporary psychiatric characterization of Pan, and a longer tradition linking homosexuality, panic and Greek mythology within psychiatry and psychoanalysis. This does not show how one is really the other, but demonstrates how both are expressible as each other because of the congruence of their constructions.

The coming chapter continues this argument into additional examples of this play between ambiguity, knowing and coherence in order to hypothesize other ways to think people within alternate histories of psychiatry and psychoanalysis. Throughout this chapter we have seen the analytic work of various writers as they reconstruct specific histories, interpret case studies and generate (sometimes untenable) readings of previous texts and cases; in order to destabilize these coherent narratives, I want to create other readings and other trajectories of thought not bound within the dominant play of coherent/incoherent. This chapter presented a reading that reproduced the idea that anxiety around homosexuality and the pathologization of homosexuality continue within the semantic fields of panic disorder, and that both panic disorder and homosexuality continue to represent a specific anxiety over the indistinct, nebulous and unknowable within psychiatry. But what if there are other ways to think, not necessarily homosexuality or panic, but the people that homosexuality and panic diagnose: not the known-unknowns codified within the studies already critiqued, but the
incoherent unknowns that exist without being played historically against the privileged position of coherent knowing?
When in the publication of the DSM III the APA recentered its methodology in the practice of diagnosis, a new species\(^1\) was born: the panic disorder patient. While the symptoms that made up this category were previously incarnated in other categories (homosexuality for example), panic disorder represented the coming into existence of a new way to understand and inscribe the meaning of the patient’s life. Through the APA’s endeavors to make diagnosis the “basis of the specialty [of psychiatry],” this inner truth of the patient could be revealed to the knowledgeable psychiatrist (Horowitz and Mayes 250). But how does this technique of diagnosis work to reveal the truth, and what, if anything, is the relationship between these diagnostic procedures, panic disorder and homosexual panic?

In *The History of Sexuality: Volume 1* Michel Foucault articulates an intellectual trajectory that links diagnosis to the older tradition of Western confession.\(^2\) In his analysis, Foucault affirms that diagnosis does not reveal an *a priori* truth of the patient, but instead constructs truth as an already interior knowledge. This process of incorporation happens through inscribing the power relations that enable and validate that truth on the surface of the patient’s body. In *Discipline and Punish*, Foucault further states, “a ‘soul’ inhabits him [man] and brings him to existence, which is itself a factor in the mastery that power exercises over the body. The soul is the effect and instrument of a political anatomy; the soul is the prison of the body” (30). Here Foucault describes how the ‘soul’ once thought of as an internalized essence, is the evidence of an incorporation of discursive power. The man cannot exist separately from the (medico-religious) understanding of his soul because the soul is the condition of his existence.

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1 I borrow this term from Foucault who similarly refers to the invention of the diagnostic category of homosexuality as the creation of “a species” (*History* 43).
2 For a discussion of Foucault’s ideas on confession with reference to, and overview of, the historical tradition of confession in literature see Tambling *Confession*. 
Part of the conditions for the existence of the soul is that this soul must be latent and therefore unknown and unknowable to the person. As Foucault suggests, the soul in its construction as both a priori and latent legitimates the practice of confession because “from this interplay [between inner truth and confession] there has evolved, over several centuries, a knowledge of the subject; a knowledge not so much of his form, but of that which divides him, determines him perhaps, but above all causes him to be ignorant of himself,” (History 70). The technique of confession, for Foucault, “had to be coupled with the decipherment of what it said” in order to legitimate the regime of power that constructed the person as ignorant of him/herself and to create the authoritative (yet also potentially absent) position of the person who hears the confession and diagnoses the confessor (History 66). This structure of confession/diagnosis reinforces a model of knowledge as interior truth, a model of knowledge acquisition as revelatory and the construction of the person as a revealed unity with an interior truth who is, as Foucault concludes, the “seat of duration” (Discipline 155). All of which turns back upon the diagnosis and legitimates it as one of the principal ways (if not the principal way) to attain knowledge of the person’s soul, or in Foucault’s reversal, one of the principal ways to construct the body as the prison of the soul.

Judith Butler in Gender Trouble takes up these concepts, extending Foucault’s arguments more explicitly into feminist debates over sex, gender and sexuality. In adapting Foucault’s view of the soul, Butler affirms:

According to the understanding of identification as an enacted fantasy or incorporation, however, it is clear that coherence is desired, wished for, idealized, and that this idealization is an effect of a corporeal signification. In other words, acts, gestures, and desire produce the effect of an internal core or substance, but produce this on the surface of the body, though the play of signifying absences that suggest, but never reveal, the organizing principle of identity as a cause. (Gender 185)

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3 This same construction is seen in Chapter Two and Three in the characterization of Bartram and further reinforces an understanding of the type of time she incorporates, as Foucault affirms “the disciplinary methods reveal a linear time whose moments are integrated, one upon another, and which is oriented towards a terminal, stable point; in short, an ‘evolutive’ time” (Discipline 160). This chapter builds upon the construction of Bartram’s chronologic epistemology from Chapter Two and the Editor’s epistemology from Chapter Three in order to see the possible resonances between these structures and the epistemologies performed in psychiatry.
While diagnosis via confession makes the person coherent by inscribing all of their acts, gestures and desires within an epistemology that links these expressions to effects of a latent internal truth, Butler (following Foucault) inverts this structure in order to show that these external expressions are what constitute the internalized truth through their being read by knowledgeable others. Diagnosis promises and performs a wished for coherence of the singular body.

Yet, as Butler suggests, “the construction of coherence conceals the gender discontinuities that run rampant within heterosexual, bisexual, and gay and lesbian contexts in which gender does not necessarily follow from sex, and desire, or sexuality generally, does not seem to follow from gender,” (Gender 185). Subversion of the diagnosis of the coherent self begins, as Sedgwick would say, “when constituent elements of anyone’s gender, of anyone’s sexuality aren’t made (or can’t be made) to signify monolithically,” (Tendencies 8).

With this understanding of Foucault and the soul, Butler begins Gender Trouble by splitting apart the mimetic relationship between sex and gender:

If gender is the cultural meanings that the sexed body assumes, then gender cannot be said to follow from a sex in any one way...further, even if the sexes appear to be unproblematically binary in their morphology and construction (which will become a question), there is no reason to assume that genders ought also to remain as two. The presumption of a binary gender system implicitly retains the belief in a mimetic relation of gender to sex. (9)

The reason that genders remain as two, even after the denaturalization of sex, is, according to Butler, because the mimetic system of knowledge enacted through diagnosis maintains this structure as obvious. Yet in this hypothetical critique, Butler leaves the construction of the singular body relatively untouched.

A possible elaboration of Butler’s theory back into Foucault’s initial conjectures on coherence and the body could extend this critique of the (problematic and untenable) mimetic relationship between gender and sex to the mimetic relation between the naturalized ideas of a singular body and the construction of the body as singular. Following Foucault, all bodies are inscribed as singular bodies by an epistemology that demands their intelligibility through their
singularity.⁴ Through Butler we have destabilized the constructed relation between an originary material body (sexed bodies) and a secondary discursive ‘written upon’ body (gendered bodies) in order to say that the material body is an effect of the discursive apparatus that inscribes bodies as material. Drawing upon Butler’s understanding of sex-gender, we can suggest that there is likewise no necessary mimetic relation between any inscriptions/diagnoses of the body and some ‘actual’ material body, except through the effect of a discourse that produces a material body from the inscriptions. That is to say that separate diagnoses of the ‘same’ body only combine into a unified coherent vision of a singular body through the work of a particular mimetic system of knowledge that combines these inscriptions into a singular interior truth and constructs this truth as a material or original condition of the primary singular body of all people. What if, instead, we recognized that just as ‘there is no reason to assume that genders ought also to remain as two’ there is also no reason to assume that the body of any person ought to remain singular.

Perhaps it is here, in the initial construction of the body as singular that enables diagnostic knowledge, that we find the articulation of a narrative that abjures multiplicity from the previous chapter, in the demand that the potentially fractured and dissonant bodies be reassembled into a coherent body, and in the continual narrative of reconstruction which hides the multiple constructive writings that emerge only when the original body (and perhaps because the original body) is labeled as that which was lost already in its creation.⁵ If, for the moment, we let go of these discourses of coherence and singularity, and instead embrace fracture and dissonance, we can follow (perhaps queerly) the diagnostic process in order to

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⁴ As Butler further affirms in Gender Trouble “there is no self that is prior to the convergence or who maintains ‘integrity’ prior to its entrance into this conflicted cultural field,” (199). There is no primary body that is written upon but only the body that is written. If this is the case, then, as this chapter suggests, there is no need for this body to remain singular except through the conventions of diagnosis/confession.

⁵ Butler states “the ‘coherence’ and ‘continuity’ of ‘the person’ are not logical or analytic features of personhood, but rather, socially instituted and maintained norms of intelligibility,” (Gender 23). Thus, the unity of the person is a requirement for his/her intelligibility, against which is posed the unintelligible multiple and incoherent.
create multiple ‘souls’ instead of following the normative demand that these multiples be rejected and condensed into a singular body. As the last chapter argued and this chapter further develops, the process through which the multiple is created and the ideas of coherency, continuity and duration are upset is homosexual panic. So what happens when we use homosexual panic to queer the diagnostic process?

Chapter Four outlined the way in which the desired coherence of the body of psychiatry was enacted by Chuang and Addington’s appropriation of Freud within the historical trajectory of homosexual panic through a rejection, elision and rewriting of the parts of his theories that did not fit. Yet Freud’s work troubles a coherent rendering of it as a singular and unified body of thought, a fact written upon the body (or bodies) of Freud in his letter “A Disturbance of Memory on the Acropolis.”6 This letter presents an extended self-analysis that constructs multiple embodied Freuds through a process Freud labels as derealization. Freud mirrors this feeling of derealization through his analysis, splitting himself (or perhaps recognizing the multiple Freuds already constructed) through his diagnoses. This rendition of the diagnostic project through self-diagnosis enables an initial assessment of the proposition that multiple diagnoses do not need to resolve themselves into a singular, coherent, body and instead can indicate (and create) separate bodies for the same patient. This process of creation (which we have already labeled homosexual panic and which Freud calls derealization) presents the possibility of destabilizing diagnostic claims of requisite singularity by positing the ways in which multiple diagnoses can create multiple people.

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6 See also Felman’s interpretation of Freud’s “Wild Psychoanalysis” in her article “Turning the Screw of Interpretation” where she affirms that Freud and Freudian thought resist ideas of closure, coherence and ultimate meaning: “The ‘incident,’ however, is never ‘closed,’” (“Turning” 178). Mirroring the premise of this examination, Bersani in A Future for Astyanax splits Freud into multiple Freuds, referring to the Freuds created through various historical appropriations, stating “the Freud of the Oedipus complex is of course the best-known Freud. There is, however, another Freud, a much more difficult and ambiguous thinker who has been brought to our attention by contemporary French psychoanalytic theory” (9).
5.1 Diagnosis One: Freud is a Derealization Patient

In 1936 Freud wrote “A Disturbance of Memory on the Acropolis: An Open Letter to Romain Rolland on the Occasion of his Seventieth Birthday,” presenting for the first time an analysis of a feeling that Freud experienced on a holiday to the Acropolis over thirty years before. In the letter, Freud recounts how standing atop the Acropolis, “a surprising thought suddenly entered my mind: ‘So all this really does exist, just as we learnt at school!’” (“Disturbance” 241). Freud analyzes the situation though splitting himself into two people:

The person who gave expression to the remark was divided, far more sharply than was usually noticeable, from another person who took cognizance of the remark...The first behaved as though he were obliged, under the impact of an unequivocal observation, to believe in something the reality of which had hitherto seemed doubtful...The second person, on the other hand, was justifiably astonished, because he had been unaware that the real existence of Athens, the Acropolis, and the landscape around it had ever been objects of doubt. (“Disturbance” 241)

Different memories of the Acropolis work to construct separate people within Freud’s analysis. The first person reforms his previous belief that the Acropolis is unreal and the second person rejects the belief that he had thought the Acropolis to be unreal in the first place. Freud describes this process as derealization, concluding that all derealizations have two constitutive elements: first, “they all serve a purpose of defence” and second, “their dependence upon the past” more specifically “a disturbance of memory and a falsification of the past,” (“Disturbance” 245-46). In order to defend against an unsettling feeling, the derealization creates a new past for the person, generating a new distinct person in the present in addition to the person who initially felt unsettled.

Freud, through diagnosis, eventually resolves these two people into a singular person who understands what happened in the event, concluding:

The essential subject-matter of the thought, to be sure, was retained even in the distortion – that is, incredulity: ‘by the evidence of my senses I am now standing on the Acropolis, but I cannot believe it.’ This incredulity, however, this doubt of a piece of reality, was doubly displaced in its actual expression: first, it was shifted back into the past, and secondly it was transposed from my relation to the Acropolis on to the very existence of the Acropolis. (“Disturbance” 243)
The ‘actual’ Freud is the second person, the one who recognizes that the displacement of the present sensation into the past was in fact a “false pronouncement about the past” against which the second person positions the truth: that at no point in his past did he actually doubt the existence of the Acropolis (“Disturbance” 244). Freud dismisses the first person as not Freud and not existent; the first person is a ‘false pronouncement.’

Freud later comments that “depersonalization leads us on to the extraordinary condition of ‘double conscience’, which is more correctly described as ‘split personality’. But all of this is so obscure and has been so little mastered scientifically that I must refrain from talking about it any more with you,” (“Disturbance” 245). Here Freud moves away from the consideration of double conscience through a dismissal of it as ‘too obscure’ and ‘so little mastered,’ the same objections which Chuang and Addington use to reject homosexual panic over fifty years later. Here, perhaps, Freud has mobilized diagnosis, similarly to Chuang and Addington, in order to characterize the first person as an incorporation of the ideas of double conscience and split personality, so that this improper double is rejected in the same way that the concepts which give rise to double’s claims to existence (double conscience) are rejected.

Freud, adopting the position of the second person, diagnoses the first person as a ‘falsification’ and dismisses him as pathological. In dismissing a double of himself as not himself, Freud maintains the normative singular and the non-pathologic construction of his body by affirming first that his body is singular and not double and second, that he is in no way pathologic because the pathology resides in the second body that he dismissed. In this rejection of the first person, Freud is able to, as Karpman would say, “resolve the conflict in favor of the positive social demand” and achieve the normative singular body from the initial confusion in which he appeared to be two people (Karpman 504). Through diagnosis, Freud’s derealization operates along the same logic as the later diagnosis of homosexual panic, so that in both cases the person panics (or derealizes) and creates two versions of him/herself through projecting his/her pathologic qualities into others. The normative person then dismisses the
pathologic as pathologic, ensuring and maintaining his/her own normativity. Freud’s conclusions draw upon this normative process of rejecting the pathologic, but what if instead of following Freud in his diagnostic certainty, we followed him in his derealization?

While Freud presents derealization as a form of defense that ejects the pathological and leads to normative singularity, his is not the only account of derealization circulating within psychiatry at the time. For example, Capgras and Reboul-Lachaux (1923), Courbon and Fail (1927) and Courbon and Tusques (1932) present individual case studies in order to originate the understandings of Capgras syndrome, Frégoli syndrome and intermetamorphosis delusion respectively. Contemporary psychiatry groups these individual pathologies underneath the heading of Delusional Misidentification Syndromes (DMS), a title that also signals additional instances of derealization like reduplicative paramnesia. All of these syndromes center on the patient’s belief that a person (even him/herself), place or object in the patient’s life has become doubled, and usually that the double has replaced the original. Thus, the patient believes that his/her reality has become unreal (derealized). Perhaps in using these alternate models to explain Freud’s feelings on the Acropolis, the remainder of this chapter can create multiple Freuds through multiple diagnoses, while simultaneously showing how these multiple diagnoses enable, and/or compensate for, the indistinct multiple.

5.2 Diagnosis Two: Freud is a Reduplicative Paramnesia Patient

In looking back upon his experience at the Acropolis, Freud affirms “the whole psychical situation...can be satisfactorily cleared up by assuming that at the time I had (or might have had) a momentary feeling: ‘What I see here is not real,’” (“Disturbance” 244). In his

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7 In Capgras syndrome, the patient believes that people close to him/her have been replaced by doubles (Capgras and Reboul-Lachaux 119). In Frégoli syndrome, the patient believes that a person (sometimes close family member, sometimes a celebrity) continually adopts the guises of others in order to follow the patient (Courbon and Fail 134). Intermetamorphosis patients believe that people and objects around them can transform into objects or other people at will in order to follow the patient (Courbon and Tusques 139). Reduplicative paramnesia patients believe that a location has an exact double, and that these two locations exist at the same time, so that for example, there is the hospital wing in which the patient resides downtown, and an exact double of this hospital wing located in the patient’s own home (Luzzatti and Verga 202).
characterization, the pathologic Freud encounters the ‘not real’ Acropolis, a version of the Acropolis that is dismissed later by the normative Freud who seems to encounter a separate Acropolis where “I [Freud] could obviously not attach the doubt to my sensory impressions of the Acropolis,” (“Disturbance” 244). Freud’s letter presents an Acropolis that appears to be not real and another version of the Acropolis that appears to be so real as to be beyond doubt. It is in Freud’s inability to reconcile these two mutually exclusive impressions of the Acropolis that he renders the unreal impression a falsified memory and dismisses it as false. But what if instead of rejecting a non-commensurate impression of the Acropolis and restoring the unity of the monument, we followed the suggestion in Freud’s writing that, perhaps only for a moment, he believed that there were two different versions of the Acropolis?

In this potential doubling of the Acropolis, Freud expresses symptoms characteristic of a DMS syndrome known as reduplicative paramnesia. First articulated by Andrew Pick in 1903, reduplicative paramnesia is a condition “in which the patient states that there are two (or more) places with almost identical attributes, although only one exists in reality,” (Luzzatti and Verga 187). Traditionally, this occurs when the patient claims either that the city in which they reside also occurs in another country or location, or that the place in which they are located is in another location as well. For example, patients of reduplicative paramnesia have claimed that there are two Milans, one in Italy and one in Brazil, and that there are two clinics, one in the hospital and another in their house (Luzzatti and Verga 198, 188). Each location (the two Milans, the two clinics) shares the same qualities, but only one is real according to the normative understanding of the psychiatrists (the Milan of Italy, the clinic in the hospital).

Freud similarly experiences two Acropolises when he arrives at Athens, an unreal Acropolis and a real Acropolis. Freud responds to this splitting in a manner described by Staton et al. who “explained RP [reduplicative paramnesia] as a deficit in integrating newly acquired information with older memories,” (Luzzatti and Verga 203). Freud perceives two versions of the Acropolis yet initially has only one memory of the Acropolis (that it was real) and cannot
reconcile his present impression that the Acropolis is unreal with his memory that it is real, and so he falsifies a memory of the unreal Acropolis and transposes this memory to his childhood. In this way, Freud generates a specific memory for each Acropolis and resolves the tension between the two disparate visions of the monument by stating that there are two monuments, each with their own distinct history.

While normative Freud ultimately rejects this confabulation in order to uphold the belief that all versions of a building condense into a singular unified building, his initial impression demonstrates a separate normative framework that he attempts to uphold. In creating a new memory for the alternate sense impression, Freud affirms that all buildings endure through time, so that, if there are two Acropolises in the present, there must have been two Acropolises in the past that endured up to this present moment. Part of the shock at encountering both a real and an unreal Acropolis could be attributed to a destabilization in Freud’s belief in the chronologic durability of relations between past and future. In this case, Freud goes against another normative affirmation (that impressions condense into a singular object) in order to uphold the belief that things endure even as it proves to be a belief that he does not live.

Luzzatti and Verga’s affirmations on reduplicative paramnesia further illuminate this tension between impression and the durability of relations. In the conclusion to their analysis, they affirm that reduplicative paramnesia occurs as “a deficit in integrating the actual perceived reality with one’s own internal belief,” (Luzzatti and Verga 205). For example, the patient with two Milans believes that he is currently in Brazil and cannot understand why people continually inform him that he is in Milan. In order to reconcile this disparity, the patient creates a scenario that maintains both his internal belief and the perceived reality. Pathologic Freud does the same thing, but instead of creating two perceived realities, he creates two internal beliefs. He affirms that once he believed the Acropolis to be unreal and

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8 See supra note 3. The durability of relations is the same structure as Foucault’s understanding of the subject as the ‘seat of duration,’ explored through the chronologic in Chapter Two and Three.
now he believes the Acropolis to be real. Normative Freud rejects this confabulation, as do Luzzatti and Verga in their patient’s case, in order to maintain the logic that enables an understanding of all locations. But in this reworking of reduplicative paramnesia, Luzzatti and Verga perform an elision of the durability of relation from the unified relation between past and present location to the unified relation between past and present internal belief. In Luzzatti and Verga’s patient the tension occurs in his inability to accept that his internal belief can change with regards to location. Similarly, in normative Freud the tension occurs in his inability to believe that his beliefs can change. The disturbance in memory centers on the attempt to render durable otherwise changeable relations. The generation of doubled locations occurs because both patients attempt to ascribe to what the psychoanalyst and psychiatrist affirm is an unlivable belief (in the durability of their beliefs reinforced and transposed into a durability of a location).

Through Freud, we can return reduplicative paramnesia to the questions about the parallel nature of homosexual panic and derealization. The previous chapter understood the act of homosexual panic as a doubling of the homosexual’s self in order to eject the undesired homosexual wish and defend the ego against a wish that runs contrary to its integrity. But in placing homosexual panic next to reduplicative paramnesia, we can suggest another reading in which what the homosexual expels in his/her panic is the belief that s/he is mutable (as the opposite of durable); meaning, that if the person, believing him/herself to be heterosexual, accepted the homosexual wish into the self, the internal belief of the person’s heterosexuality would be replaced by the person’s homosexuality and this change would erode his/her belief that things (like internal beliefs) endure, as the person would have changed from heterosexual to homosexual. In the same way as the reduplicative paramnesiac and Freud create two locations in order to uphold the durability of relations while acknowledging the schism between their beliefs and their sensory input, so too does the panicking homosexual double him/herself in order to create a homosexual-self that endures and a heterosexual-self that
endures. The tension in the split can be understood as concerned with both the ego and the maintenance and durability of that ego across time. What is at stake in the ejection of the homosexual wish is not necessarily the repudiation of homosexuality, but instead the repudiation of change as pathological to the privileged belief in the durability of relations and normative coherence.

Reduplicative paramnesia creates multiple people where, according to the durability of relations, there should be only one. Luzzatti and Verga contradictorily characterize the embracing of mutability as the characteristic of the normal person. Mutability allows various conflicting beliefs over time to be resolved into a single patient who endures in spite of change, rather than multiple unchanging patients who endure. Luzzatti and Verga affirm that in normal people “the internal belief is compared to the information acquired sensorially from the external world, and thus the internal belief adapts to the perceived reality,” so that internal beliefs are in a constant state of flux based on continual reality testing (Luzzatti and Verga 205). Paradoxically, the schism in the reduplicative paramnesiac occurs as s/he attempts to conform to both a normal belief in the durability of relations and in his/her inability to unite current sensory input with previous memories. So how can normalcy be defined as both a continual change and a durability?

Perhaps we need a better understanding of how these cases define normalcy before we answer this question. As we have seen through the analysis of reduplicative paramnesia, normalcy occurs as a secondary category, determined through its distance from the aberrant states of the DMS. While presenting normalcy as something assumed and present, these cases abstract normalcy from their primary investigation of the abnormal. This term is then inverted, so that reduplicative paramnesia appears as the secondary term to normalcy (the ab-normal), but this does not override the centrality of the abnormal in these texts.9 Uniting this concept

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9 Similarly, Katz in The Invention of Heterosexuality outlines the process through which heterosexuality becomes a normalized term for “one particular historical arrangement of the sexes and their pleasures,” even though the term originally occurred to designate a perversion of the reproductive ethics of the late
with Chapter Four’s observations on the homosexual, we can see the containment of both the abnormal and the normal within the same body, so that the two terms are not mutually exclusive, but rather (temporarily at least) contained within the same person, to the extent that s/he is both abnormal and normal at the same time. It is only through the person’s attempt to conform to the normal that s/he expels the abnormal from his/her body, an abnormal that then incorporates itself in the Other. The normal is defined (circuitously) as that which does not get expelled, while simultaneously the abnormal becomes embodied in the external who becomes abnormal. We can illustrate this process further and understand how normalcy becomes both durability and change, both abnormal and normal by diagnosing Freud with another of the DM Syndromes, one that specifically addresses the interaction between this expulsion and concepts of normalcy: Frégoli syndrome.

5.3 Diagnosis Three: Freud is a Frégoli Syndrome Patient

Within the Frégoli syndrome, the patient believes that people, and sometimes objects, have become “Frégolified” by a persecutor who can at will assume any mask they wish (Courbon and Fail 136). The original case study of the Frégoli syndrome, reported by Courbon and Fail in 1927, revolves around the use of Frégolification to enact abnormal desire within a totalized normative system. In this case study, the patient describes:

She is the victim of enemies, of whom the main culprits are the actresses Robine and Sarah Bernhardt, whom she often went to see in the theatre. For years they have pursued her closely, taking the form of people she knows or meets, taking over her thoughts, preventing her from doing this or that, then forcing her to do things, stroking her and forcing her to masturbate. (Courbon and Fail 134)

nineteenth century (14). Katz shows the opposition between heterosexuality and homosexuality to be an effect of a certain discourse positioning the two in relation to the normative, and through a reading of Freud, further elaborates upon how the examination of homosexuality contributes to the obviously normal character of heterosexuality.

With some significant differences, this pattern is similar to the concept of the abject in Kristeva Powers of Horror; though here I avoid commenting on Kristeva’s work for two reasons: first, the difference between the abject and the object, especially because of the later examinations of the DMS which rely on a concept of the object projected and ontologically distinct from the body, rather than a re-conceptualization of the object as abject and thus both part and not-part of the body, and second in order to highlight the possibility that the rejected person is in fact a distinct person.
These actresses assume the forms of others in order to pursue the patient with their perverse desires, forcing her to engage in masturbation. With the panic-governed schema of ego-defense, we can suggest that the patient has become fixated upon the personages of Robine and Sarah Bernhardt, but that this ego-dystonic fixation is expelled from the patient into the bodies of various people. These people appear to the patient as Frégolis of the Bernhardts and turn upon the patient with the desires she previously expelled. This paranoid belief becomes the interpretation for any perverse behavior so that according to the patient “a female employer who had attempted to caress her three years earlier was Robine,” (Courbon and Fail 135). While (according to the patient literally) masked behind the visages of others, the Frégolification reproduces the ejection of the ego-dystonic in another form.

Within Freud’s letter, however, there is no direct mention of people becoming Frégolified. Shifting the analysis from the content to the form, we can make several observations about both the Frégoli syndrome and about Freud’s own previous reduplications, and perhaps come to alternate explanations of Freud’s various doubles through the idea that Frégolis present the panicked embodiment of aberrant desires.¹¹

Within the letter there are sixteen separate people mentioned: Freud (the two Freuds: normative Freud and pathologic Freud), Freud’s brother (Alexander), Freud’s father, Alexander’s friend, Romain Rolland, the King Boabdil, the messenger, Napoleon, Napoleon’s brother, Napoleon’s father, the girl, her secret lover, her parents, Anna Freud and Fate. Yet Freud specifically allegorizes twelve of these people into masks for four central personages:

¹¹ Kanzer, in “Sigmund and Alexander Freud on the Acropolis” traces each of the anecdotes in Freud’s letter to displaced anxieties and similarly knits several of them together with an explanation of Freud’s relationship to his brother without considering how these various scenarios potentially allow Freud to enact his aberrant desire. I use the concept of the Frégoli here to indicate a belief in specific personages occupying people that continue to interact with him/her as distinct individuals who nonetheless are embodiments of other individuals. A similar reading could be attained through Freud’s own work, by treating each of the scenarios described as a ‘screen memory’ of a primal trauma (the breaking of the incest taboo) with which Freud cannot come to terms. Here I have avoided foregrounding this reading because of the more direct link between the DMS condition of Frégoli syndrome and panic structures (which as we will see is nonetheless present in screen memories and trauma, though not as apparent).
Freud, Freud’s brother, Freud’s father and Anna Freud. Here, we can begin with the suggestion that the other characters within the story are Frégolified images of these central four people.

Taking Freud’s brother first, Freud elaborates upon his feelings atop the Acropolis by recounting a parallel incident in the coronation of Napoleon:

So too, if I [Freud] may compare such a small event with a greater one, Napoleon, during his coronation as Emperor in Notre Dame, turned to one of his brothers – it must no doubt have been the eldest one, Joseph – and remarked: “What would Monsieur notre Père have said to this, if he could have been here to-day?” (“Disturbance” 247)

In this description, Freud’s brother adopts the mask of Napoleon’s brother and Freud becomes Napoleon in order to confess what Freud will later affirm to be the impetus of the feeling of derealization, that “to excel one’s father was still something forbidden...thus what interfered with our enjoyment of the journey to Athens was a feeling of filial piety,” (“Disturbance” 247-248). Freud transforms the scenario into one between Napoleon and his brother initially in order to articulate the problems stemming from the lack of ‘Monsieur notre Père’ at the Acropolis.

Through this confession, Freud returns to the event in order to provide an explanation other than the one that “would remain a very strange way of clothing an uninteresting commonplace” or the explanation that “sounds very profound, but it is easier to assert than to prove; moreover, it is very much open to attack on theoretical grounds” (“Disturbance” 241). Instead, the end of the letter provides Freud’s “solution of the little problem” in the form of an accurate diagnosis (“Disturbance” 247). Thus, the letter is also a confession from Freud, which, like the confession of Napoleon-Freud to his brother, articulates the filial piety at the heart of the derealizing effect.

Freud addresses the letter not to his own brother but to Romain Rolland. During the events related in the letter, Freud recounts that his brother and he both went to Athens “without having discussed with one another the reasons for our decisions” after an unexplained lapse into “remarkably depressed spirits” (“Disturbance” 240). Freud seems to
compensate for this inexplicable halt in conversation and analysis through the later allegorical confession of Freud through Napoleon to his brother, where he finally is able to articulate the significance of this lapse in discourse by explaining “why it was that already at Triste we interfered with our enjoyment of the voyage to Athens” (“Disturbance” 247). Freud doubly compensates for this lapse by allowing his brother to Frégolify Romain Rolland, so that the letter performs the same confessional function as the whispered discourse from Napoleon to his brother. Freud states in the beginning of the letter, “my brother is ten years younger than I am, so he is the same age as you [Romain Rolland]—a coincidence which has only now occurred to me,” yet a coincidence that makes sense within the Frégoli delusion as the brother becomes the person to whom Freud wishes to confess (“Disturbance” 240). Therefore, Freud confabulates that his brother has Frégolified Rolland.

While Freud’s brother Alexander Frégolifies both Rolland and Napoleon’s brother, Freud’s father takes on many more Frégoli masks including: Alexander friend, the King Boabdil, Napoleon’s Father, Fate and the young girl’s parents. As we have seen, the Napoleon allegory allows Freud to understand his own wish that his father should be present at the Acropolis, and through this wish, to unite Napoleon’s father with his own. Similarly, both Fate and Alexander’s friend present limitations to Freud and his brother’s actions in the form of commands to the brothers from both of these personages that are inexplicably, but unquestioningly, followed. In the case of Fate, Freud draws upon his previous essay “The Future of an Illusion” stating “for, as has long been known, the Fate which we expect to treat us so badly is a materialization of our conscience, of the severe super-ego within us, itself a residue of the punitive agency of our childhood,” (“Disturbance” 243). Fate in this case serves

12 See “The Future of an Illusion” where Freud claims “once before one has found oneself in a similar state of helplessness: as a small child, in relation to one’s parents. One had reason to fear them, and especially one’s father” and “man makes the forces of nature not simply into persons ... but he gives them the character of a father. He turns them into gods, following in this ... not only an infantile prototype but a phylogenetic one” (17).
as the embodiment of filial piety towards the ‘punitive agency of our childhood’ and is an extension of the power of the father over the actions of the children.

Similarly, Alexander Freud’s friend “hearing that it was our intention to go to Corfu advised us strongly against it” stating “you [Sigmund Freud] had better go to Athens instead,” ("Disturbance" 240). After hearing this recommendation from the friend:

We [Freud and his brother] discussed the plan that had been proposed, agreed that it was quite impractical and saw nothing but difficulties in the way of carrying it out; ... but when the time came, we went up to the counter and booked our passages for Athens as though it were a matter of course ... Later on we recognized that we had accepted the suggestion that we should go to Athens instead of Corfu instantly and most readily. ("Disturbance" 240)

Again the power of Fate (the power of the father) seems to prevent the two brothers’ plans.

The brothers immediately obey the recommendations given to them by the figure of authority.

In this way, Freud’s father Frégolifies both Fate and Alexander’s friend.

The Frégolification of King Boabdil by Freud’s father presents a new dimension to the recurrent allegory, to the extent that it introduces a tension to the related events. In the end of the letter, Freud recounts the story of King Boabdil, in which:

King Boabdil received the news of the fall of his city of Alhama. He feels that this loss means the end of his rule. But he will not ‘let it be true’, he determines to treat the news as ‘non arrivé...By burning the letters and having the messenger killed he [the King] was still trying to show his absolute power. ("Disturbance" 246)

In the same way, Freud describes his own father’s ignorance of Athens, affirming that the location could not “have meant much to him,” ("Disturbance" 247). Freud’s father is unaware of Athens, a location that “in itself contained evidence of the son’s superiority,” ("Disturbance" 247). Like Boabdil, Freud’s father maintains his superiority (or perhaps demonstrates Freud’s wish that his father would remain superior, the feeling of filial piety) through a Frégolification of the King who succeeds in (at least temporarily) maintaining his rule through ignoring the information to the contrary (the letter from the messenger, or Athens itself).13

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13 This action also reinforces Sedgwick’s claims about the power of ignorance detailed in Epistemology of the Closet and explored in Chapters Two and Three.
Finally, in a brief remark, Freud presents another iteration of the rule of the parent, “when we are surprised by a piece of good news, when we hear we have won a prize, for instance, or drawn a winner, or when a girl learns that the man whom she has secretly loved has asked her parents for leave to pay his address to her,” ("Disturbance" 242). Here the parents stand as the intermediary control between the girl and her suitor. Though in this case, the ‘prize’ appears to be not the gaining of the suitor’s hand, but the fact that the suitor has appealed to the parents, demonstrating his desire for the female and simultaneously upholding the rule of the parents. In this Frégolification, Freud views the parents (and his father) as being reaffirmed in their power over the child through the suitor’s affirmation of the father’s right to allow or not allow access to his daughter.

In these Frégolifications, we can begin to see already how the donning of various masks by the people within Freud’s life allows Freud to enact certain wishes that, due to the circumstances, have become ego-dystonic. In this way, Freud can affirm that while his journey to Athens overthrows the specific rule of his father, the reign of King Boabdil (another body for his father) continues through Boabdil’s ignorance, and the power of the father continues through the masks of Fate, Alexander’s friend and the girl’s parents. The Frégolis allow Freud to maintain two contradictory propositions (for example, that his father’s rule has been surpassed and that his father’s rule continues unabated) by splitting these two functions into the bodies of separate and distinct people (the King Boabdil, Fate, Alexander’s friend and the father), paralleling the manner in which Freud split the Acropolis into two locations in order to maintain both the real and unreal beliefs, though without the panicked dismissal.

In the third string of Frégolifications, Freud allows himself to Frégolify others in order to place himself behind their masks and enact his own aberrant desires by proxy in these reconstructed scenarios. As we have already seen, Freud Frégolifies himself in the Acropolis letter by creating a pathologic version of himself that he later dismisses as a falsification. In the Napoleon scene, Freud also Frégolifies Napoleon in order to enact his confession. Similarly,
Freud as the letter writer (writing a letter to Freud’s brother/Rolland) Frégolifies the messenger in the allegory of King Boabdil, delivering to the father-Boabdil news that his kingdom has been overthrown. This Frégolification enacts both the Oedipal drama and the reverse outcome of the overthrow of the father, as with the King “having the messenger killed he was still trying to show his power,” ("Disturbance" 246). Freud envisions a scenario in which the deliverer of the letter that overthrows the king (and the letter to Roland is in fact such a letter) is burnt by the king, an action that restores the dominance of the father and kills the messenger-Freud. Freud’s Frégolis enact his wishes (to confess to his brother) as well as his filial piety (that his father will ignore the Athens overthrow and instead burn Freud’s work and kill Freud).

The final Frégolifications in the letter occur by Anna Freud, mentioned only in passing because of her own work on ego defense. Freud cites this work affirming “an investigation is at this moment being carried on close at hand which is devoted to the study of these methods of defense: my daughter, the child analyst, is writing a book upon them,” ("Disturbance" 245). The only other mention of a female, though similarly incongruous, is the example that Freud gives for a situation that is ‘too good to be true’ in which the “girl learns that the man whom she has secretly loved has asked her parents for leave to pay address to her” ("Disturbance" 242). Assuming for the moment that Anna ‘the child analyst,’ Freud’s daughter, is also the other daughter mentioned in the text, we can continue with this string of Frégolifications. If Anna Freud Frégolifies this girl, the daughter of the parents, then who is the secret lover? Within this brief scenario, the secret lover is he who delivers his own message to the parents, a person within the story who bows to the will of the father while still asking to take over that power and court the daughter for himself. As we have already established that the parents within this scenario are Frégolified by Freud’s own father, then the secret lover would be Frégolified by Freud. Freud’s final Frégolification demonstrates that his desire to overthrow the father within this scenario by delivering the letter to King Boabdil, or bringing his father to
the Acropolis, occurs as a desire to subvert the rule of the father and finally gain not the mother, but the daughter whom he believes has secretly been in love with him.

These various Frégolis begin to collapse in upon themselves. In the coronation scenario Napoleon-Freud assumes the crown of the king-father becoming the new father by Frégolifying his own father. Similarly, in the scenario of the secret lover, if Anna is the daughter, then Freud must also be the father of the daughter. To subvert the rule of the father is also to overthrow his own rule as father, to let go of the incest taboo and take the daughter who, through her Frégolification of the girl, demonstrates her own love for him. Additionally, if Freud is the messenger for King Boabdil, while also being the messenger who gives this written letter about the Acropolis to his brother-Rolland, then the brother and the father as receivers of the letter collapse into each other, each becoming Frégolis for the other. As Freud is Frégolifying his own father, he also begins to Frégolify his brother. The entire drama of the letter becomes an enactment of Freud’s various Frégolifications which occur in order to overthrow his own rule as father so that Freud can embrace the love of the daughter-Anna. This again reproduces the previous suggestion that the Frégoli allows for the enactment of a desire that is theoretically antithetical to an existent construction of the self. Freud generates other versions of himself in order to both uphold and break the incest taboo at the same time, but in different bodies.14

This Frégoli syndrome reading of Freud’s Acropolis letter allows for two separate diagnoses. The normative conclusion follows Luzzatti and Verga and states that each of the Frégolis is a projection of Freud and can be reduced back into his singular body, a conclusion

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14 This interpretation of the Acropolis letter as an enactment of the panic surrounding the aberrant breaking of the incest taboo finds strength in the suggestions of Butler in her chapter “Quandaries of the Incest Taboo” in *Undoing Gender* in which she demonstrates how the trauma of the incest taboo obliterates attempts to claim diagnostic knowledge of the past. Armstrong produces a divergent reading to my chapter in “A Compulsion for Antiquity: Freud and the Ancient World” where he suggests that part of the anxiety expressed at the Acropolis is due to Freud’s own “uneasiness toward mysticism” which Romain Rolland represented for Freud (97). The exact nature of the anxiety is not overly important to my investigation; the significant point is the manner in which the Frégolis allow for a doubling that permits an enactment of the rejected anxiety in permissible terms.
which upholds the logic of coherence by unmasking all the Frégolis as Freud. The pathologic conclusion, however, follows Freud in his delusion and suggests that each of the projected Frégolis is not an aspect of Freud, but instead a distinct and coherent person, one disowned by his ego and potentially bearing its own diagnosable soul. But what would it mean to distinguish Freud from his Frégolis and to give each Frégoli a life of his/her own? To return to the linking of homosexual panic and the DMS, what would it mean to render homosexuality distinct rather than the projected wish? Can we make any of these rejections distinct from their rejecter?

5.4 Diagnosis Four: Freud is a Legendary Psychasthenia Patient

In these questions, we reproduce the inquiries of surrealist and psychoanalytic thinker Roger Caillois, who in an essay that would later inspire Lacan’s formulation of the mirror phase states “from whatever angle one may approach things, the fundamental question proves to be that of distinction” (91). This essay “Mimicry and Legendary Psychasthenia” explains legendary psychasthenia as a condition in which the person can no longer differentiate his/her body from the space that surrounds that body, and as such, the person moves into a undifferentiated relationship with the environment around him/her: the person becomes indistinct. In 1949, Jacques Lacan, citing Caillois’ concept of legendary psychasthenia, reiterates his concept of the mirror phase of infantile development during his lecture “The Mirror Phase as Formative of the ‘I’ Function as Revealed in Psychoanalytic Experience.” Through this examination, Lacan explains that the primary rejection of legendary psychasthenia determines the self; namely, that the infant’s ability to look into the mirror and differentiate the boundaries of his/her body from the space that surrounds those boundaries is formative of the infant’s sense of self. If the infant fails to differentiate (as in legendary psychasthenia) then s/he cannot be properly said to be a coherent person. Importantly for Lacan, this primary identification of the self is always a misidentification, in that the infant looking into the mirror does not see itself but

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15 As Phelan summarizes “discovering oneself to be a singular bound body within a physical frame marks the end of the Imaginary continuity between what one sees and who one is,” (21).
instead sees an idealized *imago*: a unified totality. The actual infant up until this point (and even after this point) is an uncongealed set of competing forces: undifferentiated, fragmentary, contradictory. It is only in looking into the mirror and (mis)identifying with the ideal *imago* that the infant (mis)recognizes what s/he is, and also what s/he wants to be (a unified whole). Lacan succinctly articulates this re-envisioning of subject formation by punning the French *méconnaissance* (misrecognition) off of *me-connaissance* (self-knowledge) so that knowledge of the self is attained through misrecognition of the self as a complete *imago* (the process I also have ascribed to Foucault and Butler’s concepts of diagnosis).

In the examinations and diagnoses so far, this chapter has turned back upon Freud and attempted to reconstruct this *imago*: the ideal vision of Freud that constitutes Freud. I have looked through his various reflections within DMS case studies that see Freud as a patient with derealization, a patient with reduplicative paramnesia, a patient with Frégoli delusion, and though all this a patient who panics, in order to diagnose the ideal Freud that lies behind the Frégoli masks. In the same way, this chapter has generated and reproduced ideas of the self who masks him/herself, who projects ego-dystonic ideas of sexuality, who panics.

I also have suggested alternate ways of conceiving this process, in which the Frégoli masks and the various diagnosed versions of Freud are accorded their own separate status as people. This interpretation divorses individual renditions of people from the forces which seek to combine these various versions into a single, unified and durable self. This chapter has begun to suggest the ways in which diagnosis can work to fracture a patient into multiple patients, even as it promises to bring these patients together. However, even in the diagnosis which leads to multiple people, I have continued to regard each individual as a coherent version of the patient, so that even if we agree that the reduplicative paramnesiac Freud is a separate person from the derealized Freud, this chapter still affirms that each of these Freuds represent an unified and coherent person in and of himself.
Though these diagnoses of Freud potentially have shown the ways in which the multiple can be divorced from the forces of coherence, I continually have re-performed the effect of diagnosis by inscribing these separate observations within coherent *imagos*. This chapter has diagnosed Freud in various (and multiple) ways, but has never failed to diagnose Freud as something. Yet, as we have seen, DMS is not about identification, but rather about misidentification. While Lacan unites these two within the play of *méconnaissance* and *me-connaissance*, the DMS breaks down this solidity. In Lacan’s mirror phase, the misrecognition of the infantile self within the mirror presents the idealized unity which the otherwise fragmentary infant will from then on pursue. The infant looks at the image in mirror and affirms that this *imago* is after all him/her, but this recognition of self (me-connaissance) is also a misrecognition (*méconnaissance*), in that the infant’s *imago* is not him but instead an impossibly totalized version of him presented only through the interloping mirror. But the patients of the DMS misrecognize not because they believe in totality, but because they affirm the fracturing of others and themselves. In Lacan, misrecognition condenses the subject into the body, delineates the body, diagnoses; in the DMS misrecognition fractures the coherent body, doubles it, reduplicates it and rejects it as falsehood. Thus far we have continually performed Lacan’s misrecognition by realizing and incorporating Freud, but what happens when we derealize and disincorporate Freud?

Through this process that I want to call ‘disincorporation,’ I return to the initial suggestions derived from Butler and restructure them slightly. Rather than thinking about the ways in which we can and do create multiple diagnostic bodies, as opposed to a singular amalgamated body, the rest of this chapter considers the ways in which rather than reperforming the *imago* logic in each double, we can draw upon these doubles to counterbalance the forces of coherent formation with the force of disincorporation.\(^{16}\) Jackie

\(^{16}\) This also responds to the forces that reduce the doubled story of *Confessions* into the true singular story in Chapter Three. This concept of truth will be further explored in Legal Panic, especially through the concept of myth and *res gestae* in Chapter Seven.
Stacey, working on the relationship between cinematic representation and genetic technologies of cloning, borrows from Kaja Silverman to describe a similar process called “excorporation,” where:

If incorporation described the imaginary taking into the body of something external, and blending with it until it is indistinguishable from the original, then excorporation suggests the opposite: the splitting off of an imaginary original body, or a part thereof, and the attribution of, or blending with, an external other. (Stacey 262)

While excorporation would describe the previous critique of Butler in which legendary psychasthenia creates multiple ‘external others’ which are excorporations of the ‘imaginary original body,’ the argument of this chapter develops another understanding of incorporation and its opposing force disincorporation. In this chapter, incorporation occurs as the creation of a unified body, rather than the taking into the already existent body something external. With this sense of incorporating, disincorporation means not the splitting off of that body into other external spaces as in excorporation, but the dissolution, dissociation and digestion of that imaginary body into an undifferentiated and undifferentiable space where ‘things cannot be put.’ In this sense, we are turning away from Lacan’s affirmations on the mirror phase and towards the antithesis of the mirror phase: legendary psychasthenia. In placing the diagnoses of Freud next to an idea of disincorporation, we might come to another understanding of the ways in which incorporation becomes privileged and the possibilities (other than the curative ones) that exist for people who exist in a state of derealization, the people synecdochically referenced through the figures of the homosexual, Pan, Medusa and the midway sexual-subjects of panic.

Caillois, beginning his essay with a discussion of mimetic insects (an anthropomorphized trope that recurs throughout the essay), dismisses explanations of insect mimicry that reduce mimicry to a defense mechanism against predation, favoring a psychoanalytic rendering of mimicry as the insect’s succumbing to an inherent temptation presented by space. Caillois posits a drive that works contrary to the drive underpinning Lacan’s mirror phase in the form of a counter-drive within the insect (and the human) that
seeks dissolution. In describing the effects of this drive which he calls the instinct of renunciation, Caillois affirms that once the insects succumb to the temptation of dissolution, "space chases, entraps, and digests them in a huge process of phagocytosis. Then, it ultimately takes their place. The body and mind thereupon become dissociated; the subject crosses the boundary of his own skin and stands outside of his senses" (100). In this scenario Caillois appears to be personifying the space with an agency of its own, but if we read this scenario in light of the DMS, we see that the described space of the passage occurs from the insect's point-of-view. In this interpretation, the space as a force of dissolution gains its agency through the projection of the insect. In recognizing the instinct of renunciation as ego-dystonic (if the ego is coherency itself, then the instinct of renunciation is the ego-dystonic instinct par excellence) the insect ejects the instinct (panics). The instinct then becomes absorbed by, and definitional for, the space that surrounds the insect. When the insect perceives the space, s/he paranoiacally perceives the space as returning the projected instinct of renunciation. Like the projected Pan returns panic to the first Pan, the space around the insect returns the instinct of renunciation to the insect, and so the space replaces the insect. The insect evacuates its body, existing now on the other side of its senses (in the place of the projected space). Caillois concludes that after this process the insect “is similar; not similar to anything in particular, but simply similar” (100). This similarity is achieved via the disincorporation of the imago through that person’s ultimate incorporation not into a unified singularity, but into a diffuse and undifferentiated space.

\footnote{Stacey provides a reading of the clone in cinema as an instance of legendary psychasthenia though emphasizing the cloning of the self into a “twinned dyad” that “threatens our investment in our singularity and particularity” which legendary psychasthenia read with Lacan (via Grosz *Volatile Bodies*) suggests (Stacey 99). Stacey’s reading helps to link the anxieties in legendary psychasthenia over multiplicity to the reclamation of Wringhim’s corpse in Chapter Three through the explicit fears around the double in both instances. This chapter, however, emphasizes not the anxiety at the heart of the mirror phase in which a doubling (the imago and the body) tries to prove a singularity, but rather the losing oneself through being ‘beside’ oneself. The concept of beside will be explored further in the Conclusion.}
Though Caillois suggests that this process of mimicry and legendary psychasthenia occurs not as a defense mechanism, but as an effect of a drive, part of his characterizations of space suggest that it operates as the projection of the insect into space in order to defend against a fear. Caillois describes the space that pursues, which he calls “dark space,” as a space where “things cannot be put” and a space that “directly touches a person, enfolds, penetrates, and even passes through him” (100-101). If the actions of this space are the rejected ego-dystonic instincts of the person, then the person can be said to be guarding against this penetration by rejecting his/her desire to be penetrated.

Paradoxically, it is only through the rejection of the desire to be penetrated that the person could create a delineated imago that can be penetrated. Penetration depends on the passing over of the boundary, so that what should be outside now occurs within the self. For the person to understand him/herself as being penetrated, s/he first has to generate an imago through Lacan’s mirror phase that sees itself as distinct, delimited and bounded. According to Caillois (and Lacan) this occurs through the rejection of the instinct of renunciation, but in rejecting this instinct the person also creates the dark space which will penetrate it. However, it is only after being penetrated by the dark space that the person finally achieves his/her goal of being impenetrable as the dark space itself is a place ‘where things cannot be put.’ Dark space carries within it both the renunciation of the person and the ultimate goal of the person to be impenetrable.

Returning to the Freud of the Frégoli delusion, dark space also interrupts this game of distinction by both linking and unlinking the Frégolis. In describing the individual after s/he succumbs to dark space, Caillois remarks "the living creature, the organism, is no longer

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18 In “The Self and Psychiatry: A Conceptual History” Berrios and Marková trace a similar trajectory of the indebtedness of contemporary psychiatric understandings of the ‘self’ to Cartesian and Hegelian ideas of the bounded and autonomous individual. This article can also be read as performing a appropriative history of psychiatry akin to the one used by Chuang and Addington in order to construct the historical origins of beliefs in the self as a coherent object. The discussion of the bounded body, panic and penetration with reoccur in the Legal Panic section, especially in Chapter Seven.
located at the origin of the coordinate system but is simply one point among many” (99). In the previous reading of Freud’s letter, the normative conclusion reduced all of the characters within the letter to projected versions of Freud that condensed back into a singular *imago*. The pathologic conclusion stated that each of these Frégolis could be understood as a distinct person through the logic of diagnosis and the destabilization of the necessity of one coherent body. Both of these conclusions upheld the play of pathological/normative, multiple/singular. Embracing a dark space model allows for the possibility that these bodies are at once unified and singular. Dark space posits that these bodies are points among points that have lost their distinctiveness to dark space, not through the reduction to a singular person (an origin, the person behind the masks), but through an obliteration of the concept of personhood as tied to a singular body. All the points in this system are not individual *imagos*, but instead occur within a new dark space situation in which one person, undiagnosable, is multiple bodies at the same time, while each body is simultaneously part of, and distinct from, this personhood.

In reproducing these ideas of dark space I am attempting to address the overemphasis within this chapter on the coherent ego or the *imago* through a presentation of the opposite of the ego or *imago*. In the end, however, I want to follow Caillois in his own conclusion, in which he balances the instinct of renunciation against the *élan vital* in order to state not that dark space should and does engulf all, but rather that within the person there are dual forces of coherence and disincorporation, forces that simultaneously inform possible renditions of psychoanalysis and psychiatry.

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19 Edelman describes a related idea in *No Future*: “to be there *always*, though unperceived, to inhabit the space of perception as such and thus become the witness to one’s absence, one’s disembodiment: such a fantasy presumes a reality guaranteed, not threatened, by time, sustained by the certainty that a ‘course of events’ is bound to continue its course in due course long after we are gone” (34). Edelman’s interpretation of the other side of one’s senses is contrary to dark space which, as this chapter suggests, is able to witness the emptying out of the subject precisely because time has become other to the chronologic system (a heterochrony to borrow Foucault’s term from “Of Other Spaces”). Thus, reading Caillois against this Lacanian concept of fantasy allows for a possible reconsideration of the interaction between time and the person.
Caillois enables a return to the concept of homosexuality and more specifically to homosexual panic due to one of the salient points in both Caillois' article and in the contemporary psychiatric use of homosexual panic: penetration.\textsuperscript{20} Returning to the concept of homosexual panic, we find that contemporary diagnostic manuals affirm that one of the key triggers for homosexual panic is the pricking, piercing or penetration of the body.\textsuperscript{21} Against this construction of the coherent self, penetration from the homosexual presents itself as a disturbance of the body's boundaries that threatens to let the Other in and erode the body's sense of continuity and self. In compensation for this, the (homosexual) body panics, projecting its homosexuality into another coherent body, a perfect body, the \textit{imago} which can no longer be penetrated. In Caillois this takes the form of dark space, in Freud the paranoid other homosexual, in Pan, the homosexual Greek interloper. As the first body becomes penetrated, destroyed, returned to the incoherence from which the \textit{imago} arose, another projected body lives on in spite of the invasion: the \textit{imago} of homosexuality that both destroys and promises the body. In this way, homosexuality becomes both the threat of bodily (and self) obliteration, and the promise of continued coherence, while panic becomes the destruction of the subject and the creation of a new, coherent \textit{imago}.

This reading once again places panic and homosexuality in two forms: an incorporated form and a disincorporated form. In the incorporated form, the homosexual becomes the \textit{imago} of the homosexual, a known unknown with clearly delineated boundaries: a unit of knowledge to be diagnosed, dug-up and understood as aberrant or permissible within the system. This homosexual uses panic to expel its multiple and attain the requisite singularity of the subject, pathologizing the multiple. Homosexuality in its disincorporated form occurs in a

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\item \textsuperscript{20} Another parallel occurs around the taboo orality in which the dark space consumes the body of the person, just as the homosexuals in Kempf, and the eroticism of Pan, threaten the individual with their aberrant oral eroticism. However, the previous argument has allowed this interpretation to be subsumed under the general criteria of penetration.
\item \textsuperscript{21} See, for example, Sadock Kaplan and Sadock Synopsis of Psychiatry: “opposite sex clinician should examine the patient where possible, and the patient should not be touched save for the routine examination; patients have attacked physicians who were examining an abdomen or performing a rectal examination (eg, on a man who harbors thinly veiled unintegrated homosexual impulses)” (909).
\end{itemize}
\end{footnotesize}
multiplicity of fracture so great as to be uncountable (and unaccountable within the system that privileges the singularity of the *imago*). In this understanding, the homosexual represents the porous and penetrable, with numerous drives and desires existing within the same unbound form. Panic in this form is not the attempt to return the homosexual to the normative singularity, but rather the proliferation of the factor of multiplicity. Like the Pan that shouts to make more Pans, and the Medusa who petrifies to make more Medusas, and the Freud who Frégolifies and derealizes the Acropolis to make more Freuds and more Acropolises, the panicking homosexual makes more of him/herself through the panic.

Freud’s multiple Acropolises, the Frégolification of Freud, the Pan that creates more Pans, and the homosexual that embraces the instinct towards renunciation stand as alternatives to the constructed singularity of the normal. Freud’s doubled Acropolises can be read as both the Acropolis and *not* the Acropolis. They are an example of a way to understand the particular building that refutes the normative value of the durability of a building through time, while also presenting the possibility that Acropolis exists (illogically) in both its singular and multiple forms. The logic that upholds the ideal that there is only one Acropolis is as ‘valid’ as the logic that upholds that there are multiple Acropolises and that each maintains a distinct temporal placement. One of the ways of understanding Freud’s dismissal of the second Acropolis of his past as a confabulation is through reading it as Freud’s attempt to perform the requisite singular of the cultural logic he ascribes to, but in that moment did not live. In a similar way, the idea of homosexual panic performs the singular needed to hail the homosexual as a person, *and* doubles and multiplies the homosexual into the pathological multiple. These two incommensurable renditions of homosexuality do not necessarily refute each other; instead they can exist illogically and irresolvable at the same time.

Through this reading we can restructure an understanding of the opposition between the instinct towards renunciation and the *élan vital*, between the coherent and the incoherent, between incorporation and disincorporation, an understanding that would present an eternal
struggle to maintain privileged cogency against the pathological multiple. This chapter suggests instead the simultaneous presence of the two irreconcilable drives within the body of the described field: the continued panic of psychiatry.
The history of homosexual panic draws into proximity numerous diagnostic categories as the term moves from significance to obscurity in a trajectory that sees the pathological qualities of homosexuality move to the pathological qualities of panic disorder. Yet, suggesting that homosexual panic facilitates this transition from homosexuality to panic disorder does not assert a perfect congruence between the two. Rather, it proposes that a specific set of symptoms transitions from one diagnostic category to the other as the initial category of homosexuality becomes depathologized while panic continues pathologically. Thus, the symptoms that once led psychiatrists to diagnose homosexuals become the symptoms used to diagnose those with panic disorder. This does not mean that those with panic disorder are homosexuals, nor conversely that those who were diagnosed as homosexuals were in actuality suffering from panic disorder. Instead, it means that certain symptoms throughout this period remained \textit{pathological} and when the first category became depathologized, the symptoms transitioned from an inappropriate depathologized category to a new appropriately pathological category, but that neither category correctly nor incorrectly accounted for the presence of these symptoms.

So what does symptomatology, or perhaps the history of a specific set of symptoms, tell us about psychiatry? If we follow 1920’s renditions of pathological homosexuality, we conclude that homosexuality was the pathological opposite of normalized heterosexuality. We thereby affirm, as does Sedgwick, that sexuality was the most important quality at stake in these examinations and that in the gradual depathologization of homosexuality we have allowed for the depathologization of everything homosexuality represents. However, if we hypothesize that homosexuality was a condensation of several pathological symptoms not necessarily related to sexuality; that homosexuality represented in a specific way other concerns and that these concerns found their normative counterparts represented in
heterosexuality, not because heterosexuality was the normative sexuality, but because heterosexuality was the normative, then we can suggest that in the continuance of the symptomatology of homosexuality in the form of panic disorder, a similar set of normative assumptions about the person continues as well, and that these are the same assumptions from the early examinations of sexuality.

In the first symptomatology, the one that traces the general depathologization of homosexual panic, the historical trajectory erases the ways in which seemingly tangential diagnoses continue the oppression of homosexuality. Here fixed-origin argumentation’s injunction to pursue an ‘antihomophobic inquiry’ encounters a problem in its inability to acknowledge this transition of pathologic symptoms to something less ‘obviously’ homophobic (panic disorder). In celebrating changes to content without recognizing the continuation of structures of oppression, fixed-origin argumentation potentially reinforces the homophobia it hopes to subvert. Through examining the way in which panic enables this transition of symptoms, these chapters have challenged writers like Chuang, Addington and Gonsiorek in their triumphalist view of the APA’s progression towards liberation. This section has reinforced Foucault in his critique of the structural homophobia posed by psychiatry and psychology as disciplines, while still troubling the centralization of sexuality within that critique.¹

The past five chapters have examined the limits of fixed-origin argumentation, namely how the chronologic or a certain version of psychiatry continue the oppression of people even if the specifically homophobic elements within the structure change. This examination continues into the Legal Panic section, where enjoiners to end the homophobia enacted

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¹ See, for example, Foucault The History Of Sexuality: Volume 1: An Introduction: “this new persecution of the peripheral sexualities entailed an incorporation of perversions and a new specification of individuals” and thus “the machinery of power that focused on this whole alien strain did not aim to suppress it, but rather to give it an analytical, visible and permanent reality; it was implanted in bodies, slipped in beneath modes of conduct, made into a principle of classification and intelligibility, established as a raison d’être and a natural order of disorder” (43-44; 42-43).
through the Homosexual Panic Defense possibly ignore the continued violence that would be maintained by other categories within the U.S. law.

The second symptomatology, the one that destabilizes the centrality of sexuality in thinking through issues of aberrance and multiplicity, again problematizes subsuming aberrance into the synecdoche of homosexuality. Lee Edelman explored a version of this synecdochic relation in *Homographesis* “by unpacking representations of gay male sexuality in terms of the anxieties condensed therein about the logic of representation as such,” (*Homographesis* xiv). While Edelman examined how the gay male stands for anxieties around representation, this section drew upon Felman’s understanding of mythology to examine how the homosexual of homosexual panic mythologized fears of multiplicity and indistinctiveness. This mythologization brings into proximity the fears from Chapter Three over the chameleonic Gil-Martin and sets the stage for Legal Panic’s examination of the sympathetic concepts in law of the bound body, chronologic temporality and revelatory truth.

Psychiatric Panic has suggested that, like a group of Frégolis, various diagnostic categories serve as the masks for a set of anxieties rejected from the body of psychiatry and incorporated in the form of homosexuality, panic disorder, the DSM, Pan and Medusa. Yet, following my critique of Frégoli syndrome, it is not that each of these categories are reducible to another, so that we can unmask panic disorder and find homosexuality, or unmask Pan and find Medusa, or even unmask them all and find what psychiatry is 'really' afraid of, but perhaps that each of these projections and embodiments takes on a life of its own, even as it remains linked. So while homosexuality and panic disorder may share a set of symptoms and may point towards a set of anxieties within psychiatry, they simultaneously maintain a situatedness distinct to themselves, with specific histories, incorporations and disincorporations.

These chapters have, for the most part, left these individual trajectories to the side in order to trace the sympathetic resonances between the categories, and may give the impression that unmaking is the aim: a desire to find the true anxieties of psychiatry. To the
contrary, I have attempted to demonstrate that the mask is an apt but difficult metaphor. On the one hand, the metaphor suggests that diagnostic categories mask and distort the person underneath, so that the categories almost fit as the patients perform their mask, wearing their diagnosis. Yet here performance slips into performativity as the repeated stylizations involved in donning the mask also engender an epistemological system in which the only way to understand the person is through the mask via the diagnostic tools that both describe and implant the soul.

While Chapter Four attempted to demonstrate the ways in which these diagnostic masks interact with and partake of one another, and the structures of knowledge that make the categories make sense, Chapter Five explored the ways in which the masks can be played at, partially occupied and slipped between. Again these chapters point towards ways to leave and return to those synecdochic categories that attempt to engulf the patient in a singular and known diagnosis. This taking leave of oneself does not occur through liberating the body into a new system or suggesting ways to live without the categories that determine what it means to live, but through pointing towards the moments in which the epistemic system (in this case psychiatry) or the body (in the form of the imago) cannot be made to signify monolithically, and slips into a ‘beside’ of ambiguity, multiplicity and dark space.

The following section on the U.S. legal appropriation of homosexual panic traces a similar desire in the legal system for coherency, knowledge and truth, and again sets out to see the ways in which homosexual panic both upholds and destabilizes these desires. Thus far in understanding how a system codifies and diffuses its anxiety around its antithesis by knowing and ascribing this antithesis in the diagnostic body of the pathological person, we have come to see the ways in which the qualities of even the known-unknown cannot fully be made to account for all people. The U.S. law presents us with a final system through which to consider this interplay of knowledge/ignorance, singular/multiple and coherent/incoherent, and explore the ways that people live, and fail to live, the law.
According to numerous legal theorists of homosexual panic, after its articulation within psychiatry, defense lawyers within the U.S. took up a bastardized version of the concept in order to justify the brutal slayings of homosexuals through what became known as the Homosexual Panic Defense. Later legal theorists drew upon the research of psychiatrists in order to dismiss the contemporary understanding of homosexual panic based on its incompatibility with contemporary visions of psychiatry. Yet, rejecting the legal usage of the Homosexual Panic Defense based on the psychiatric elimination of homosexual panic potentially hides the ways in which, again, we are speaking about two separate constructions of homosexual panic. As legal theorist Gunther Teubner affirms "legal discourse increasingly modifies the meaning of everyday world constructions and in case of conflict replaces them by legal constructs" (743). I begin Legal Panic by wondering how psychiatric homosexual panic has been either 'modified' into, or 'replaced' by, a legal conception of homosexual panic. While this perhaps overly simplifies the ways in which psychiatry and the law interact, we can take this stark separation as a starting point and, in the coming chapter, examine the degree to which legal and psychiatric understandings combine and contradict each other in order to form their own distinct or overlapping concepts of homosexual panic.

There are two different instantiations of defenses based on homosexual panic within the U.S. law. The first, argued before 1973 is the Homosexual Panic Defense (HPD); the second,

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1 (Undoing 25).
argued after 1973 is the Nonviolent Homosexual Advance Defense (HAD). Problems arise in this taxonomy in that commonly both defenses are referred to as either the Gay Panic Defense or the Homosexual Panic Defense. The term Nonviolent Homosexual Advance Defense, though the appropriate title of the current iteration of the Homosexual Panic Defense in the U.S., is rarely distinguished from its pre-1973 iteration. Christina Chen in her article "Provocation's Privileged Desire" works through the transition between the two defenses and differentiates them based on the APA's depathologization of homosexuality in 1973. According to Chen, the original HPD relied on the defendant's latent homosexuality in order to prove that he was insane (as homosexuality was, according to the APA of the time, a mental disorder). In the HPD, the defendant could not be held accountable for his actions because of the sudden outburst of his repressed homosexual-insanity. After 1973, Chen's article claims, the defense changed to the HAD because "the homosexual panic defense no longer rationally functioned within the criminal defense frameworks of insanity or diminished capacity because no defined mental defect existed" (202). Post-1973 cases argued that any reasonable man when approached in a sexual manner by a homosexual man would lose control of his faculties and of his ability to differentiate right from wrong.

While Chen makes a compelling argument for the distinction between the HAD and the HPD, this dichotomy is not maintained so easily. For example, an appellate judge in Parisie v. J.W. Greer (1982) commented on a 1969 case of homosexual panic, citing a 1955 precedent in Illinois, stating "the State is correct in asserting that the Supreme Court of Illinois has held that homosexuality 'has in no way been equated in the law with insanity or incompetency'" (Parisie, 671 F.2d at 1015). This ruling destabilizes the clear boundary between pre- and post-1973 uses of the defense and highlights the way in which insanity is regarded here as a legal rather than a psychiatric concept. The following chapters reproduce this blending of the HAD and the HPD because the chapters examine how individual cases and articles talk about the HPD and the HAD. To this extent, the two defenses are treated as relatively congruent
expressions of the legal articulation of homosexual panic, and when distinctions between these two defenses arise in the literature or cases provided, this distinction is noted.

Furthermore, these two chapters focus solely on U.S. legal cases in order to present points of sympathetic resonance with the literary and psychiatric sections. However, the legal scholarship used within these chapters, while principally U.S. as well, also comes from other systems, including the United Kingdom, Australia, New Zealand and Germany. Where possible, specific delineations have been made between the different types of events narrated in U.S. and extra-U.S. cases of panic. These chapters also attempt to show the productive points of congruence. Whether or not the homosexual panic explored within the coming chapters is a specifically U.S. phenomenon, and what relations it has to structures also labeled homosexual panic within different countries, is beyond the scope of the current research. Similarly, the legal scholarship and court cases presented in these chapters include state, federal and military law. Where appropriate, care has been taken to indicate differences between these three systems, while simultaneously pointing towards the similarities present in all three.

Finally, these chapters are not the legal scholarship that argues what is and is not allowable within the terms of the law. Instead, Legal Panic follows Critical Legal Studies and the Law and Literature movement in order to examine the literariness of law. Concepts like homosexual panic are taken up in order to see how they are performative of certain sympathetic concepts from the U.S. law and the bodies within that law, and not with an eye towards the validity of these concepts. This process of critique involves both looking at how

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3 For a historical account of critical legal theories grouped around specific movements see Ward Introduction to Critical Legal Theory. For an important collection that hopes to establish Critical Legal Studies as a response to “black-letter law” see Critical Legal Studies eds. Fitzpatrick & Hunt (1). For an overview of the parallel discipline of Law and Literature see Posner Law and Literature, while more specific readings within the field, and examinations of the field, can be found in Aristodemou Law & Literature: Journeys from Her to Eternity, Tall Stories? Reading Law and Literature edited by Morison and Bell, and Williams Secrets and Laws. Formative examinations to my own thinking about the law, as these chapters will demonstrate, include Halley Don’t, Moran The Homosexuality of Law and Mohr Gays/Justice. Legal Panic’s chapters fall more within Critical Legal Studies through focusing specifically on a critical reading of legal cases. The thesis as a whole, however, could be understood within a Law and Literature framework, as principles from the literary examinations are utilized in an exploration of the legal cases and process, and vice-versa.
the law talks about homosexual panic and how homosexual panic speaks back to the law, in order to sketch out several possibilities for the ways in which various theorists, judges and people believe in, and live, what they envision to be the law.
One of the most extensive contemporary examinations of the Homosexual Panic Defense is Cynthia Lee’s 2009 article "The Gay Panic Defense." In this elaboration of her analysis of the same topic in her 2003 book *Murder and the Reasonable Man: Passion and Fear in the Criminal Courtroom*, Lee provides an exhaustive conceptualization of the Homosexual Panic Defense (HPD) and expounds several theories about the purpose, constitution and deployment of homosexual panic in U.S. law. In the beginning of "The Gay Panic Defense," Lee establishes both what homosexual panic is as well as the complicated understandings of sexual identity from which, according to her, the concept arises. Lee states, “gay panic — the idea that a nonviolent homosexual advance by a gay man can cause a heterosexual man to panic and respond with fatal violence — has roots in theories about latent homosexuality as a mental disorder” ("The Gay" 477). This statement crystallizes the dominant modes of thinking about the HPD, emphasizing the set of prerequisites needed to initiate a homosexual panic.\(^1\) Lee also evinces some of the underlying assumptions about the nature of both the panic and the defense: first, there are two male parties involved, the homosexual male and the heterosexual male; second, the advance made by the homosexual male towards the heterosexual male is a homosexual one; third, the advance made by the homosexual male towards the heterosexual male is a non-violent one, but is responded to with violence; and fourth, this scenario is made possible by accepting the accuracy of psychiatric theories of latent homosexuality.

\(^1\) Lee’s statement is taken as emblematic of dominant conceptualizations of the HPD due to the extent of her research and her attempts to examine the constituent elements of the act of homosexual panic. For parallel constructions, see Mison who states the nonviolent homosexual advance “triggers a psychotic reaction in the defendant, who is a latent homosexual. This psychotic reaction causes the defendant temporarily to lose the capacity to distinguish right from wrong, thereby absolving the defendant of criminal responsibility” (134). Suffredini: “a homosexual solicitation can cause a latently gay defendant to ‘panic,’ to become temporarily unable to distinguish right from wrong, and to severely beat of kill the solicitor,” (287). Chen: “the homosexual advance itself provoked the understandable loss of normal self-control that incites uncontrollable homicidal rage in any reasonable person” (203).
One way to read this definition is as a set of axioms which form constitutive definitional parts of an act.\(^2\) In this way, the individual elements would predate (and give rise to) the act of homosexual panic, so that any scenario of homosexual panic could be accurately predicted based upon the relative existence/absence of these constituent elements. However, if the component pieces of homosexual panic were this obvious, then why would there be so much anxiety over attempts to define them? Perhaps the elements of homosexual panic are not as obvious as they first appear. While it seems that these elements give rise to panic, maybe a deconstruction of Lee’s hypothetical scenario will allow us to view the inverse of the proposition: that it is the panic event which gives rise to the axioms that are then, paradoxically, said to constitute the panic. This proposition, if tenable, can provide a way of thinking about identity, sexuality and subjectivity in U.S. law as structures indebted to the logic of panic. The deconstruction within the scenario is not an attempt to prove Lee’s assertions inaccurate, but rather to demonstrate how Lee’s assertions become viewed as accurate, and conversely, what forces are involved in legitimating Lee’s popular rendition of homosexual panic, and how we might come to view these forces differently.

6.1 Axiom One: There are two male parties involved: the homosexual male and the heterosexual male

The first aspect of Lee’s rendering of homosexual panic is perhaps the most salient as well as the most problematic: the clear-cut definitions of the participants’ sexual identities. Lee affirms that the archetypical scenario for homosexual panic involves two males: one homosexual victim and one heterosexual attacker. But how do we (and the participants) come to know these sexual identities? And what part does the homosexual panic event play in shaping our understanding of these identities?

\(^2\) I borrow the term axioms from Sedgwick to indicate “otherwise unarticulated assumptions” that ground an examination or explanation in order to emphasize that these statements present the assumed (and perhaps problematic) foundations for the articulations of the HAD and HPD which are generally assumed to be either “imbecilically self-evident” and/or “commonplaces that turn out to retain their power to galvanize and divide” (Epistemology 22). See Sedgwick’s introduction to Epistemology of the Closet entitled “Axiomatic.”
This intersection between homosexual identity and the law has been explored at length in the work of critical legal theorist Janet Halley. In her book *Don’t: A Reader’s Guide to the Military’s Anti-Gay Policy*, Halley examines the way in which U.S. military law understands the categories of sexual identity, and how, through these understandings, the legal system attempts to police certain aberrant sexualities. According to Halley, the nominal endeavor of the military’s ‘Don’t Ask/Don’t Tell’ policy is to allow homosexuals to serve in the armed forces as long as they refrain from engaging in acts of homosexuality, principally defined as anal intercourse between men (shorthanded by the U.S. into the term sodomy). Theoretically, this policy separates the actor from the action, and therefore, in Halley’s characterization, the U.S. Military does not discriminate against homosexual people but rather against homosexual acts which are “harmful to “the armed forces’ high standards of morale, good order and discipline, and unit cohesion”” (*Don’t* 58). According to the military, homosexual acts are a risk to unity and must be guarded against; however, homosexuals who refrain from engaging in homosexual acts may participate in the military. According to ‘Don’t Ask/Don’t Tell’, sexual identity transcends its constituent acts in order to form a sovereign part of the self and cannot

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3 Here I follow Halley who analyzes the ways in which the law and the legal process construct certain sexual identities, rather than, for example, Pinello *Gay Rights and American Law*, and Button, Rienzo and Wald *Private Lives, Public Conflicts*, who argue for rights for those who have pre-established biologically inflected homosexual identities, or Pierceson *Courts, Liberalism and Rights* and Stychin *Law’s Desire* who embrace ideas of homosexuality as performative and constructed, while still motioning towards a stability of the revealed/performed homosexuality. These texts support Lee’s construction of homosexual panic as involving a homosexual and a heterosexual (or at least subjects of recognizable sexuality), while Halley, in questioning the epistemology of the law in relation to sexuality and in highlighting how the law inscribes subjects within it, allows for a questioning of the notion of pre-established identities.

4 For an analysis of how legal institutions re-inscribe contemporary concerns like homosexuality within antiquated legal terms like sodomy, and the possible repercussions this has for LGBT and queer legal studies, see Moran “Lesbian and Gay Bodies of Law” where he affirms “the example of Bowers v. Hardwick draws attention to the way in which sexual practices and sexual identity might appear in law by way of archaic terms, such as ‘sodomy’ and by way of strange and esoteric ‘legal language’ that seems, on the face of it, to be remote from matters of sexuality” (294).

5 A logic that follows from the previous chapter’s conclusions about the congruent definitions of panic and homosexuality and Freud’s affirmation that panic destabilizes herd coherency, so that homosexuality as panic likewise can be said to destabilize herd coherency. As Freud’s article notes, panic is especially problematic to the military. See Freud “Group Psychology and the Analysis of the Ego.” A further exploration of the envisioning of homosexuality as threatening to a sense of unity (in an Australian context) can be found in Golder’s article "The Homosexual Advance Defence and the Law/Body Nexus."
be discriminated against; simultaneously, because sexual acts are not a part of sexual identity, these acts can be discriminated against because they represent a threat to military cohesion.\(^6\)

As Halley goes on to argue, the military’s ‘Don’t Ask/Don’t Tell’ policy is only nominally inclusive, and, with the help of gay activism, actually produces and legitimates an exclusively heterosexual military. By tracing a complex series of court cases, Halley demonstrates that the military was able to dismiss people based on their complicity in ‘acts of sodomy’ and avoid discrimination because the military was adjudicating based on actions rather than identities. This technicality forced civil rights lawyers to argue that sodomy is the definitional act of homosexuality in order to protect the rights of servicemen who wished to engage in sodomy during their off-hours. According to these lawyers, to punish a homosexual serviceman for engaging in acts of sodomy is to limit or deny his ability to be homosexual, and therefore to discriminate against the serviceman on the basis of his sexual identity.

To counter these claims of discrimination, Halley suggests the military appropriated the logic of the activist lawyers in order to produce a doctrine of propensity in which homosexually identified people are those who have “a propensity to engage in sodomy” so that “sodomy emerges both as the probable, predicted risked behavior of people who say they are gay and as their own certain and particularized past deed” (Don’t 75, 81). While superficially inclusive of homosexually-identified people, the military established its definition of the homosexual as a person with a propensity to engage in sodomy; therefore “it can determine that people who say they are gay pose a higher-than-average risk of homosexual sodomy, and can be eliminated from the armed services as part of an effort to reduce the incidence of that conduct” (Don’t 60). This logic maintains its own legitimation, for instead of having to prove that a serviceman actually engaged in an act of sodomy, the military simply

\(^6\) Halley similarly points out the complex interaction between acts and identity in her article “Reasoning About Sodomy,” demonstrating how the same logic pervades the case of Bowers v. Hardwick, and thereby translating the conclusions about military law to U.S. law generally.
has to prove that the serviceman is homosexual. The military then can mobilize the definitional categories of homosexuality to prove that the serviceman did and will engage in acts of sodomy (even if the serviceman has never and will never engage in such acts).

From Halley’s analysis, I bring two things forward into the analysis of the role of identity in the cases of homosexual panic and Lee’s archetypical homosexual panic. First, in the military sense, identity operates as a predictive nexus of past and future acts, whereby identity occurs as ‘he who performed this action in the past’ and ‘he who will most likely perform this action in the future.’ Conversely, second, this predictive identity is constituted through actions which may or may not be the acts predicted through the nexus of identity. While the military claims that identity is a stable category of existence, the interpretive action through which the military constructs identity highlights the fact that identity stands not as a stable category, but rather as a category that attempts to predict future actions and label past ones, while being constituted and reconstituted continually through its various definitional acts.

The interaction between this male identification and assault is one of the central critical issues in examinations of male-male rape cases. These examinations take as their object the situation which is theoretically at issue in cases of homosexual panic (the attempted sexual assault of one male by another) and, through building upon existent feminist critiques of rape, explore the specific tensions at play within a male-male scenario. While these cases also form a distinct trajectory of historical and legal research in their own right, this trajectory and the resultant criticism can potentially provide, with Halley’s critique, a counterpoint to Lee’s archetypical scenario in order to suggest that the obvious labeling of ‘one homosexual’

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7 This labeling of the homosexual borrows from Sedgwick’s topos of ‘minimal difference’ so that even though the principal definition of homosexuality is the act of sodomy, any act can be constituted as a homosexual act (i.e., effeminate behavior) and thereby label the participants homosexual, which in turn (according to the military logic) proves that they are sodomites (Between 201).
8 This rendition of identity as a predictive nexus for past and future parallels the chronologic from Literary Panic and the analysis of the durability of relations and the seat of duration from Psychiatric Panic. Time emerges again in this chapter as a way of creating a chronologic epistemology and subject.
9 See for example, Scarcé Male on Male Rape, Sivakumaran “Male/Male Rape and the ‘Taint’ of Homosexuality,” Male Victims of Sexual Assault edited by Mezey and King, and Brownmiller’s subsection “Prison Rape: The Homosexual Experience” in Against our Will.
aggressor and ‘one heterosexual’ who panics, is not constitutive of, but constituted through, the scenario of homosexual panic.

Analyzing the sexual identities of those involved in male-male rape is one of the central points of argumentation for Michael Scarce’s interventionist book *Male on Male Rape: The Hidden Toll of Stigma and Shame*. In attempting to dispel what he sees as certain predominant fictions about male-male rape, Scarce affirms that “the sexual orientation of men who rape other men tends to be heterosexual (either self-identified or as later identified by the men they assault),” (Scarce 17). Here Scarce reiterates Lee’s logic in relating the sexual identity of the assailants and victims as attributes of the two parties that existed before the event and persist unchanged after the event. However, this rendering of sexual identity elides the possibility that the assault itself is a definitional act. If we adopt Halley’s understanding and view identification as a continual act rather than a permanent establishment of a singular immutable identity, then we can understand rape as a site in which sexual identity is constructed rather than affirmed. To this extent, if we juxtapose Scarce’s initial assertion about the sexuality of the rape subjects with Scare’s later report that “virtually every study indicated that men rape other men out of anger or an attempt to overpower, humiliate, and degrade their victims rather than out of lust, passion or sexual desire”¹⁰ we can see how these two assertions cyclically reinforce and perform the definitional aspects of each other (Scarce 18).¹¹ Heterosexually identified males (the typical rapists of the first quote) would report that their rape of another man was motivated by anger rather than lust, for to report that their rape was motivated by lust would indicate that they lusted after a male, and challenge their self-

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¹⁰ See also Sivakumaran "prison rape, like all forms of rape, is used as a means of controlling and dominating others" (1300), and Plummer “it is possible to suggest a broad common denominator for many specific uses of sex—the enhancement of masculinity” and “sex is, in short, used to establish personal worth at the expense of some else; it extends the individual’s own significance through negating that of another” (43, 44). The distinction between motivations of sexual desire and anger will be critiqued later in the chapter, and the conflation of Adlerian psychological ideas of sex-as-submission and their relationship to homosexual panic has been explored already in Chapter Four.

¹¹ Kulick in his article "No" similarly analyzes how "a sexual advance acts as an interpellation, a calling into being of a sexual subject" in both rape cases and homosexual panic cases, concluding that the performative utterance of the 'no' "creates a particular kind of sexual scenario in which the sexual subjects so produced are differentially empowered and differentially gendered" (145, 146).
identification as heterosexual. To report that the rape was done out of anger is to affirm that it was not done out of lust and confirm one’s own heterosexual identification in the either/or logic of these events. This reporting action, however, simultaneously demonstrates the need to inscribe the act of rape as one which constitutes the identity of heterosexuality. Heterosexuality is not a definitive site of identity, but a contested site of identity production.

Scarce’s characterization of Albert Ruggiero who was accused and convicted of raping two other men furthers this understanding of rape as identity production. As to the question of Ruggiero’s sexuality, Scarce relates “none of the media coverage surrounding the assaults actually states whether Ruggiero self-identified as gay or straight, but the implication is clear: he committed homosexual rape, therefore he is a homosexual” (215). In this instance, the inability of Ruggiero to construct his own interpretation of the rape allows others to establish the definitional quality of the events: casting Ruggiero as the homosexual by contextualizing the events as an act of homosexuality. In direct contrast to the ‘statistical facts’ that Scarce cites, the media’s interpretive license demonstrates that the rape is not a definitionally stable scenario of a heterosexual male raping a homosexual male, but rather a contested site of definitional practices in which multiple parties can appropriate the events within different systems of knowledge.

We can return this construction of the rape event to the realm of homosexual panic via Scarce’s understanding of prison rape. While participating in its own unique semantic field, the analysis of prison rape highlights several assumptions about the nature of sexual assault. The first is “the expectation that physically strong and masculine men will not allow themselves to be assaulted [which] supports the myth that ‘real men’ cannot be raped” (Scarce 41). If for the moment we assume that homosexual panic occurs during an attempted

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12 Here we have a parallel concept to the ideas of Chapter Three in which other people (in Chapter Three the Editor and Sedgwick, here the news community as characterized by Scarce) appropriate the aberrant subject who is unable or unwilling to supply the knowledge of his/her self within a privileged system of knowledge. This occurred in Chapter Five through the concept of diagnosis and confession.

13 See for example the articles of Donaldson, former president of Stop Prisoner Rape, Inc., including “The Rape Crisis behind Bars” and “Hooking Up: Protective Pairing for Punks.”
rape, then the victim, sensing an imminent sexual assault, successfully repelled his attacker because he is a ‘real man,’ with the assumption that masculinity is tied to heterosexuality and heterosexuals are powerful ‘real men.’ However, if the victim had been unable to repel the attack and had been raped, then this discourse would have constructed him as homosexual. Scarce exemplifies this logic through providing typified comments of hypothetical respondents to the male-male rape scenarios in the form of “you really wanted this to happen. You wanted to have sex with a man,” or “you must have wanted it because you allowed it to happen” (Scarce 217, 241). Real men repel homosexual advances; those who cannot repel the advances are not real men and (according to the logic of the defense) wanted the assault to occur.  

Thus, actions become tied to identities in the same cyclical play of identity formation which Halley traced in her analysis of ‘Don’t Ask/Don’t Tell’. The rape victim becomes ‘he who wanted to get raped by a man’ (a homosexual), but, as with Halley, this action is simultaneously the reaffirmation of an allegedly already present sexuality ascribed to the person. The heterosexual who raped the male affirms that he raped out of anger and not lust, reaffirming his heterosexuality which, while constituted in the act, also is constituted as that which existed before the act.

Lee’s archetypical scenario of homosexual panic can help to clarify this point: in the scenario, one homosexual sexually advances on one heterosexual, and the heterosexual repels the advance, killing the homosexual. If we recast the sexualities of the participants, we can see how the acts constitute the actors. For example, if we say a heterosexual sexually advanced on

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14 Similar analyses on the impact that the result of the assault has on (re)constituting the characteristics of the victim occur in feminist understandings of M-F rapes, in which the female, unable to repel the rapist, becomes defined as a woman who ‘really wanted’ to be raped. However, the inverse of the definition, that a woman who repels an attempted rape is a ‘real woman’ does not hold. In fact, there is a double-bind for women in which their culturally mandated docility demands that they submit to the assailant-male in order to maintain their status as ‘real women,’ explained at length in Brownmiller’s Against our Will. Brownmiller however states in the end of her text that she recently came to the realization that “women could fight back, should fight back,” a phrase that seems to both support and undermine Haynes affirmation that “if women could use the equivalent of a ‘gay panic’ defense for every unwanted advance by men...there would be no heterosexual men left,” (Brownmiller 404; qtd. in Hammer 1). This tension between the two seemingly structurally equivalent scenarios of M-M rape and M-F rape, and the role of homosexual panic and the absence of ‘straight-female’ panic, is examined in the end of Chapter Seven.
another heterosexual, then the sexual identity of the first heterosexual is at odds with the interpretation of the advance as sexual. The scenario would have to change in its construction so that the heterosexual who sexually advanced was not ‘really’ heterosexual (as in the case of Ruggiero), or that the advance was not an advance of a sexual nature, but of a violent nature (akin to Scarce’s rape statistics). In either scenario, changing the understanding of the sexuality of the participant likewise alters the attributes of the attack in order to conform to the predicative nexuses of the various identities involved.

These actions, as we have seen, do not happen solely in the assault. Rather, these actions are caught up in various forces that compete with each other in a bid to confirm and reconfirm the sexual identities of the participants. Specifically in homosexual panic, this construction of the participants’ sexual identities plays out in three different spaces and times: first is the event, comprised of the act of the homosexual advance and homosexual panic, which we have already examined; second is the courtroom, in which parties present evidence in order to establish the sexual identity of the other parties involved\(^{15}\); and third is the critical interpretation, in which legal theorists (like Lee, Halley and Scarce) critique the rulings and discourses of the verdicts. Though each of these three situations deploys its own methods for defining the participants, all three of them partake of the same logic, the logic which Halley points out in her analysis of ‘Don’t Ask/Don’t Tell’: that actions constitute actors as those with a propensity towards performing those actions, and that this is identity.\(^{16}\)

Though the above examples have considered briefly the event’s definitional practices as enacted through homosexual panic, an analysis of Halley’s remarks on the definitional play of the legal system in regards to these homosexual panic cases will help us to understand how the contested definitions of these acts similarly govern the courtroom. In looking at how the

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\(^{15}\) For an analysis of, and recommendations for, the ways in which sexual identity can be admitted as evidence in the courtroom, see Nicolas “’They Say He’s Gay’.”

\(^{16}\) Moran produces a similar formula in which the logic of the event is also the logic of the law in his examination and critique of the blackmailer and the agent of the law’s structural congruence (The Homosexual(ity) 54-56, 58).
legal system approaches cases of homosexual assault, Halley in her book *Split Decisions: How and Why to Take a Break from Feminism* analyzes the high-profile case of male-male assault *Oncale v. Sundowner Offshore Services Inc.*, in which Joseph Oncale reported numerous occasions of same-sex sexual harassment and sexual assault by his co-workers on an oil-rig, culminating in three co-workers allegedly sodomizing Oncale with a bar of soap in the shower. To read this situation in light of definitional practice, Oncale becomes a homosexual because he is sodomized and he does not have the strength of the ‘real man’ to resist these attacks, meaning he must have ‘secretly wished them to occur.’

In her analysis, Halley examines the legal argumentation of the cases arising from these assaults against Oncale in order to characterize their composition. She affirms that the subsequent legal action taken by Oncale, as typified in his testimony, performs a legal version of the harassment mobilized against Oncale on the oil-rig. To this end, Halley elaborates upon Oncale’s remarks in court that he had a ‘feeling’ that his attackers were really homosexuals. Halley asks “does [Oncale’s] ‘feeling’ about his attackers tell us that they are homosexuals or that he might be? That they attacked him on the [oil-rig] or that he attacked them by invoking the remarkable powers of the federal court to restore his social position as heterosexual?” (*Split 300*). Here Halley parallels the assault on the oil rig, in which Oncale was defined as a

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17 *Oncale* also engenders questions about the relation between sex and sexuality within the law. However, these questions are tangential to an exploration of how Lee’s scenario constructs the sexuality of the participants in various spaces and times as they instantiate a parallel debate on the interaction between identity, subjectivity and action that moves us away from questions of homosexual panic specifically and towards broader (and beyond the scope of these chapters) debates over sexual harassment, hate crimes and what constitutes (and what should constitute) a sexual assault. For example, Spindelman and Stoltenberg focus on troubling definitions of sexuality affirming “men like Oncale’s harassers, who self-identify as heterosexual, can and do interact with other men sexually when they abuse and violate those men by means that are clearly sexual” (5). Zalensne focuses more on gender and sexuality “the harassment is motivated by the employee’s failure to live up to gender expectations” (407). For an examination of the interaction between sexuality and sex, and the tenability of same-sex assault claims under the law, with specific reference to *Oncale*, see Chisholm “The (Back)door of *Oncale v. Sundowner Offshore Services, Inc.*,“ Smallt “*Oncale v. Sundowner Offshore Services: A Victory for Gay Rights*?” and Lussier “*Oncale v. Sundowner Offshore Services Inc. and the Future of Title VII Sexual Harassment Jurisprudence*.”

18 Halley is not, however, suggesting that this is the correct way to read the case, but rather that these questions and the possible interpretations they open allow us to reflect upon the complex and contradictory aspects of the *Oncale* ruling. For Halley, no single explanatory system accounts for all the
homosexual, in order to show how the actions of the aggressors on the oil-rig can be reconstituted as their willful desire to sodomize Oncale, constructing these participants as homosexuals.\(^\text{19}\) Halley suggests a possible reading in which Oncale metaphorically utilizes the court system to ‘assault’ his rapists, turning them into the homosexuals and, according to Halley, restoring his own heterosexuality. The logic of the rape/assault and the discursive practices of the courtroom both operate under the same logic in which specific acts purportedly evince the inner true sexuality of the participants involved.

This logic of sexual definition also governs the interpretation of the court events. To return to Lee’s archetypical rendering of the homosexual panic event, Lee re-stabilizes the potentially destabilized identifications by reducing all interpretive frameworks for homosexual panic to a scenario in which there is one heterosexual male and one homosexual male. In a way, Lee ‘assaults’ both of these participants by defining them with concrete and immutable sexual identities: he who was killed was a homosexual and he who killed was a heterosexual.\(^\text{20}\)

This stabilization of the constitutive definitions further illuminates the violence in the definitional practices enacted through an event in which there can be only one heterosexual and only one homosexual: an event that simultaneously defines and demonstrates its participants’ sexualities. In the event, one man sexually advances upon the other man, demonstrating (performing) his homosexuality. In the courtroom, the testimonies similarly attempt to demonstrate the homosexuality of one participant. The interpretive framework possibilities within and resulting from the \textit{Oncale} case. Here I borrow Halley’s suggestions in order to show the possible reverberation of the definitional play within the courtroom, attempting to trouble the ease of assigning definitions in all the different interpretive spaces associated with the assault.\(^\text{19}\) As Parr states “the Court [in \textit{Oncale}] acknowledged that there may be a fine line between horseplay and harassment in the workplace” (96). The threat of violence in the various spaces of \textit{Oncale} resonate with the terrifying potential of homophobia outlined by Sedgwick in which men are unable to prove that their bonds are homosocial and not homosexual (\textit{Epistemology} 210). See also the discussion of homosocial/homosexual in the beginning of Chapter One.\(^\text{20}\) In my use of the term ‘assaults’ here I am not attempting to suggest that all assaults can be reduced to a play of definition and thereby dismiss the physical act of rape’s claims ideas of trauma, tragedy or victimhood. I am attempting to show how the discourses which render rape possible reconstitute themselves in the structuring logics of the discourse itself. Thus, rape can be understood as a definitional event because of the reverberations of this event through the structures making the event possible. This does not, however, remove the recourse to a tragic understanding of male-male or any type of rape which Scarce details at length.
tries to solidify who is the homosexual and who is the heterosexual. All three spaces function with the same logic, with the same goal and towards the same end: to demonstrate who is what. Yet this ‘demonstration’ is at the same time an act of construction in which the knowledge revealed is constituted in the moment of its revelation.

These three areas are not organized hierarchically or chronologically, but rather partake of the same semantic field in a paradox of mutual constitution, whereby the act of rape, assault and/or panic is a definitional act because it is constituted as such through the courtroom and legal interpretation, while the act of legal interpretation is concerned with solidifying definition because the act of rape/assault/panic was an attempt to establish a sexual identity even as the legal interpretation renegotiates and perhaps counter-defines these specific definitions. It is not that an act occurs, then it goes to trial, then it is interpreted, but rather that from our position in the present these three elements all partake of each other simultaneously. To enter into a scenario of homosexual panic with the intent of discovering who is homosexual and who is heterosexual is potentially to deny the definitional play occurring within the event, the courtroom and the interpretation, and the ways in which panic and assault produce identities in all three of these areas even as the panics seem to be caused by inherent identities.

If this is the case, then how does a panic event happen when we release our recourse to pre-established notions of identity? In HPD, the panic occurs because of a trigger. This trigger, while theoretically dependent on the identities of the people, also carries its own qualifier so that the purported homosexual makes a homosexual advance rather than solely an advance. Thus, even in troubling the identities of these two individuals, the advance could still

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21 For a more detailed, linguistics based discussion of how trial lawyers produce certain identities for witnesses and/or provide a line of questioning that forces witnesses to adopt certain identities, see Matoesian Law and the Language of Identity.

22 Here I borrow again from Butler and Foucault’s concepts of truth and knowledge. See Butler Gender Trouble (185-186) and Foucault Discipline and Punish.
carry the homosexuality of the assault, a homosexuality that could serve to identify the panic event and its participants.

6.2 Axiom Two: The advance made by the homosexual male towards the heterosexual male is a homosexual one

Perhaps, as this point suggests, the homosexual advance is the constitutive element of the assault, so that without pre-establishing the identities of the parties involved in the homosexual panic, the advance in its nature ascribes sexual identities to the parties. In this understanding, the person who made the first (sexual) advance would be said to be the homosexual, while the one who resisted the advance would be said to be heterosexual. Yet, how, in this situation, would we come to know the difference between a homosexual advance and a homosocial advance?

Akin to the language surrounding the sexual identities of the actors in Lee’s scenario, the homosexuality of the advance occurs as an obvious constituent category. This obviousness, however, is one of the central issues problematized through Sedgwick’s articulation of the concept of “minimal difference,” as she points out that acts which are labeled acceptably homosocial parallel, and are sometimes identical to, acts that are labeled homosexual (Between 201). Minimal difference destabilizes attempts at categorical homosexual labeling of a given act. For example, is a male offering another male a cigarette always a homosexual advance? Within the logic of the HPD, the answer would be that when the cigarette is offered by a homosexual to a heterosexual this constitutes a homosexual advance. However, as we have seen, the relationship between identity, actor and act is not necessarily pre-defined but rather mutually constituted, and therefore the role of defining who is what lies within the play of these three elements (identity, actor and act). If one can no longer say that a person is homosexual and another person is heterosexual before the event, then can there still be an action that is homosexual? What would this action look like? And how would one come to recognize its homosexuality?
These questions restructure the approach to the advance by troubling the obvious sexual quality of it and wondering what definitional play the obviousness of the homosexuality obscures. This is also one of the central questions of Halley's Don't. Echoing Sedgwick's concept of minimal difference in examining the microcosmic political system of the U.S. military, Halley states “since they [soldiers] can never be quite sure what their commander will think creates an inference that they are gay, they can never be entirely confident that they’ll never fall into this danger” (Don’t 3). Halley places the commander of the unit in the position of Sedgwick’s ambiguous homophobic society, ascribing to him the cultural ability to determine what is, and what is not, homosexual. Though the unit commander is able to occupy a singular position of authority in defining terms, this is not to say that the commander acts unilaterally. In fact, a complex system of checks and balances exists between the commander and various trial courts and appeals courts 23; just as in the judicial branch, the military judge is not necessarily able to establish the legal definitions for homosexuality, as lawyers, juries and appeals courts all participate in a complicated battle over these definitions. This again resonates with Sedgwick’s rendering of culture, which at times appears to act unilaterally, but in actuality, partakes of, and comprises, a dispersed network of definitional play. However, in the military and judicial systems, this play is obfuscated more easily by the presence of a singular figure-head source of definitions (and definitional certainty). This does not mean that uncertainty and complex battles over definition do not occur, but rather that they potentially are obscured by this façade of definitional certainty.

This concept of definitional certainty can be read as the military response to Sedgwick’s ideas of minimal difference with an emphasis on the difference present within that minimum. As Sedgwick suggests in her work, the proximity (if not congruence) of homosociality and homosexuality generates an anxiety within the male that results in the

23 For a description of these various checks on the Military’s legal power see Subchapter IX of the “Uniform Code of Military Justice.”
commoditization of the female and a structurally-essential homophobia.\textsuperscript{24} In the military, this anxiety is resolved through the definition of presence and absence, so that objections involving the relative proximity of two practices (say, the offering of a cigarette from one male to another), can be invalidated through the definitive military claims to the absence or presence of homosexuality within the act. The military concludes that these events are different (even if minimally) because of the revealed nature of the advance in its inherent presence or absence of homosexuality.

According to Halley’s analysis, this definitional certainty within the military is located in the figure of the unit commander. In this capacity, the unit commander takes on a dual role in being both the commander and the embodiment of the so-called ‘reasonable man’ feature of the law.\textsuperscript{25} This doctrine of the ‘reasonable man’ states that military commanders should be vigilant for signs of homosexuality which any reasonable person could detect, guaranteeing both the obviousness of the observations (any reasonable person could tell that the act was homosexual) and that the commander is a reasonable man. But as Halley points out:

The “reasonable person” feature of the policy has made every unit with a commander intent on enforcing the policy into a paranoid semiotic system in which the signification of homosexuality and of heterosexuality are always changeable, always at stake, always electrically important. (Don’t 5)

In this description, Halley portrays each side of the 'reasonable person' scenario, juxtaposing the authoritative and knowing position of the commander against the uncertain and ignorant position of the soldier. Halley begins to show how the commander’s status as a reasonable man highlights the two possible ways to understand the deployment of definitions for homosexual acts: one, the way of the commander, to describe the acts as those which a reasonable person would observe, acts which in their external nature would be universally acknowledged as obviously homosexual; the second, the way of the soldiers (and by extension

\textsuperscript{24} This structure was articulated in Chapter One, see also Sedgwick Between Men (25, 85).

\textsuperscript{25} For an additional discussion on the relation between the ‘reasonable man’ standard and homosexual panic that critiques Mison’s understanding of the HPD (see supra note 1), including a recommendation to rethink the concepts in terms of the "Ordinary Man" see Dressler "When 'Heterosexual' Men Kill 'Homosexual' Men" (728).
of Halley), to describe the acts as those which are defined by the commander and rely on his subjective interpretation of events.

Within the first understanding, the one which follows the internal logic of the military, the commander no longer arbitrarily assigns certain signifiers to the signified homosexuality in a game of ambiguous definitional play; rather, he adheres to a universal constant of homosexuality which is pre-definitional and need only be observed. This action naturalizes homosexuality as an inherent quality with essentially expressed attributes removing the definitional actions of the commander and placing then back into the realm of obviousness. The commander (according the military law) does not accuse a certain soldier of homosexuality, but simply states what any reasonable person would have observed in the same situation. This also establishes a universalized discourse, whereby specific visual signifiers are linked neatly to their signified, eliminating the role of interpretation (and the possibility of misinterpretation). If a commander views a male soldier kissing another male soldier, this is, and can only be, an indication of the two soldiers’ homosexuality.

In this way, the reasonable person paradoxically creates homosexuality as a free-floating signified attached inherently to no specific signifier, but also as a potential inherent signified of all signifiers. Homosexuality is not attached already to a signifier, but when attached to a signifier, becomes the inherent signified of that signifier always and already. For example, in one unit, a commander could have several soldiers who in their off-hours relax together naked. This commander could think that this act occupies a semantic field of appropriate homosociality and not label these soldiers as homosexuals. However, in another unit, a commander encountering the same situation involving his own soldiers could state that this act is homosexual and that these soldiers are homosexuals. In proclaiming this, the commander has the authority to pronounce that lying around naked with the same sex is an inherent definitional signifier for homosexuality, and claim that any reasonable person encountering this same scenario would always recognize its inherent homosexuality even as
the other commander does not view the parallel scenario’s homosexuality. In this semantic field engendered by the reasonable person, accusations of homosexuality carry with them their own legitimation in the form of presence, where the homosexuality of the act is so present to the reasonable observer as to be above definitional question, even as the definitional signifiers foreground their own arbitrariness.

Additionally, the commander who does not state that his soldiers are homosexual is not wrong, because he cannot be wrong. The legitimating discourse operates in the opposite direction as well, affirming that if this situation had been homosexual in nature, the homosexuality of it would have been present to the commander. Since the homosexuality was not present, the act is not homosexual. Under the military logic, even though the two acts (or two utterances) appear to be equivalent, they are (minimally) differentiated by the presence or absence of homosexuality.

However, since the commander is the definitive observer of presence/absence, the reasonable person of the unit, the rest of the soldiers are left to guess, as Halley notes, as to which actions will be observed as homosexual. Part of this guessing structure comes from the inverse proposition of the ‘reasonable person’ that affirms that anyone who cannot distinguish homosexual acts from heterosexual acts would be an unreasonable person, and as such, no longer part of the majority of people. In a double-bind, if a commander accuses a particular service member of engaging in a homosexual activity, and that service member does not regard the particular activity that he was engaging in as one indicative of homosexuality, that service member has no recourse to object under reasonable man grounds, because when the commander accused him of engaging in a homosexual act, that service member simultaneously became both a homosexual (according to the commander) and an unreasonable person, meaning someone who was not part of the majority, and someone who
could not see homosexuality for what it was. Any objections that the service member attempts to make to the commander about the nature of the act would be objections of an unreasonable person given to a reasonable person about the nature of homosexuality. As it is only the reasonable person who can ascertain the presence/absence of homosexuality, the service member's unreasonable objections lack any form of definitional or observational power.

In the military-legal semantic field, homosexuality becomes that which can be, and should always be, known to the reasonable person. Yet, the concept of homosexual panic reveals the ability of homosexuality to be absent and then present itself (surprisingly) at a later moment. Homosexual panic presents a different interpretation of the reasonable man feature of the law, as not an actuality of practice, but rather a wish of military-legal system: the wish that homosexuality would show itself in an obvious fashion. In this reading, the reasonable man feature is the military's attempt to fulfill its own wish by establishing a legal code which governs based on the assumption and affirmation that homosexuality is always present. The wish that homosexuality would show itself becomes the construction of homosexuality as that which does show itself to the reasonable man.

Condensing the wish into an actuality creates the paranoid semantic field in which definitions for homosexuality are not codified, because homosexuality is so present that any reasonable person could see these signifiers. Yet, the ignored aspect of homosexuality as absence highlights the fact that homosexuality is not always present, and also questions what

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26 Chen notes the same double-bind in early homosexual panic cases in which homosexuality and insanity were conflated and as such, the defendant who argued for his latent homosexuality simultaneously proved his insanity (201). This perhaps further explains Pinello's claim that "very few court decisions before 1970 addressed legal claims by self-identified and self-affirming lesbians and gay men" as these men and women would have also been self-affirming insanity patients and therefore have a dubious recourse to legal rights (128).

27 Here we have an interesting restructuring of what Pierceson characterizes as "reform liberalism" and "positive liberty." According to Pierceson who draws upon Greenstone, "reform liberalism places individuals in society and closely links them to it. The community sets the standards for excellence" (49). This generates a model of positive liberty in which specific acts are approved by the community as beneficial to its excellence. In this scenario, the military appropriates this structure in order to generate a law that creates a vision of a morally excellent community (reform liberalism) while structuring this law as the already existent reality (the homosexuals always are apparent).
presence would mean (or signify). The commanders are placed in the impossible position of viewing and punishing that which theoretically is always evidently present, yet in the same semantic field can paradoxically exist in absence. The commanders look for and label specific acts or instances as obviously indicative of homosexuality at their discretion, and, in an impossible logic, render their labeling as an observation of the evident homosexuality of the act. Ironically, the commanders, caught between a system that affirms obviousness, and an understanding of the concept that suggests the ability to be absent, have no choice but to become unreasonable people who demand conformity to a system of governing codes which cannot be codified and cannot be lived: the conditions which, in previous chapters, gave rise to homosexual panic.  

Paradoxically, in attempting to guarantee an environment in which there are no homosexuals and no homosexual panic, the military has generated an environment in which everyone could be a homosexual and any act could be a homosexual one. This is not to say that the definitions of homosexuality are contingent or relative, because under the military’s legal system (and I will argue the legal system in general) these signifiers are universal in their quality of presence. The military commander, in labeling people homosexual, makes those people homosexual, not in the sense of inaccurately or falsely, but in the only way the military understands the concept of homosexuality, and therefore, the only homosexuality existent within the military. To condemn the military for inaccurately understanding homosexuality, or misrepresenting the constituent categories of some distinct category known as the homosexual, is to ignore the fact that a definition of homosexuality is bound already to the military’s definitional practices. To attempt to extract one from the other is to miss (or worse erase) the interdependence of the two structures.

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28 This again follows from the logic of panic articulated in the previous five chapters which affirms ‘it takes one to know one.’ The logic of denouncing others for their unreasonability/homosexuality always returns to the body of the denouncer to reconstitute him/her as unreasonable and/or homosexual.
Thus we return to the critique of pre-established identities within the homosexual panic event, but now with an understanding of how these identities function in their quality of pre-established, so that the 'reasonable person' (whether that be the judge, the lawyer, the interpreter or the defendant) are not incorrect in their assertions of the defendant's or the decedent's sexual identities, but rather coming to know and label those identities in the only way those identities are intelligible (and the only way those identities exist) within the legal setting. In homosexual panic, when the defendant in his capacity as a reasonable person affirms that the advance made on him is a homosexual one and that he reacted accordingly, he cannot be said to be wrong within the logics of the reasonable person semantic field.

Furthermore, the panic of the reasonable person is prefigured within the structure, in which the mandate to always know homosexuality comes into conflict with a sudden revelation of a previously unknown homosexuality: a capacity of homosexuality (the capacity to be absent) which the legal system denies existence through the reasonable man feature. The tension between the mandate and the situation creates the unlivable scenario that results in the panic of the reasonable person who no longer is able to maintain his reason. The panic can be understood as having to do not with the pre-established identities of the participants, but rather, with the sudden revelation of supposedly pre-existing identities within the moment. The advance is said to be 'homosexual' not necessarily because it contains some essential quality of homosexuality, but because it reveals through the panic event the (impossible) homosexuality of the other to the previously reasonable man. This process of revelation through the homosexual advance, according to Lee in “The Gay Panic Defence,” results in the violent response of the previously reasonable man to the nonviolent (homosexual) advance of the other: a response which further demonstrates the new un-reasonability of the reasonable man as he meets a nonviolent advance with a disproportionately violent response.
6.3 Axiom Three: The advance made by the homosexual male towards the heterosexual male is a non-violent one, but is responded to with violence

This point of Lee's hypothetical situation affects both the sexual identification and the definitional attributes ascribed more generally to the homosexual advance. This axiom affirms that in the homosexual panic there is a disjunction between the advance (seen as the trigger) and the response (the homosexual panic), as the advance is obviously non-violent while the response is hyperbolically violent. The assignation of these definitions occurs principally in the interpretation and the courtroom, so that the arguments about which type of interaction occurred are based on contestable definitions for what constitutes a violent act. This process of determining whether an act is violent or not allows for a possible examination of how legal critics come to understand the qualities of an event. Contrasting this construction of violent with the previous construction of homosexuality might allow for the extension of critiques of definitional play and obvious presence into the critical interpretations.

In her assessment of the homosexual advance Lee allows the term non-violent to stand for itself, continually referring to the “non-violent homosexual advance” without providing a definition of what would constitute such an advance (“The Gay” 477). Assumedly, non-violent acts just are non-violent and are easily recognizable as such. This obviousness again reproduces the logic of the homosexual advance (and the homosexual) in the concept of presence; the non-violent act makes present its own non-violence legitimating its definition of non-violent through the obviously non-violent presence of the act.

Lee contrasts this non-violent homosexual advance with the violent heterosexual response, usually to highlight the disproportionate relationship between the two actions. While she never defines either of these terms, we can derive their definitions from her examples. In illustrating how arguments of reasonability are mobilized in homosexual panic cases, Lee cites the case of Charles Butler in which Butler slew and burned Billy Jack Gaither after Gaither’s “verbal suggestion of a sexual threesome” (“The Gay” 512). This admission by Butler overrides an earlier assertion he made that Gaither had attempted “to grab him” (“The
If we assume that Butler’s initial comments on the physical aggression of Gaither had been an attempt to justify the extent of his own reaction by meeting (and justifying) violence with violence, then we can assume similarly that the admission that Gaither merely verbally suggested a three-some is Butler’s acknowledgement that he met a non-violent act (verbal suggestion) with a violent act (burning and slaying). This positioning of the violent and non-violent reproduce Lee’s structure in which the heterosexual responds with violent force to the non-violent act of the homosexual. For Lee, violent actions are those which physically jeopardize the integrity of the body (slaying, beating, grabbing), while non-violent acts are those which do not physically affect the body (verbal comments). Simultaneously, Lee rehearses an ethical hierarchy in which violence is worse than non-violence, and violence is only justified (akin to the doctrine of self-defense) in an attempt to repel violence of an equal degree. Finally, this ethical hierarchy produces a privileging of bodily integrity above all else meaning that the worst thing a person can do to another person is threaten their bodily integrity.

This logic is reproduced to different ends in Ben Golder’s analysis of the role of the body in the Homosexual Advance Defense. Golder takes as his central object of examination

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29 Eribon critiques this rendition of words as non-violent in *Insult and The Making of the Gay Self*, stating “faggot” (“dyke”)—these are not merely words shouted in passing. They are verbal aggressions that stay in the mind. They are traumatic events experienced more of less violently at the moment they happen, but that stay in memory and in the body (for fear, awkwardness, and shame are bodily attitudes produced by a hostile exterior world),” (15).

30 The definition for self-defense from Black’s Law Dictionary is “the use of force to protect oneself, one’s family, or one’s property from a real or threatened attack (“self-defense”). While Lee’s argument seems to address this concept, Black’s Law Dictionary also lists imperfect self-defense as a category, in which “the use of force by one who makes an honest but unreasonable mistake that force is necessary to repel an attack” (“self-defense”). For critiques, similar to Lee’s, of why the HPD cannot be considered self-defense (because it does not meet the quality of repelling an imminent threat to the body), see Comstock “Dismantling the Homosexual Panic Defense” (94-97) and Chen “Provocation’s Privileged Desire” (217-226).

31 Golder is not analyzing the U.S. HPD (or even the American HAD) but rather a version of this defense currently enjoying high rates of success in the Australian legal system: the Australian HAD. In his introduction, Golder details the numerous differences that exist between Australia’s HAD and America’s HPD and states that part of the problem in overturning these Australian laws is the continual uncritical conflation of the Australian and U.S. concepts. Golder views the main point of departure between the two instances as a differential reconstruction of the subjects participating in the homosexual panic event, as well as the Homosexual Advance and Homosexual Panic Defenses’ respective historiog
the body represented in the legal tradition. Drawing upon the theorist Ngaire Naffine, Golder affirms, “the body contemplated by liberal political theory—and indeed contemplated by contemporary legal discourse—is bounded, autonomous and impermeable” (Golder 27). Golder interprets Naffine’s assertions as descriptive of the heterosexual male body, rather than all bodies, later referencing the legal understanding of the female body as that which is penetrable in order to counterpoint the male body and reinforce the understanding of the bound heterosexual male body. He then draws on this construction of the heterosexual male body as impermeable in order to affirm, “because of the inscription of the male heterosexual body as bounded, any advance upon the body, however amorous or gentle, automatically represents an attack” and “there is no such thing as a ‘non-violent homosexual advance’ within the narratives of the HAD” (Golder 35). Golder presents a counterpoint to the assertions of Lee stating that because the male body is definitionally the body which cannot be penetrated, any attempts to penetrate the male body are viewed as the threat to the definition of the self and a form of murderous assault, as the homosexual advancer threatens to kill the advanced upon male’s self-definition as male.

Within her interpretation, Lee believes that the excessive response of the heterosexual to the homosexual advance is an attempt on the part of the heterosexual to reassert his traditions. However, in defining the types of bodies that inform the logic behind each defense, Golder draws upon a universalizing discourse derived from the works of Immanuel Kant and John Stuart Mill referring to the body of each participant in the HAD as the body of “Orthodox Western scientific theory,” a theory which nominally would inform all conceptions of bodies with the West (Golder 21). While I am not affirming that the universally accepted understanding of the body in law is this Kant-Mill ‘Orthodox Western’ one, I want to use this suggestion as a hypothetical counterpoint to Lee’s scenario. Furthermore, because this concept of the body, according to Golder’s suggestions, is from the entire Western world, and not just Australia, the implication is that it structures the U.S. legal system as well, even if the historiolegal traditions of Australia and America around homosexual panic are different. Golder’s definition of the body and its applicability to a U.S. context finds support in a similar understandings of the U.S. legal body in Nedelsky “Law, Boundaries, and the Bounded Self” (a revision/examination of her longer work Private Property and the Limits of American Constitutionalism), though this text does not account for the body in relation to panic.

32 For a similar but feminist critique of the bounded Cartesian subject’s role in law, and the problematic ways in which some versions of postmodernism reproduce this subject, as well as an overview of contemporary feminist responses to these subjective models see Williams "Feminist Legal Epistemology."
masculinity through an overt demonstration of the ‘masculine’ qualities of anger and aggression. Golder, on the other hand, gives greater weight to the role of definition, affirming that the homosexual advance represents the threat to the heterosexuality of the person through an act of (re)definition and that this threat is precipitated upon the heterosexual male’s belief that his body is, and should remain, impenetrable. In this rendition of the event, there again occurs the panic structure in which a certain belief (that the body is impenetrable) comes up against a situation in which that belief is negated (through the penetration of the body) which then creates an unlivable situation for the person (in which self-definitions are now threatened with the possibility of invalidation), resulting in panic. Golder, in his interpretation, ascribes more power to this re-definitional panic than Lee, concluding that the homosexual advance represents a real threat of violence for the heterosexual through the removal of his ability to self-define. This loss of subjectivity, according to Golder, is understood as a form of death, with the advance made by the homosexual equating to that person making a death threat against the heterosexual.

However, the logic of the homosexual advance catches up with Golder as he assumes that all of the qualities of the homosexual advance make themselves present to the heterosexual in the moment of the advance. In Golder’s analysis, the threat posed by the homosexual advance is the sodomitic penetration of the hermetic heterosexual body and the redefinition of the penetrated male as no longer an appropriate male subject. In this interpretive action, Golder reproduces the affirmations of the U.S. military in claiming that homosexuality is simply the predictive nexus for sodomy. Therefore, any advance viewed to be homosexual, according to Golder, immediately signifies sodomy and jeopardizes the heterosexual body: sodomy is ‘made present’ in homosexual advances.
While Golder finds support for this assertion in several prominent homosexual advance cases in Australia and the U.S., two points trouble this universalizing presence proposition: first, that numerous HAD and HPD cases do not involve any direct reference to sodomy; and second, that homosexuality need not and indeed does not always imply the threat of penetration. In the Parisie cases, for example, there is no mention of sodomy (Parisie, 5 Ill. App.3d 1009). The event of homosexual panic occurred after Johnson (the decedent) asked Parisie if he would like a ‘blow job.’ Furthermore, Parisie related this action in court with no indication that Johnson’s advance was understood to involve sodomy. According to the report, Johnson offered to allow his own body to be penetrated and this is the offer that caused Parisie to panic. Thus, while Parisie understood the advance to be homosexual, and potentially understood that through accepting the advance he too would become a homosexual and lose his previous self-definition of heterosexual, this symbolic threat did not revolve around the concept of bodily penetration through the act of sodomy.

Golder’s critique of the HAD while potentially enumerating some of the cultural anxieties which find expression in the homosexual advance, continues to reproduce the logic of the defense in affirming that even in cases in which sodomy is not literally made present in the speech or actions of the participants, sodomy makes itself present as the encoded threat posed by all homosexuals. Similarly, Lee reproduces the obvious quality of non-violence in the homosexual advance and relies on a similar sense of presence to invalidate self-defense claims. Whether regarded as violent or not, the defendants in these cases regarded the homosexual as threatening; the homosexual threatened bodily integrity, or oral stimulation, or self-identify. These elements all vary by case, with some cases potentially containing multiple elements; yet,

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33 Golder presents, for example, the High Court of Australia’s famous decision in Green v. The Queen in which Green affirms “Yeah, I killed him but he did worse to me...he tried to root [sodomize] me” (Golder 33).

34 For examples, see State v. Van Hook where the trigger was the defendant receiving oral sex from the decedent, or Commonwealth v. Doucette in which the defendant stated that the decedent put a knife to his throat while on top of him (39 Ohio St.3d at 272; 391 Mass. at 447). Neither case mentions sodomy directly. Even in U.S. v. Bennett in which the issue was an assault after the defendant panicked when having a rectal examination, sodomy was not mentioned (539 F.2d 45).
to dismiss the HPD or HAD because of a belief that they always incite a singular iteration of a specific structural anxiety is to reproduce the logic that validates the homosexual threat: namely that the signifier can carry within its presence all possible signifieds, and these are made immanently known to the defendant at the time of the assault. In upholding the logic while attempting to alter the understanding of the event, both Golder and Lee affirm panic while trying to avoid it: living in systems in which they do not believe, rehearsing the structural logics of panic from the previous two axioms within their interpretations.

This reading of the homosexual advance interpretations emphasizes an assertion made about Lee’s second axiom that the system that sets the terms for the definitions cannot be separated from the object examined: the two partake of each other within what Foucault would call a "system of power" ("Truth and Power" 74). Lee and Charles attempt to dismiss the HPD/HAD by meeting it on its own terms without accounting for how the system of power (in this case the law) structurally validates the process of homosexual panic. While the next chapter will explore this interaction between critique and structures of power more fully, there remains one more axiom within Lee’s hypothetical scenario to be examined, an axiom that turns back on the concept of presence in order to attempt to legitimate both the concept of the reasonable man and his/her claims to definitional power.

6.4 Axiom Four: This scenario is made possible by accepting the accuracy of psychiatric theories of latent homosexuality

According to Lee, the concept of homosexual panic has "roots in theories of latent homosexuality as a mental disorder," (“The Gay” 477). In this assertion, Lee again attempts to argue against the HPD, this time through showing that the psychiatric categories which underpin the defense are spurious.35 As we saw in Psychiatric Panic, Lee’s argument follows

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35 Comstock “Dismantling the Homosexual Panic Defence,” Dunbar “Defending the Indefensible,” Suffrendini “Pride and Prejudice” and Chen “Provocation’s Privileged Desire” make this argument as well, attempting to reject homosexual panic because (they suggest) the psychiatry underpinning the term is inaccurate. Teubner suggests that the law makes other discipline’s concepts its own, pre-empting the ability to critique the use of concepts based on other structures’ re-understandings, as the concepts are
the APA's trajectory of depathologizing homosexuality, latent homosexuality and ego-dystonic homosexuality as pathological in the revisions of the DSM. Lee rejects the HPD because of the APA's dismissal of the category. Yet, both this chapter and the psychiatric section have shown the possible distinction between the removal of the nominal instantiations of pathological homosexuality and the continuance of new categories that reproduce the anxieties once expressed through a previous category (in the case of the transition from homosexuality to panic disorder, for example). Perhaps the attempt to reject the legal appropriations of the term latency obscures the ways in which the concepts within latency structure not just homosexual panic, but the logic of homosexual panic within the courtroom.

Etymologically, the word latent according to the Oxford English Dictionary derives from the Latin "latēre" meaning “to be hidden,” with the primary definition being "hidden, concealed...present or existing, but not manifest, exhibited, or developed," ("latent"). Within the psychiatric use of this term, as in latent homosexuality, the definition is similar to that of the OED: "a form of homosexuality that is not recognized as such by the person concerned" ("latent homosexuality"). Black's Law Dictionary, on the other hand, does not provide a definition for latent homosexuality, but in the Parisie case, the judge relies on the affirmations of a clinical psychologist in order to establish that the defendant Parisie is a "highly latent homosexual" (Parisie, 5 Ill. App.3d at 1018).

This understanding of latent homosexuality differentiates it from the now defunct category of ego-dystonic homosexuality. The ego-dystonic homosexual experiences his/her homosexuality as "self-repugnant, alien, discordant, or inconsistent with the total personality" ("ego-dystonic"). In ego-dystonic homosexuality the homosexual subject asserts (and wishes against) his own homosexuality; however, in latent homosexuality the homosexual is ignorant of this sexuality, and so, to be labeled latently homosexual, there must be a secondary labeler

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no longer properly understood as (for example) psychiatric, but rather occur (for the law) only in their legal iteration (Teubner 750). See the discussion in Overture Three.
able to view that which the person cannot view him/herself. But who has the definitional power to affirm that someone is a latent homosexual?

This question returns us to the logic of the reasonable person and the discourse of presence. Within the above definitions, latent homosexuality is the homosexuality which cannot be viewed by the person him/herself. The reasonable person, as the person who is always able to see homosexuality, has to label the latency within the other person who cannot view his/her own homosexuality. Because the reasonable person is s/he who can always detect the presence of homosexuality, and the latent homosexual is s/he who cannot detect homosexuality within him/herself, the latent homosexual is an unreasonable person. Thus, latency is not an always-hidden quality, but rather a quality always hidden to the unreasonable self but still knowable by reasonable others.

This concept of latency denies the guarantee of self-knowledge and reinforces the power of the reasonable person by stating that while the self can never achieve a complete knowledge of itself, the reasonable person is able to discern the identities of external people through the quality of their presence, as in the second definition from the OED 'present or existing, but not manifest.' Latent attributes are always present though not made manifest in that particular moment. Yet, as in the above sections, the reasonable person makes homosexuality manifest through his observation of its presence. One of the things which latency reinforces is the reasonable person's ability and accuracy in affirming the homosexual presence of others, even if those others do not believe themselves to be homosexual. In a double-bind, those who could not recognize their homosexuality failed to do so because they were unreasonable people who could not recognize what every other reasonable person could.

Latent homosexuality is another way to legitimate the affirmations of the reasonable person. In affirming that a person is homosexual, even though s/he her/himself does not believe so, the reasonable person can draw upon the concept of latency to say that this homosexuality was always present within the person, it just lacked manifestation. Latency
becomes the ‘particularized past deed’ of the predictive homosexual nexus described in Halley's work, legitimating the reasonable person’s observational certainty that the homosexual always was and always will be a homosexual.

However, in the act of homosexual panic it is not the homosexual aggressor who is latently homosexual, but rather the heterosexual murderer. It is in the potential activation of his latent desires, and subsequent re-definition of that which he is, that the heterosexual became aggressive. In cases of homosexual panic, latency becomes the mitigating circumstance for the latent homosexual turned murderer. The defendant mobilizes the concept of latent homosexuality in support of his claim to not be a reasonable person and to not be able to appreciate the criminality of actions. The propositional logic of the defense is: if he could not even recognize that he was a homosexual, how could he possibly recognize anything else, for example that murder is an inappropriate response? In this way, the previous relinquishing of definitional authority between the defendant and judge plays into the claims of insanity, as the relinquishing of authority constitutive of the move from the event to the courtroom becomes the basis for the defense.

36 A common critique against the use of the HPD is made around this concept of aggression, in which studies like Chen, Dunbar and Comstock attempt to overturn the HPD by stating that there is no aggressive component to traditional understandings of homosexual panic. Instead, these studies seek to affirm that these defendants underwent acute aggression panic, a term taken from Glick's revision of Kempf's work. However, this work inaccurately summarizes Kempf in affirming that none of his patients became violent. In fact, in case PD-1 the patient challenged an officer to a duel because of the paranoia resulting from his repressed homosexual craving, and on another occasion killed a random man in the street because he believed the man to be part of the “homosexual dreams” that he “fought against...but enjoyed” (Kempf 453). Case PD-5 states that due to the tension between his homosexuality and the demands of the heteronormative culture, the patient “became dangerous, but, before a tragedy occurred, he was sent to a hospital” (Kempf 458). Case PD-10 involved a patient who “felt mean’ while in a café and smashed up furniture, raised a row, and tried to fight. He was then in a homosexual panic and hallucinated several of the men planning an assault upon him,” and “upon admission [to the hospital]...direct questions were resented, and he frequently threatened to assault the examiner” (464). These cases are by no means the only ones in which the homosexual panic has violent expressions. Akin to the argument in Chapter Five, it seems that the critics dismissing the HPD have followed certain psychiatrists in creating a mythic Kempf endowed with ‘originary’ explanations for contemporary beliefs. 37 As defined in Parisie insanity involves the following stipulation: "a) A person is not criminally responsible for conduct if at the time of such conduct, as a result of mental disease or mental defect, he lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law," (Parisie, 5 Ill. App.3d at 1018). Black's Law Dictionary defines it as "any mental disorder severe enough that it prevents a person from having legal capacity and excuses the person from criminal or civil responsibility" (“insanity”). Black’s Law Dictionary also defines the insane person as
The transformation, from a reasonable person who could detect the homosexuality of the decedent to the unreasonable person who could not recognize his own homosexuality, is prefigured in the translation of the event to the courtroom. Yet, as Suffredini points out in her article "Pride and Prejudice" "latent homosexuality is inconsistently included in defendant's assertions of the HPD" (294). Even if, as Lee argues, latency underpins the HPD, the concept is not demonstrated universally within the courtroom, to the extent that numerous cases of the HPD actually involve no mention of the defendant's latent homosexuality. In these cases the HPD still attempts to demonstrate the unreasonability of the defendant, not in order to merit his/her incarceration, but in order to show that the defendant in his/her lack of reasonability could not appreciate the criminality of his/her actions.

As stated in Overture Three, in the homosexual panic cases of Parisie, the judges affirm that Illinois state law does not recognize any necessary link between homosexuality and mental defect (even before the depathologization of homosexuality within the APA) (Parise, 5 Ill. App.3d 1009). In this ruling, however, the judges ignore the link between the reasonable person and knowledge in which reasonable people are those with access to the definitional terms needed to affirm or deny homosexuality. While not all homosexuals may be unreasonable people, there is a link between reasonability and homosexuality to the extent that the reasonable person must be able to view the homosexuality of others, whether or not s/he is a homosexual or a heterosexual. 38

38 "mentally deranged; suffering from one or more delusions or false beliefs that (1) have no foundation in reason or reality, (2) are not credible to any reasonable person of sound mind, and (3) cannot be overcome in a sufferer’s mind by any amount of evidence or argument" (“insane”). These three definitions point towards the unreasonability of the person involved. In relinquishing the reasonable person’s ability to see the homosexuality involved, the defendants in these cases actually bolster their claims to insanity. 38 This proposition would also explain Sedgwick’s insistence that once homosexuals come out they no longer have problems within the paranoid system. Within this paranoid legal system, coming out would entail making a claim to being a reasonable person because the person would be affirming that s/he can recognize homosexuality in its presence. As Sedgwick shows in her study of literature, the only unreasonable people would be those who cannot come out as either fully heterosexual (if that is even possible, and Sedgwick suggests it is not) or fully homosexual (perhaps, paradoxically, the only way within Sedgwick’s system to fully become a reasonable person, which she hints at in citing the common maxim “it takes one to know one” in which knowledge/power can only be gained through knowing
However, latency also highlights the tension behind the concept of the reasonable person which is the same tension behind the injunction to be heterosexual: that we can never know ourselves. The doctrine of the reasonable person states that the reasonable person can see the latent presence of others, but the concept of latency states that someone who believes himself to be something (i.e., reasonable or heterosexual) may actually be latently something else (i.e., unreasonable or homosexual). Latency undoes any solidity to these claims, setting down an unlivable system in which the continual performance of reasonability or heterosexuality can be undermined through self-validating accusations of latent homosexuality from another reasonable person.

Latency simultaneously further legitimates the logics of homosexual panic (by supporting the proposition that the homosexual always was homosexual), and destabilizes the authority of those who presume to be reasonable people. Not even the unit commander is above the already legitimated claim that he himself is a latent homosexual. But in this capacity, the concept of latency does little more than what Foucault describes as the "panopticisms of the everyday" in which "what generalizes the power to punish, then, is not the universal consciousness of the law in each juridical subject; it is the regular extension, the infinitely minute web of panoptic techniques" (“Panopticism” 212-213). With this proposition from Foucault, a possible reading of latency is not as the root of the HPD, but as a basis for the judicial system of governance in its capacity to mobilize panoptic techniques of discipline within the everyday. While I am not suggesting that Foucault is correct in this panoptic reading of governance, I am attempting to show how a concept (in this case latency) is structurally accounted for within the system of power which articulates it, so that to attempt to remove a component of the HPD from the courtroom is to ignore the ways in which the courtroom and the object are potentially mutually constitutive.

homosexuals, while knowing homosexuals is contingent upon one being homosexual) (Epistemology 100).

39 For an overview of the critiques of Foucault’s panoptic theory, as well as a defense of the concept, see Wood “Beyond the Panopticon? Foucault and Surveillance Studies” in Space, Knowledge and Power.
Furthermore, it is this mutual constitution and the inability or unwillingness to view it that leads to the panic moment in which the system ascribed to (in this case the U.S. judicial system) is not the system lived. This concept of the unlivable system occurred in each of the four axioms understood from Lee’s scenario of the HPD, and leads in this scenario to the death of the person who introduced the possibility that the life the person lives is not the life which the person believed s/he was living: the definition of latency.

Does this mean that because the logics of homosexual panic are potentially prefigured, and bound-up in, the logics of the courtroom, that there is no way to argue against homosexual panic? Does this mean that homosexuality within the U.S. legal system is structurally codified as aberrant and can never be realized as non-pathological and non-antagonistic? Against these possibilities, I want to suggest that while the logics are prefigured within the structure so that endeavors like those of Lee, Golder and numerous others legitimate the defense as they attempt to undermine the literal instantiations of it, the unlivability present within the articulation of the event presents us with a possible way to navigate the structure. For, if unlivability is the disjunction between the structure and the experience of that structure, and panic is the moment in which that disjunction is experienced, then perhaps panic can point towards moments in which the structure can be queered, even as it indicates the possibility for people existing as unlivable within the structure already. In the coming chapter, these questions and this proposition will be explored through close-readings of cases of homosexual panic, in order hopefully to find the possibilities amidst, and beside, the structures.
In 1968 John Stephan Parisie murdered a man on an Illinois country road. In the trial a year later, he argued that he did so while experiencing a homosexual panic. During the next twenty years of U.S. trials and appeals, the issues of homosexuality, panic and insanity would be brought up over and over again, as changing medical, psychiatric and legal understandings continually turned back upon and rethought the rulings of this case. Yet, the judge’s response to the first appeal of this case begins not with a statement about sexuality, nor with a statement about law, but rather, with a declaration on the nature of perfection. Justice Mills begins with a quote from Reinhold Niebuhr, a popular American political theologian of the time, citing, “the tragedy of man is that he can conceive perfection but he cannot achieve it. Man’s reach is always beyond his grasp,” (Parisie, 5 Ill. App.3d at 1016). While responding specifically to the level of fallibility inherent in any trial and dismissing imperfection as grounds for appeal, Mills also brings up an issue that resonates throughout the rest of this case of homosexual panic: the interrelation between the courtroom and unattainable perfection. Niebuhr’s quote affirms that man can envision perfection, but what would that perfection look like? A perfect trial, a perfect person, a perfect witness, a perfect statement: these concepts suggest a potential aim for any trial process. Yet how does one sort out the perfect statement from the imperfect statement, the reasonable person from the unreasonable person, the liar from the truth-teller?

This chapter is not an examination of legal epistemology at all times, in all cases, from the inception of the U.S. legal system. Rather, this chapter seeks to explore some of the issues raised in the previous chapter about the intersection between structure, unlivability and identity through a close reading of one of the first cases of homosexual panic. The analysis addresses questions of legal knowledge, representation, perfection and truth, but without attempting to suggest that these are definitional qualities of the U.S. legal system as a whole. Rather, this chapter analyzes, in part, how the legal system is made knowable in these cases.
through its depiction in the words of judges and critics. The references to the legal system in
this chapter are not claims to a truthful understanding of some ontological entity known as the
U.S. law, but rather, an understanding of the type of legal system that cases of panic,
homosexuality and murder envision.

This chapter examines the homosexual panic cases and their respective interpretations
in order to see how people are living (or trying to live) within a system of law that they
envision. How do these people, be they judges, defendants or critics, understand themselves
as legal subjects, and what does this have to tell us about the process of legal understanding?
What are the linkages between knowledge, law and panic, so that these issues all occur within
similar cases over numerous years? And what does homosexual panic have to tell us about
legal subjects?

7.1 Matthew Shepard and the Liminality of the Courtroom

Before returning to the more obscure Parisie cases of homosexual panic, I want to
examine perhaps the most well-known case involving the Homosexual Panic Defense (HPD) in
the United States, the case of Matthew Shepard, a 21 year old Laramie, Wyoming resident. On
the night of October 7th, 1998 Russell Henderson and James McKinney offered Shepard a ride
home from a local bar. Though reports differ as to what occurred within the vehicle, McKinney
testified that Shepard grabbed his genitals and licked his ear, actions which triggered a
homosexual panic in McKinney causing him to beat Shepard on the back of the head with a
gun. McKinney and Henderson then drove to a rural location and tied Shepard’s body to a
fence leaving him to die. The next day a passing cyclist discovered Shepard still tied to the
fence. Shepard was taken to a hospital where he remained in a coma until he died from his
injuries four days later on October 12th.\footnote{A Fuller account of these events can be found in Loffreda Losing Matt Shepard (1-10).} McKinney confessed to the murder while pleading for
a more lenient sentence due to homosexual panic caused from the eruption of repressed
childhood trauma at the hands of a sexually-abusive uncle. The judge in the McKinney trial

\footnote{A fuller account of these events can be found in Loffreda Losing Matt Shepard (1-10).}
refused to allow the HPD stating that Wyoming did not recognize the term as legally viable.2 The jury convicted McKinney of the murder and Shepard’s family petitioned for life in prison rather than the death penalty, with his father telling McKinney at the trial "my son died because of your ignorance and intolerance ... I give you life in the memory of one who no longer lives. May you have a long life, and may you thank Matthew every day for it," ("Shepard, Matthew"). Both McKinney and Henderson were sentenced to two consecutive life terms in prison.

The trial received a large amount of media coverage, catalyzing many gay rights initiatives and anti-hate-crime legislation. Shepard’s parents, Judy and Dennis Shepard founded the Matthew Shepard Foundation, and Judy Shepard became a leading activist for gay youth rights.3 Numerous artists including Elton John and Melissa Etheridge wrote songs about Shepard, and the events of Shepard’s murder have been dramatized in the stage play The Laramie Project. Documentaries, both filmic and written, have appeared in the years after the murder, and news stories continued to appear numerous years after the death, including a controversial 20/20 report that attributed the murder to drug use rather than homophobic violence.4 In 2009, President Obama passed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in order to provide the first national hate-crime legislation protecting gender, sexuality and disability.5 In this way, Matthew Shepard became synonymous with anti-homophobia campaigns and LGBT rights, while his persecutors were remembered for their spurious attempts to invoke homosexual panic and their unyielding bigotry.

But if we recognize McKinney and Henderson as violent homophobes that killed Shepard solely because of his homosexuality, then why are we unwilling to accept that they

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2 See Lee “The Gay Panic Defense” especially (523-29) where she outlines the arguments leading up to the rejection of the HPD in the Shepard trials as well as arguing for the ways in which the HPD still influences the trial proceedings even after it had been barred formally.
3 See “Governing Board” at MatthewShepard.org.
5 See “Obama Signs Hate Crimes Bill Into Law” at CNN.com.
did so in a state of panic so intense as to cause them to lose control of their faculties? How can one affirm that someone can be so dominated by a force known as homophobia as to commit a hate crime by killing another person simply because that person appears to be, identifies as, or is rumored to be a homosexual, and yet decry a defense that affirms that homophobia (and perhaps sexuality in general) is such an overwhelming force that it robs a person of his/her ability to think logically about an action so as to not know right from wrong or feasibly understand the outcome of his/her actions?

One of the principal ways current criticism around the HPD, especially in its deployment within the Shepard case, draws this distinction is through a rendition of homosexual panic as fictive and homophobia as real. In numerous examinations, the critics describe homosexual panic as relying upon myths or discourses, but with a particular understanding of myth, discourse and ultimately culture as something false, ungrounded and unreal.\(^6\) For example, in a 2006 article Casey Charles revisits the components of the Shepard case from a Law and Literature position, critiquing the role of Aristotelian tragedy and catharsis in the trials through an examination of both *The Laramie Project* and the 20/20 special news report on the murder. Charles’ conclusion is that productions like *The Laramie Project* offer spaces of catharsis that undermine the ability to take political action by appropriating social panic(s) within a dramatic (and therefore false or fictive) space. These spaces allow the audience to feel as if they have done something about the murder when, according to Charles, they have done nothing because nothing has changed.

In order to justify his readings, Charles draws upon Foucault’s assertions about the interconnectedness of discourse and power, that is, the inseparability of how we discuss things

\(^6\) For examples, see Ott and Aoki “The Politics of Negotiating Public Tragedy” (495-96) and Dumin “Superstition-Based Injustice in Africa and the United States” (168-170). While more general scholarship on constructionism and discourse tends to run the gamut from texts like Pierceson’s dismissive *Courts, Liberalism, and Rights* that affirms “if heterosexuality is merely a social construct, it is easily destroyed and remade” (39) to texts like Stychin *Law's Desire* that states: "while queer sexuality may be perceived as a means to break down barriers between lesbians and gay men, bisexuals, transsexuals and others, social categories still have a material reality that impacts upon people's lives" (143).
and the social and political relations that constitute those things as things, and retools this concept along the lines of the fictional, so that power (and, by extension, discourse) becomes the ability to create convincing lies around a particular true object. For example, in summarizing his argument, Charles affirms:

I focus first in this essay on one of the law’s presumed narratives — the homosexual panic defense (HPD) — in its capacity not only as a historical legal doctrine fraught with assumed fictions about gay and straight men but also as a symbolic phenomenon of social condensation. (Charles 230)

The HPD according to Charles creates fictional assumptions about the (true) characters of gay and straight men, assumptions that are writ large in the symbolic arena of the social. This quality of the fictive translates to the cultural, so that Charles concludes that The Laramie Project is dangerous because its fictionalizing of real events “did not lead to any police training or legislation on a municipal or state level, though clearly most in the room after the production would have voted for it,” (248). In this statement, Charles presents perhaps the clearest division between the two competing forces within his paper: the real and the unreal. The Laramie Project as a fictional stage production is the unreal version of the true events that occurred when McKinney and Henderson really beat and killed Shepard. The audience watching the fictive reproduction of these events in The Laramie Project really did not do anything about it, according to Charles, because they failed to make a qualifying intervention into the 'real' political sphere through voting.

Set between the unreal The Laramie Project and the real murders is a legal space in which fact and fiction seem to blend into the problematic term discourse which for Charles lies more solidly on the side of fiction. By characterizing the courtroom as a liminal space between fact and fiction, Charles can affirm that “as legal critics, we must unmask fictional and ungrounded narratives that sometimes govern convictions by juries and jurists. HPD is one of

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7 Weeks in Invented Moralities takes a similar stance on fiction, but to a different end, stating “sexual identities are historical inventions, which change in complex histories. They are imagined in contingent circumstances. They can be taken up and abandoned. To put it polemically, they are fictions. This is not of course how they are seen or experienced, or what we wish to believe” (98).
those doctrines,” (248). The legal critic is the arbiter who enters into the courtroom in order to sort out The Laramie Project from the real murder: the sensationalized fiction from the grounded facts. In this capacity, Charles suggests that “they [Henderson and McKinney] protected themselves by torturing him [Shepard], taking part in a Western film script they had seen and wanted desperately to re-enact,” (245). Here, Charles recasts the justification for the murder as a fiction against which the real murder occurs: the reality of homophobia that caused these two bigots to murder a man and then make-up stories about it.

The echo of this construction of homophobia as real occurs in Charles' introductory examination of the 20/20 news report. In his critique, Charles pulls out the pertinent facts of the investigation, facts which he affirms were already known much earlier than this report and then accuses the report of re-closeting the hard-earned right to understand the Shepard case as a homophobic gay bashing, stating “if 20/20’s attempt to set the record straight about Shepard’s murder recalls Eve Sedgwick’s shibboleth about centuries of erasure of queer readings of literature, the timing of this revisionary news story also mirrors a current political and social climate of increased queer scapegoating,” (228). Against the backdrop of fact/fiction the use of ‘revisionary’ in regard to this report, combined with the overall dismissal of 20/20’s conclusions, reconstitute the news story as a secondary discourse to the true story of gay-bashing: a revisionist account that hides (closets) the true proceedings with fiction. Furthermore, this homophobic 20/20 article 'mirrors' the climate of homophobia pervasive in the contemporary social and political spheres, so that the article does not constitute part of the discourse that similarly constructs, and is constructed by, the social and political, but is a secondary fictive representation of the events. It is 20/20’s inability to address the

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8 Teubner also characterizes the liminality of legal spaces, though as opposed to Charles he regards this liminality as oscillating between two truth-discourses, affirming: “Since modern society is characterized on the one side by a fragmentation into different epistèmes, on the other side by their mutual interference, legal discourse is caught in an ‘epistemic trap.’ The simultaneous dependence on and independence from other social discourses is the reason why modern law is permanently oscillating between positions of cognitive autonomy and heteronomy,” (Teubner 730).
homophobic truth of the murders that causes them to fictionalize the accounts and
demonstrate their own truth: that they themselves are homophobic. 

It appears that the fictional can reveal the truth through its fictive descriptions, but
unlike Foucault’s concept of discourse, cannot construct the truth. Yet, in giving the legal critic
the unparalleled ability to sort fact from fiction, Charles assumes a quality of truth that places
it outside the realm of fiction and discourse. This assumption, however, avoids the specifics
of Foucault’s affirmations about discourse and truth. For example, in an interview published as
“Truth and Power,” Foucault affirms that “the division between intellectual and manual labor
can be envisioned in a new way” in which “truth’ is to be understood as a system of ordered
procedures for the production, regulation, distribution, circulation and operation of
statements,” (74). In this structure, manual and intellectual labor (the cultural production and
the material production) are not understood as two separate entities, but rather two aspects
of the same ‘regime of truth’ that together constitute (and are constituted by) systems of
power that “produce and sustain” truth (“Truth and Power” 74). For Charles to affirm that The
Laramie Project is a mirroring of the true events is accurate according to a Foucauldian reading,
but only if we can affirm simultaneously that the murder itself is part of the material
production of a regime of truth, rather than truth itself. That is, the murder is not the truth,
but a mirroring, or in Foucault’s rather than Charles’ terms, a production and sustenance of
the idea of truth put forth within the systems of power.

Foucault’s final injunction in “Truth and Power” can serve as a counterpoint to
Charles’ description of the duty of legal critics, as Foucault affirms “it’s not a matter of
emancipating truth from every system of power (which would be a chimera, for truth is
already power), but of detaching the power of truth from the forms of hegemony, social,

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9 Compare to the parallel critique that Sedgwick makes of James’ critics in their refusal to acknowledge
James’ homoerotic themes as evidence of the critic’s homophobia, as discussed in Chapter Two.
10 A construction reminiscent of the reasonable person’s ability to recognize the presence of the true
homosexuality in the other person, so that like Lee and others, Charles here replicates the structure
while attempting to disprove the content.
economic, and cultural, within which it operates at the present time,” (74-75). In Charles’ description of the legal critic who in the courtroom space can sort out the fact from the fiction, he potentially elides the ways in which power operates within, and without, the courtroom setting in order to produce certain ideas as truthful (like homophobia) and other ideas (like homosexual panic) as fictitious. And while a good deal of work has been done to discover the truth of homophobia, and to argue against the homophobic fabrications of the HPD\textsuperscript{11}, perhaps there is something to be gained in attending to the truth of homosexual panic.

Within cases of homosexual panic, one of the forces influencing the dismissal of the HPD (and homosexual panic in general) is the inability to consider the power discourse has to construct our ideas of what counts as reality and truth, and the relegation of the cultural to a space of fiction and falsity that needs to be ‘gotten through.’ And yet, as the justice in a 1972 appeal of the Parisie trial involving the HPD affirmed:

This is no longer the day and age of a half day ride by horseback to the county seat. We do not live in a vacuum, but in a civilized world, and there is no place to hide from the media. Television and radio seek out that which was heretofore in a bygone age completely inaccessible. (Parisie, 5 Ill. App.3d at 1021)

This statement occurs in response to an appeal of an early homosexual panic case\textsuperscript{12}, the 1969 trial of John Stephan Parisie in which one of the central issues involved accusations of jury bias arising from the preponderance of media coverage of the murder in the weeks preceding the case. Here Justice Mills notes the interconnectedness of the contemporary world and representations and depictions of that world. According to his ruling, complete removal from all media is an impossible demand to place on a jury member and cannot serve as grounds for an appeal. However, Justice Mills takes this affirmation further in describing the contemporary (media saturated) world as a place of civilization, while the vacuum of the bygone age, rather than treated nostalgically, occurs with reference to the lengthy travel time it once took to get


\textsuperscript{12} The first U.S. case involving the use of the homosexual panic defence is generally regarded to be the 1967 trial People v. Rodriguez (Suffredini 297).
from the villages to the county seat, a delay that becomes characteristic of the ‘uncivilized’
times that this world has overcome. Here then, we find the inverse of Charles’ argument in
that civilization becomes defined through its ability to be mediated, to have no person
understood as untouched by media, or to even be able to glorify that unmediated existence as
desirable let alone requisite. In Justice Mills’ understanding, the duty of the court is not to get
past the media and mediation, but to come to an understanding of how that media comes to
shape the people within that trial.

These questions of definition, mediation, fiction and truth frame the Parisie cases,
evincing over the course of several decades various orientations, anxieties and problems posed
by the intersection of the law with questions of identity, sexuality, insanity and knowledge.
The Parisie cases are significant to a study of homosexual panic for several reasons, chief
among them the timing of the various stages of the trial process. As previously mentioned, the
initial trial involves one of the earliest documented usages of the HPD, while the various cases
which constitute the trial and appeals of John Stephan Parisie straddle the landmark
depathologization of homosexuality by the American Psychiatric Association in 1973. The initial
trial and conviction occurred at a time just before the APA publication of the Diagnostic and
Statistics Manual II (the manual which revised the DSM I’s pathologization of homosexuality),
while the appellate courts revisited the Parisie cases nearly six years after the publication of
the DSM II.13 Similarly, the initial cases occurred during a time when, as the Parisie appeal
court transcripts indicate, the legal institutions of the U.S. already were questioning any
necessary relation between insanity and homosexuality.14 The later appellate cases question
and challenge the earlier courts’ understandings of the terms ‘homosexuality’ and

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13 These trials also occurred during the 1980 publication of the DSM III. See Chapter Four for a full
account of this history of homosexuality in the APA.
14 For example, Justice Mills remarks in the appeal “Yet, although there was ample expert testimony that
Parisie was a latent homosexual, as our Supreme Court has opined ‘. . . that condition has in no way
been equated in the law with insanity or incompetency’” (Parisie, 5 Ill. App.3d at 1034).
‘homosexual panic.’ These various, crisscrossing questions between the different temporal conceptions of the same case present a legal institution in various moments of understanding the complex notions of sexuality, sanity and subjectivity, establishing the Parisie cases as a way of addressing shifting perspectives on homosexual panic.

However, it would be easy to read the Parisie cases, like many have read the Shepard case, as simply about homosexuality. Indeed, in summarizing the initial appellate case, the presiding justice states “the single constant thread woven throughout the fabric of this appeal is the issue of homosexuality and the theory of defendant attempting to equate ‘homosexual panic’ with insanity,” (Parisie, 5 Ill. App.3d at 1018). However, reading the Parisie cases as cases about homosexuality potentially avoids a reading of how the Parisie cases become understood as concerned with homosexuality. Instead of taking homosexual panic and homosexuality as the central issues of the case, perhaps we can consider the techniques of centralization which make homosexuality appear integral to the court proceedings.

Equally important to the Parisie trials as the concept of homosexuality are the concepts of knowledge and truth. What can be said to be true in Parisie and what items are denied this status? What are the ways in which items are made knowable in earlier cases, only to be rendered unknowable in later ones and vice-versa? What is at stake in this play of the knowable and the unknowable and how does this binary echo and underscore the nominal concerns of the cases i.e., Parisie’s homosexuality, homosexual panic and the sexuality which haunts these cases?

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15 For example, the appellate judges in Parisie v. J.W.Greer (671 F.2d 1011) conclude: “The State is correct in asserting that the Supreme Court of Illinois has held that homosexuality ‘has in no way been equated in the law with insanity or incompetency’… such a holding of law, however, does not address a disturbed state of mind resulting from manifestations of homosexual orientation. The Illinois courts did not reach the issue of whether the psychotic state of mind caused by ‘homosexual panic’ is a limitation or impairment of the requirement of mental capacity to commit a crime,” (Parisie, 671 F.2d at 1015).

16 In this we return to the emphasis of both the Literary Panic and Psychiatric Panic sections in examining not what the definitions of homosexual panic are, but how we come to understand those definitions as central for our understanding of other sympathetic concepts, and how those concepts similarly pull on homosexual panic.
7.2 Parisie and Homosexual Presence

The events of the *Parisie* cases are difficult to reassemble due principally to the lack of primary material from the original case and the piecemeal information summarized by various judges during the appeals process. Most of the appellate judges uphold the following series of events: on Friday, April 12th, 1968 at 10:45 p.m. a tow truck driver encountered a man bleeding to death on the side of the road. The man had been shot, uttering a statement to that effect to the tow truck driver before the driver summoned the authorities. On the way to the hospital the man uttered a similar phrase. This man was admitted to the hospital at 11:30 p.m. and died the following morning from his injuries. Examiners found $210, a watch and a Masonic ring set with what appeared to be a large diamond stone on the body. At 5:20 a.m. the following morning, John Stephan Parisie was found asleep in the decedent’s car with the decedent’s wallet, driver’s license, credit card and wedding ring in his pockets. Parisie was immediately taken into custody. In later testimonies, Parisie affirmed that he had accepted a ride from the decedent, as he knew this man from a local auto-shop. Rather than taking Parisie home, the man drove down a lonely country road and then made a homosexual advance towards Parisie, stating that if Parisie did not submit to these acts, Parisie would have to walk home. At this point, Parisie testified that he ‘blew up’ and only could remember coming to his senses in the car. He vaguely remembered a loud sound which could have been a gun shot.

Compounding this first-hand account’s problematic reliability, all the events of April 12th alter slightly depending on whom is telling which series of events, as the primary events are narrated by Parisie, the tow truck driver and the state trooper, and these events are secondarily related by various judges through the published court cases. The complex trajectory of Parisie’s trials and appeals can be divided roughly into two separate categories. The first category is that of merits: the trials that attempt to decide the culpability of Parisie. These occur in 1969 and 1972. The second category is that of jurisdiction, which includes the appeals process of 1979-1983. Though the opinions of the 1983 appeal attempt to make a
sharp contrast between the two categories, parts of the merit argument re-occur at intervals throughout the appeals on jurisdiction. This chapter addresses mainly the merit trials as these are the ones directly relating the events, players and actions of the murder.

In the initial merit trial, Parisie admitted to killing the decedent, but claimed that he did so while undergoing a homosexual panic which constituted a moment of temporary insanity and, under Illinois state law, mitigated his culpability. However, the jury concluded that Parisie was in fact able to recognize the criminality of his actions and found him guilty on January 17th, 1969. Significantly, no evidence was permitted in court with regards to the decedent’s homosexual reputation. This evidence was barred after a successful appeal by a lawyer representing the widow and children of the decedent, a decision that severely limited the ability of Parisie’s lawyers to argue the HPD. Parisie was sentenced to forty to seventy years in prison, and appealed his conviction in 1972, but the appellate court upheld the previous ruling (*Parisie, 5 Ill. App.3d 1009*). The Illinois Supreme Court decided not to review the case.

Ten years after the appellate decision, a new series of trials began over a review not of the merits of the Parisie case, but over various objections to the jurisdiction of the cases. In 1979, Parisie filed a petition for a writ of habeas corpus. Summary judgment was awarded in favor of the state, and so the petition for a writ of habeas corpus was denied. In 1980, Parisie filed a motion to reconsider which was denied. Later that year Parisie filed a notice of appeal against the 1979 and 1980 decisions, and the state filed a motion to dismiss appeal ‘for want of Jurisdiction;’ that motion was denied by the appellate court. In 1982, the appellate court, considering Parisie’s 1980 appeal concluded that they had jurisdiction, reversed the district court decision and issued the writ of habeas corpus (*Parisie, 671 F.2d 1011*). The state petitioned for a rehearing in 1983 and the appellate court vacated its earlier decision and upheld the original 1969 judgment of the district court (*Parisie, 705 F.2d 882*).
Within these numerous court cases occur various commentaries on the nature of truth, homosexuality and homosexual panic, commentaries that attempt to define the characteristics of all three concepts and how they might function (or not function) within the trajectory of these cases. In taking up some of these assertions, perhaps we can come to an understanding of why these justices are so fervent in their attempts to weave together truth, sexuality and panic and what is at stake in arguing over homosexual panic.

In the Parisie cases, the need to find a way to prove homosexuality becomes one of the chief concerns of the trial, principally because Parisie’s defense relies on the decedent making a homosexual advance, which he only could make (according to the court) were he a homosexual. Yet, as both the analysis of Lee’s article and the work of Halley show, defining who is a homosexual is the paradoxical function of those who set the rules for what does, and does not count, as the criteria of homosexual behavior. Thus, proving someone’s sexuality is less a process of discovering the truth and more a process of an arbiter assigning which pieces of data count as truth.

In the initial case, Parisie’s lawyers could not establish the validity of their witnesses’ claims that the decedent was a homosexual, for the judge after hearing the arguments from the decedent’s family and from the Parisie defense, concluded that no statements could be admitted regarding the homosexuality of the decedent. The appellate judges ascribe the doubt of the trial judge (as to the reliability of the witnesses testimony) to the form of the presented evidence, affirming that if the testimonies of the three witnesses to the decedent’s homosexuality had been made in camera\textsuperscript{17} (as opposed to in writing) then the judge would have been able to accurately observe the truth of their claims.

\textsuperscript{17} Black’s Law Dictionary defines \textit{in camera} with an emphasis on the exclusive presence of the judge and therefore implying the judge’s position as the sole incarnation of the ‘reasonable man’: “in camera (in \textit{kam-ə-rə}), adv & adj. [Law Latin “in a chamber”] 1. In the judge’s private chambers. 2. In the courtroom with all spectators excluded. 3. (Of a judicial action) taken when court is not in session also termed (in reference to the opinion of one judge \textit{in chambers},” (“in camera”).
Returning to Halley’s remarks on homosexuality’s assumed quality of presence, according to the military law homosexuality makes itself present at various times and can be recognized in its quality of obviousness. There is a similar play of presence/absence at work in the opinions of these various judges as according to the appellate judges the homosexual presence (or lack thereof) of the decedent would have been communicated to the original judge through the ability to visibly adjudicate the witnesses’ recounting of that homosexual presence. However, by choosing only to read the statements as to the decedent’s homosexuality, the original judge has no choice but to dismiss the accusations of the witnesses, a dismissal which the appellate judges assign to the form of the testimony rather than to its content. In this affirmation, the appellate judges construct writing as an absence (of presence) and as unable to convey the necessary presence needed to label the decedent a homosexual.

Simultaneously, it is the presence of the decedent’s wife and children in court which trump the written (absent) witnesses’ claims to the decedent’s homosexuality. Unlike the military instances, in which the definition of homosexuality and the presence of the homosexual act to the adjudicator (the commander) happen in tandem, in the courtroom, secondary testimony must attempt to recreate a presence which is now absent. The homosexuality of the decedent in the courtroom is that which is not present, but also that which can be made present through the use of witnesses, occupying an indeterminate space between the knowable (present) and the unknowable (absent). Here we return to one of the central anxieties in Casey’s description of the Shepard case, namely the liminal space of the courtroom in which fact and fiction blend into the problematic category of discourse. The truth of the courtroom needs to evince itself through an obvious quality of presence which, barred from representation due to the death of the decedent, only can make itself present through a secondary means. However, this secondary means is a representation and re-enters the realm of discourse in which the arbiter is charged with sorting out the fact from the fiction.
To dismiss the written testimony is to solidify a link between homosexuality and presence and thereby deny the presence of the homosexuality in the decedent. Parisie's claims to homosexual panic are overturned in two ways: first, through a rejection of the evidence that would allow the claim to be understood within the legal definitions of the HPD of that time, and second, through an upholding of the logic in which sexuality is an obvious presence derived from a reading of past actions. In this situation, there occurs a version of the concerns articulated around the tendency in the legal criticism to maintain the logic while attempting to subvert the specific iteration of that logic, in that Parisie's defense is condemned by both the logic and the specific iteration. In this case the content of the iteration (the letters versus the in camera testimony) determined the side which the structure's powers of legitimation supported. Theoretically, if Parisie's defense had presented their witnesses in camera, then the 'obviousness' of the sexuality presented therein would have mobilized the structural definitions of presence in support of Parisie's claims. However, since the judge upheld the prosecution's objection to this evidence, the structural power legitimated the 'obviousness' of this decision, so that the sexuality of the decedent was said to be absent.

As Halley points out, the responsibility for assigning this problematic category of present or absent homosexuality lies within the power of the adjudicator and as such, it is up to whomever is endowed with this power to affirm if the homosexuality is present or absent, which only then (circuitously) reinscribes the event with a sense of obviousness as to the person's homosexuality. In his initial retelling of the events, Parisie occupied this position of the adjudicator. In the car, Parisie was ignorant of the decedent's homosexuality until the act that Parisie interpreted as a homosexual advance constituted the decedent as a homosexual, and triggered a panic in Parisie. According to Parisie, homosexuality was made present in the car and could not be ignored. However in the courtroom, Parisie must relinquish his definitional/observational claim to presence to the judge. In this particular instance, the judge, in receiving the written testimony of the witnesses about the homosexuality of the decedent,
encountered the decedent’s homosexuality in a state of absence and felt no compelling reason why the homosexuality should be made present, because for the judge, the act of homosexuality, and homosexuality itself, was not present. The appellate judge’s argument is that if the testimonies had been made in camera, the trial judge could have seen the veracity of the testimonies and ascertained if homosexuality was present and admissible, or absent and not admissible.

Each of these subjects (Parisie, the judge, the appellate judge) occupies the place Halley ascribes to the unit commander: they are all ‘reasonable people’ and able to determine whether homosexuality is present or absent by viewing the person (or through a process of transference, seeing the homosexuality through another person as witness to the original presence). And yet at various stages each adjudicator must relinquish his claim to epistemic control and allow another adjudicator to reinscribe the events within a new semantic field, one which may reverse previous understandings of the relation between certain signifiers and their signifieds. This in turn restructures the court space within what Sedgwick and Halley call a paranoid system in which any signifier potentially can signify homosexuality based upon the decisions of the adjudicator, creating the conditions of liminality that both Halley and Charles described in their readings. At any time a certain event or idea may be made to signify homosexuality through that ephemeral quality of presence, the quality that then retroactively reinscribes the event with a sense of truth.

This process of making things present, a presence that reinscribes the past with a sense of obviousness, and a presence that depends on the observations and assertions of the primary adjudicator, bears a strong relation to both the psychiatric definitions of homosexual panic from Chapter Four as well as the previous chapter’s understanding of the HPD. Yet the Parisie cases do not address this process of truth-revelation through the device of homosexual panic alone. In addition to homosexual panic, the Parisie cases also take up the issue of res gestae evidentiary exceptions in direct response to a questioning of what can be considered
true within the court proceedings. In examining these two aspects in tandem, we can see two (potentially different) ways in which the cases contend with this concept of presence and how, if at all, the participants can affirm the truth.

7.3 *Res Gestae*: Truthful Revelations and Homosexual Panic

When the decedent of the *Parisie* murder was found on the side of the road he uttered several phrases that related to the murder and repeated these phrases again in the hospital. Under evidentiary rules, both of these utterances would fall under the category of hearsay and could prove no more than the fact that those words were said by the person (they could not, for example, be admitted to prove that the information related in those words was in fact true). However, in the *Parisie* cases, the prosecution presented these phrases under an exception to the hearsay rule know as *res gestae*.

*Res gestae* Latin for ‘things done’ has two definitions within the legal setting. The first is to delimit the length of time considered relevant to the crime, so that details leading up to, occurring during and immediately following the crime are considered part of the *res gestae* (“*res gestae*”). The second definition, originating in English law possibly as early as the 1600’s**, affirms that statements made by a person near the crime in a state of extreme agitation or excitement can be admitted into court because at that particular time the person making the statement lacked both the time and faculties needed to lie, and therefore the statements can be understood as particularly truthful with regards to the witness’ understandings of the events. *Res gestae* as a concept presents a window into truth that seems to transcend the typically dubious linkages between signifier and signified, linkages which lead to statements traditionally being barred from admission in court. In the debates over *res gestae*, there again occurs a legal system in conflict with definitions of truth and with systems of knowing that truth: conflicts which parallel previous discussions over the knowledge (or inability to know) the presence of homosexuality. Perhaps in examining the claims that attach to this alternate

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18 See Blair “Let’s Say Good-Bye to Res Gestae” (349).
(and highly contentious) understanding of presence within both the Parisie cases and legal scholarship, we can turn back to the construction and deployment of homosexuality with an eye to the anxieties that are finding their expression through this concept of presence.

In remarking on the ability of certain statements to be admitted under the res gestae exception, the appellate judge in People v. Parisie cites the following guideline:

Three factors are necessary to bring a statement within the exception to the hearsay rule: (1) an occurrence sufficiently startling to produce a spontaneous and unreflecting statement; (2) absence of time to fabricate; and (3) the statement must relate to the circumstances of the occurrence. (*Parisie, 5 Ill. App.3d at 1027*)

One way to read this list is as criteria that respond directly to hearsay rules in order to ensure that individual courts only allow a qualified utterance to be admitted. With this interpretation, objections to res gestae would involve a discussion of the intent behind barring hearsay and whether or not the res gestae exception offers a logical exception to this intent. Another possible way to read res gestae is as an ameliorative response to certain anxieties or tensions that exist within the legal system. In this way, each of the aspects of res gestae could be read as a curative answer to a possible objection to the way evidentiary rules work, so that taken as a whole, res gestae is an attempt to shore up structural insecurities within the judiciary. This interpretation would reinscribe the res gestae guidelines as both indicative of the qualities of res gestae and suggestive of the particular anxieties which res gestae attempts to address.

With this framework in mind, the third quality of res gestae as stated above is that the statement must occur with relevance to the event in question. While seemingly an obvious
statement to make, as statements not relevant to the matter at hand would by definition not be relevant, this statement takes on a particular weight when juxtaposed to the most common objection to *res gestae*. As articulated by Edmund Morgan in 1922, who sets the tone for numerous similar arguments throughout the 1900’s, *res gestae* needs to be eliminated from the U.S. legal process because:

The marvelous capacity of a Latin phrase to serve as a substitute for reasoning, and the confusion of thought inevitable accompanying the use of inaccurate terminology, are nowhere better illustrated than in the decisions dealing with the admissibility of evidence as “*res gestae.*” (Morgan 229)

In this critique Morgan describes several anxieties surrounding the use of language within the courtroom. In reference to the third quality of *res gestae*, Morgan’s suggestion seems to be that *res gestae* makes itself relevant in all cases through obscuring the process that would suggest its irrelevancy. According to Morgan, this Latin phrase, due to its non-English signifiers, can lead only to a confusion within the courtroom that creates a substitute for reasoning. In this statement, Morgan suggests that the absence of a signified (because the participants assumedly do not understand Latin) causes an overburdening of the signifier, so that the meaning of the sign no longer becomes a play of the interaction between the two, but instead the meaning becomes fully present within the signifier. This is problematic because it seems to endow the signifier in its obscurity with too much meaning, so that it replaces the appropriate paths of reason whereby one links several signifieds to logical signifiers in a series of deductions, and instead places all of the weight of signification upon a singular signifier which, in its utterance, purportedly contains the entire chain of signification within its own presence. *Res gestae* overrides the process of relating to the circumstances of the occurrence by eliminating the logic of relation (between signifiers and signifieds) and instead supposing that a singular signifier can contain all the multiple possible signifieds within its utterance, not through a process of relation, but through its presence.

Returning to the articulation of homosexuality within the courtroom, we see a parallel weight being placed upon homosexuality, in which any signifier of homosexuality comes to
hold the entire chain of signification within its presence as a signifier, substituting itself for the reasoning required to make the linkage. For example, the dismissed testimony as to the homosexuality of the decedent in the Parisie cases was meant to show that the decedent had been viewed leaving a homosexual bar (signifier). Within this testimony exists a series of linkages, in which the decedent going to a homosexual bar indicated that he was in fact homosexual; and because the decedent was a homosexual, he assaulted Parisie with a homosexual advance; and because he made a homosexual advance on Parisie, Parisie was justified in his murder. This chain of signifiers and signifieds occurs within the initial testimony as to the presence of homosexual propensity within the decedent, and is contained within the singular observation that the decedent was leaving a known homosexual establishment. This observation unites the signifier (going to gay bars) with the signified (being gay) through an elimination of the process of reasoning which would, theoretically, include other possible explanations for being inside a homosexual establishment. If this were a case of res gestae, the argument against the inclusion of this evidence, according to Morgan, would involve dismissing the ability of the term 'homosexual' to carry the weight of numerous signifieds via the concept of presence. However, within the case, as we have seen, the objection occurs around the inability of the judge to view the presence of homosexuality within the testimony of the witnesses. This ruling maintains the unreasonable linkages that unite homosexuality to a chain of signifieds all immediately contained within the signifier even as it shifts what this presence means. The court maintains the logic of presence, while struggling with and redefining what it means by presence.

In this struggle, one of the central problems for arguing against the iterations of a specific logic appears. The court, as seen above, continually contends with, and invites contention with, the various ways in which certain definitions are deployed within the proceedings, so that the definition of presence can and does change within a singular case and across the historical time periods. However, these changes are bound within a structural logic
that resists change, so that while the individual components rearrange based on particular discussions and debates, the rules of these discussions and debates remain stable. Thus, a critique based upon the HPD’s appropriateness within a legal setting does not necessarily address the structural anxieties that find their articulation within the HPD. Theoretically, if the HPD was barred from the courtroom, another term would potentially arise (like res gestae) to replace the expression of the set of structural anxieties that remained unabated even after the elimination of the HPD, as happened within the psychiatric transition from homosexuality to panic disorder. The struggle over presence sets out the terms for the debate around homosexual panic, as well as reinforcing the structural anxieties which remain unchallenged.

This struggle with presence also occurs around the second quality of res gestae: that there must be an absence of time to fabricate. In further defining this quality, the judges of the Parisie cases make two clarifications. The first: “It is not the time element that controls, but the existence or lack of spontaneity in the light of the surrounding circumstances that is determinative” (Parisie, 5 Ill. App.3d at 1028). In this clarification, the measurement for whether something falls underneath the heading of res gestae is not the length of time between event and utterance, but rather whether the event fulfils the criteria of spontaneity which suggests that the statement arises out of the event without the process of thinking. The second point of clarification affirms, “there must be such a spontaneity that the declaration can be regarded as the event speaking through the declarant rather than the declarant speaking for himself,” (Parisie, 5 Ill. App.3d at 1028). Spontaneity is the quality of the event to make itself present through the declarant without the mental faculties confusing the truth of the utterance. This returns us to the previous accusation by Morgan that res gestae stands in for the process of reason, as here the literal definition of a res gestae statement is that the faculties of reason have no role in forming the utterance admitted under res gestae. Morgan seems to demonstrate that the utterance of the term res gestae within the courtroom echoes the qualities of the res gestae utterance, so that the term and its signification become a
singular sign of illogic. This illogic is bound up with an atemporality in which the res gestae utterance arises as a spontaneous speaking-out of the event that would make the event again present no matter the elapsed time, though apparently the closer to the original event the better, as the longer the declarant waits the greater the chance that s/he will regain his/her faculties and fabricate the information of the event, rather than spontaneously allowing the event to speak.21

These qualities of temporality and spontaneity again resonate with the Parisie trial’s definitions of homosexuality, and now specifically with the understandings of homosexual panic. As we have seen, during homosexual panic, the nexus of past and future events becomes condensed within a singular moment. In this moment, the possibility of a future as a homosexual becomes actualized through the homosexual advances of the other party, so that Parisie felt the future as a present. In a similar manner, the label ‘homosexual’ reinscribes Parisie’s past with homosexual meaning, so that his past actions become reunderstood within the trajectory leading up to his homosexuality (that was simply latent but nonetheless present in its latency all along). The panic moment is the time in which both the future and the past of the homosexuality are made present in their homosexuality by being condensed into, and lived as, a present. Res gestae illustrates the same process in which the event of the past re-occurs in its presence through the spontaneous utterance of the participant, and does so not because of the distance (or lack thereof) between the temporalities (whether that is the distance between the utterance and the past event, or the event and the future utterance) but rather because the temporal relations of the two are negated and thus one can be said to occur in both times (the event and the event speaking through the witness).

In this reduction of time there occurs an explanation for the eruption of the presence of both homosexuality and the event, in that there exists no time to fabricate, so that the truth of the two structures is the only possibility. Furthermore, the atemporality achieved in this

21 Compare to the ‘surprises’ of Chapter Three which are both a sign of the absence of Bartram’s logical time in Marcher’s life, as well as revelatory of the ‘truth’ of Marcher’s time.
second quality of *res gestae* reinforces (and perhaps explains) the ability of the third quality of *res gestae*: the overcoming of the process of signification. As the condensation of time results in the eruption of presence, so too does the condensation of time force all meanings of the signifier into the present moment, so that the possibilities of signification once located in future are now made immediately apparent within a singular signifier in the present.\(^{22}\) For example, within the *res gestae* utterance, the homosexual that *had* done homosexual things, and *will* do homosexual things is now the homosexual who *does* all of those things in the present.

This paralleling of the concept of *res gestae* with the concept of homosexual panic within the court room through these three points of definition has drawn out several new definitional qualities of both structures. The first is that the concept of presence, and the ability to access the truth, is based upon a panic logic in which futures and pasts can be made present within the courtroom space, so that judges and critics can view the presence or absence of certain signs (for example, homosexuality). This concept of presence also is dependent upon a rendition of the signifier as overburdened, so that all possible signifieds are carried within, and made present through, the given signifier. Finally, both the quality of truth and the ability of the overburdened signifier to carry that truth, allow certain utterances to be relevant within the courtroom and the analysis, as both their relevancy and their meaning are considered above contestation.

So what is the significance of showing a congruence between concepts of *res gestae* and the HPD? Most importantly, it opens up new critiques of the HPD based on the critiques that challenge the legitimacy of *res gestae*, critiques that are not based solely on demonstrating the homophobia of the HPD (a tactic which paradoxically reinforces the

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\(^{22}\) This contrasts Freeman’s assertions that “if identity is always in temporal drag, constituted and haunted by the failed love-project that preceded it, then perhaps the shared culture making we call ‘movements’ might do well to feel the tug backward as a potentially transformative part of movement itself (*Time* 93). As opposed to something that drags, identity (and sexual identity) is regarded here as something that implodes both futures and pasts into an immanently present present-time.
strength of the HPD through demonstrating the overriding force of homophobia within the defendant, as well as legitimating the logic of presence). Furthermore, it allows for new ways to approach the two concepts that emphasizes the anxieties against which the two structures occur: anxieties about time, truth and knowledge. Finally, this congruence enables us to question the liabilities of relying on identity models within the courtroom while avoiding the construction of an alternate mode of identity or identification.

To illustrate this final point, the first aspect of the *res gestae* definition is that a statement of *res gestae* must arise after an 'occurrence sufficiently startling to produce a spontaneous and unreflecting statement.' In the *Parisie* cases, this involves the testimony of the decedent on the side of the road in which having been shot counts as a 'sufficiently startling' occurrence. In *res gestae*, this occurrence leads to the eruption of true statements which then supersede regular evidentiary rules that would exclude otherwise fallible hearsay. This same structure is again at work in the logic of homosexual panic, in which a startling occurrence (in this case a homosexual advance) causes an eruption of the truth from the other party (their latent homosexuality) which then results in their retaliation against the instigator of that truth-revelation. Yet, as James Moorehead intones in the introduction to his article on *res gestae*, the linkage between mental duress and truth are logically tenuous. Moorehead asks "would you entrust your life to the judgment or perception of a person who is acting under extreme stress or trauma?...the answer...should be 'No'," (203). In this, Moorehead questions not the nature of the trigger for the stress, but rather the truthfulness of the information revealed (made present) through the stress.

However, Richard Haynes director of the New York City Gay and Lesbian Anti-Violence committee commented on the HPD in the Shepard trial stating, "if women could use the

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23 Orenstein takes a similar stance on the relationship between the exited utterance and truth, stating "by privileging immediate, excited cries, the excited utterance contributes, albeit subtly, to our cultural and legal definition of credibility," (145). She goes on to develop a critique of the gender bias implicit in the exited utterance, reading the excited utterance in part against Rape Trauma Syndrome, in order to forward several arguments around the link between typical female responses to trauma and structures that the law understands as lying.
equivalent of a 'gay panic' defense for every unwanted advance by men...there would be no heterosexual men left," (qtd. in Hammer 1). In this statement, Haynes attacks the situation giving rise to the stress, suggesting that heterosexual men should not feel panicked when gay men make sexual advances on them, because women do not feel panicked when approached in a similar situation. This statement returns to the logic of the *Shepard* case, namely that the two subjects revealed their true homophobia when approached by Shepard, but that they were not in a state of panic. This objection is problematic for two reasons: the first is that it assumes a structural congruence between gay men and women which ignores the significant differences between the two categories. Whether or not women feel anxious, stressed or even panicked when approached by men is beyond the scope of my project's research; however, Sedgwick's *Between Men and Epistemology of the Closet*, Castle's *The Apparitional Lesbian*, Bray's *Homosexuality in Renaissance England* and Rubin's "The Traffic in Women" from Chapter One, in addition to the many court cases presented in these chapters, suggest that heterosexual men do feel highly anxious about their sexuality (at least at a structural level), so that to affirm that McKinney and Henderson were not so threatened by the advance they understood to be homosexual as to panic, because women never panic, is potentially to ignore the power of homophobia to structure Western culture, as Sedgwick suggested (*Epistemology* 1). The second problem with Haynes' objection is that it does not address the logic of the HPD and maintains the belief that a situation can reveal the truth of a person. A tension then arises as the logic legitimating the panic is reaffirmed even as the objection attempts to undermine the conclusions: a paradox that affirms and denies the structure of panic at the same time.

24 Comstock in “Dismantling the Homosexual Panic Defence” cites numerous other similar expressions which seek to take the logic of the HPD and apply it to a different situation in order to demonstrate the apparent ‘absurdity’ of the situation (99-100).

25 Texts like Kaplan and Klein’s psychiatric *Sexual Aversion, Sexual Phobias and Panic Disorder*, as well as feminist texts on rape like Brownmiller *Against our Will*, would suggest that while some women do feel anxious about such advances, they are culturally conditioned not to feel this way or should be conditioned to not feel this way. Thus the anxiety on the part of the woman, according to these works, demonstrates her misunderstanding of woman’s cultural role.
The objections to *res gestae*, however, open up a possible route for overturning the HPD that does not attempt to use the panicked identity models to out McKinney and Henderson as irrational homophobes. Instead of stating the inciting cause, a 'gay' man making a sexual advance on a person that sent him into a panic, was not all that threatening, we can say instead that these moments of panic do not present an eruption of the truth of the situation (that all gay men deserve to die). Rather, these moments of panic show us a complex intertwining of homophobic pressures and definitional uncertainty suddenly condensed into a singular event that seemingly imbues all past and future events with (paranoid) homosexual meanings.

To conclude this discussion of *res gestae* and homosexual panic now by pulling away from the specificity of these examples, integral to the definition of both concepts is an understanding of them as exceptional circumstances. Yet, as Sedgwick suggests in the introduction to *Epistemology of the Closet*, this falsely minoritizing view is dangerous because it places the actions within a pathological body that is specifically not part of the majority (1).

Homosexual panic is therefore the action of a few men, somewhere, but not everyone; and *res gestae* is an eruption of truth that happens in some special circumstances, but not all the time. In regards to *res gestae*, Morgan provides a counterpoint to these beliefs, stating that while it is often a startling or exciting event that triggers unreflective exclamations, "it is not at all essential that the event should be of a startling or exciting nature or that it should shock or alarm the declarant," (237). This statement implies that any utterance could feasibly be part of *res gestae*, to the extent that any unreflective statement made is, according to the logic of *res gestae*, particularly truthful. This definition, however, supposes that the quality of truthfulness is essentially the quality not of the reasonable man, who is in full command of his/her faculties, but rather of the *unreasonable* man, who lacks the ability to process information critically.

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26 The same action can be seen in Chapter Five when Freud created two Freuds in order to reject one as pathologic and reaffirm the remaining Freud’s normalcy.
Homosexuality and *res gestae* both stand as taboo incarnations of the envisioned legal system's structural anxieties about the concept of identity within these cases, so that these exceptional circumstances belie the fact that the exception is the rule. Identity, we can suggest, is always in panic, because it implodes the future and present into a singular signifier that seems to carry all of these immense significations within its presence in the present. And yet as the future and past are made present, we again encounter people who do not live the systems in which they believe, and when confronted with the futures of their identity made present, refuse to abide by the system that asserts a presence that is not their present. These are the people, like Parisie, Henderson and McKinney who killed to change their future, and were punished for their crime, yet (without removing their legal culpability) the structures of identity in which they were bound, the relations of time, and the seemingly unavoidable presence of homosexuality were not structures of their writing. Rather, these ideals were and are within the legal system that punished them for its own crimes.

To return to the initial citation of this chapter from Reinhold Niebuhr, Justice Mills of the *Parisie* trial responds:

*The Perfect Trial has yet to be tried. And we venture to suggest that it never will be. For any creation of man is merely a reflection of himself-imperfection. Consequently, there is no such thing as a Perfect trial. (Parisie, 5 Ill. App.3d at 1016)*

In this response, the law according to Mills becomes a reflection of the imperfect subject, in which both the subject and the law strive to achieve the impossible perfection. Yet in trying to be the perfect subject, to be heterosexual, to be singular, to be reasonable, there exists a tension, between the life lived and the structures in which that life is lived. When panic occurs in people who no longer can reconcile their existence with the demands placed on that existence, it is not a pre-existent truth that is revealed, but rather the truth placed there, by critics, by judges, by the law that becomes understood (and in a way is) the pre-existent truth of these people. To say that the law is a reflection of man in these cases, is to ignore the dual-process whereby the man also becomes a reflection of the law; and to say that the majority are those who do not panic, is to ignore the fact that, according to these cases at least, man
lives underneath the pressure to be perfect contrasted against the reality of his imperfections. This tension leads to a paranoid system that causes panic as the friction become unlivable and the truth erupts. To eliminate homosexual panic and to delegitimize res gestae, is to suggest a new way of conceiving ourselves structurally with a knowledge not bound up with concepts of panicked revelation.
III  Coda
Legal Panic

These chapters have shown the ways in which different forces work to construct the sympathetic concepts of the Homosexual Panic Defense (HPD) in law, including sexuality, subjectivity, knowledge and truth. Through this examination, we have seen how homosexual panic synecdochally represents a set of structural anxieties including: the instability of identity, the circularity of legitimating claims of homosexual panic and the ability/inability to make things present in legal spaces.

This section has drawn upon numerous critics’, judges’ and defendants’ understandings of homosexual panic to demonstrate how these diverse viewpoints construct specific models which may be at odds with either the stated or implicit goals of the various works. As in the previous two sections, the critics have attempted to overturn a specific component of a given system (in this case panic) while not addressing the ways in which that concept is prefigured structurally. These critics potentially obscure the ways in which panic determines how we argue against its inclusion. Attempting to reveal the truth about panic in order to dismiss the concept of panic ignores the ways in which truth revelation is a sympathetic concept for panic.

Through Legal Panic, I have reiterated how the logic of the courtroom reinscribes people within identity categories which may be unlivable: whether this reinscription occurs through a sexual advance redefining the sexuality of a self-identified heterosexual male, or through that ‘heterosexual’ male utilizing the discursive play of the courtroom to reconstruct his aggressors as homosexual, or through critical responses to homosexual panic cases which attempt to sort out the truth from the fiction. All three of these structures occur within what Chapter Six has called the logic of homosexual panic.

This is not to say that this section has demonstrated the continued viability of the HPD. Legal Panic has shown that homophobia, as described by and instantiated within the U.S. law, is a force that theoretically could eliminate a person’s ability to understand right from wrong.
or to appreciate the criminality of his/her action. Whether this legitimates a defense based on
the outcome of this overbearing force of homophobia is a debate ultimately irresolvable
within these chapters. Instead, the chapters have attempted to show how the conclusions,
whether for or against the HPD, already presuppose the logic of the HPD in their
argumentation and, no matter their conclusions, reinforce the need for panic to exist as a
legally intelligible concept.

Through this idea of legal intelligibility, the law within these two chapters has been
conceptualized largely as a system of knowledge through which individual actors realized,
produced and critiqued legal concepts in order to generate a rational body of law. This is the
version of the law upheld by, and reflected in, the arguments of the majority of the articles,
books and cases within this section. This model of the law simultaneously reproduces “the
Kantian epistemic subject” by requiring a set of autonomous, complete actors who participate
in, form and shape the law according to their individual wills (Teubner 733). This is a law of the
reasonable man. In contrast, panic posits a world of unreasonable people. Just as the
psychiatry section saw the paradoxical co-existence of the instinct towards formation and
instinct towards renunciation in the idea of panic, so too does panic present both an
incorporation of a coherent body of law and a disincorporation of that law into contentious
and fractured spaces expressed through and populated by unreasonable people. So what is the
law of unreasonable people?

Gunther Tuebner, building upon Habermas and Foucault, suggests that the law of
unreasonable people is an autopoietic law, meaning that as opposed to a detached system of
governance that contains self-actualized individuals, we potentially can think of law as an
epistemic subject in its own right.¹ In developing this theory, Teubner affirms some new

¹ For a critique of this view of the law as epistemic subject, see Corcoran “Does a Corporation have a
Sex?” who in analyzing the corporation takes a different stance on the interaction between sex and
organizations by drawing a clear line between the legal person and the corporate ‘person.’ She affirms
“if we want to sex the bus [the corporation] then we must look to its occupants,” (Corcoran 232). This
section would suggest by contrast that a productive way to understand the epistemology of both sex
understandings of organizations (including the law), first “organizations do not consist of
human individuals as members, but of communications, more precisely of decisions as their
self-constituted elements” (728). Whereas the rational law governs reasonable people, law
seen as a system of communications between decentered subjects participates in the same
structure which we assign to cognition. Second, “organizations do ‘think.’ It is through internal
communication that they construct social realities of their own, quite apart from the reality
constructions of their individual members. In short, organizations are epistemic subjects,”
(Teubner 728-29). The law as a series of communications is a law that feels, that thinks, that
wants, and perhaps most pertinent, a law that can panic. The law can panic because, seen as a
series of communications, the law can maintain, and fail to maintain, two mutually exclusive
propositions at the same time. This version of the law can both desire the reasonable man and
recognize the inconsistencies that occur in the attempts to enact this desire. Furthermore, this
law can mandate that all subjects be reasonable, while at the same recognizing the
impossibility of living under its own mandate, and in the tension between its self-created
structure and the impossibility of fulfilling this structure, panic. Through this panic, the
autopoietic law evacuates itself in order to occupy the other side of the reasonable law: a
beside space of paradoxes, unreasonable people and queers.

Yet as Susan Williams cautions, we must not forget the “actual suffering of real human
beings” in our continual endeavors to engender spaces of play, performance and constructivity
(92). For even as the law panics and desires, it legitimates a regime of homophobic oppression
that approves the killing of those perceived to be homosexual. Richard Mohr states this more
polemically, affirming “gay justice does not exist and does not nearly exist. The nation’s
institutional means for establishing justice—the courts—have completely failed in their duty
when it has come to the plight of gays. Indeed, they have now become a major part of the

and organizations is to understand the ways in which sex is a set of structural codes that can in turn
inflect our understanding of structures, regardless of if that structure happens to be a legal person or
the law itself.
mechanisms of gay oppression” (315). Arguing against this regime in terms of rationality and reasonability reinforces the logic of the oppressive construction of law. Perhaps it is in recognizing the structures of law, psychiatry and the chronologic as complex epistemic subjects with conflicting desires (and perhaps no desire at all) that we can recognize their panic as both the boundaries of, and the possibility for, our own livable lives.
Conclusion

Beside Homosexual Panic

I knew what I wanted from it: some ways of understanding human desire that might be quite to the side of prohibition and repression, that might hence be structured quite differently from the heroic, “liberatory,” inescapably dualistic righteousness of hunting down and attacking prohibition/repression in all its chameleonic guises.

−Eve Kosofsky Sedgwick

In Touching Feeling Sedgwick looks to the work of Michel Foucault on the “Repressive Hypothesis” in order to show how the interaction between repression and the critique of that repression creates a “relentlessly self-propagating, adaptive structure” (Touching 12). This structure inscribes both aspects of binaries like discourse/silence, knowledge/ignorance, heterosexual/homosexual and sane/insane into itself, reinscribing any critique within its own logic. This act of appropriation maintains the structure’s dominance precisely because its dominance is precipitated on the persistence of both the positive and the antithetical aspects of the binary. As long as the two terms continue to determine the only two options (i.e., either discourse or silence, either permissible or perverse), the structure continues unabated.

This is the structure that I have examined in the past seven chapters, from Sedgwick’s Western culture, to Chuang and Addington’s psychiatry, to Halley’s judiciary: a structure that reproduces itself through panic and adapts to the latest scenario by investing its anxieties in new categorical titles. This structure attempts to blot out the possibility that it cannot, or does not, account for every bit of knowledge. It is a structure where, as Sedgwick states, “all were brought under the paranoia-propagating organization of male homosexual panic” (Coherence v). This thesis has explored the position of homosexual panic within this structure and has demonstrated how homosexual panic codifies the either/or aspects of certain understandings for Western culture, U.S. psychiatry and U.S. law. Homosexual panic simultaneously posits gaps and lapses not fully accountable within these seemingly all-pervasive structures; it provides both a life within these structures and moments of existing beside them.

1 (Touching 10).
In Legal Panic, homosexual panic became a way of understanding how the panicker engaged with, and troubled, notions of sexuality, truth and personhood. This section emphasized the tension within mandated structures of sexuality, personhood and desire and the problems that arise in attempting to live those structures. This tension is formative of what I have called, following Judith Butler, an ‘unlivable life’ indicating that “certain lives are not considered lives at all, they cannot be humanized; they fit no dominant frame for the human” (Undoing 25). In these unlivable lives, the strain between structures of intelligibility and a life that does not meet those structures proves unbearable for the (non)person involved. This thesis has suggested that when the tension between structures of intelligibility and the life lived overpowers a person, s/he panics, creating a new possibility not contained within the recognition of either/or.

In thinking about the unlivable life in response to contemporary renditions of queer pasts, queer futures, queer times and the shame, destruction, utopias and backwards feelings that currently hover around the concepts, I return to another work published the same year as Sedgwick’s Between Men, Jeffrey Weeks’ Sexuality and Its Discontents. In this expansive book, Weeks comments “I cannot help thinking about the many who neither enjoyed the benefits of, nor had the opportunity to get disillusioned by, the so-called ‘sexual revolution’: for them, it has not gone too far, it really never started,” (13). In light of the turn to pasts of destruction, pride and drag, and futures of death, queerness and utopia, this thesis has interrogated the lives of those who continue to be beaten and killed in the name of a homosexuality whose pride is already potentially outmoded and whose shame is an even more distant past. What about those for whom the banners of both gay pride and gay shame reinforce an unlivable

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2 In order to avoid a possible rendition of this thesis in which ideas from literature are developed in reference to a psychiatric analysis and refined through a legal analysis, I return to the sections here in reverse order. This reversal also emphasizes that the concerns of this thesis (namely the liveability of lives, times and sexualities with regard to panic) have been present from the first chapters and that the sections could have been presented in a different order to (hopefully) equal effect.

3 Naffine similarly states “the political and ethical implications of criminal law’s conception of the bounded body have been considerable. To borrow from Orwell, it has condemned many to the status of ‘un-persons’” (93).
existence? If, as Butler following Hegel and Spinoza states, “to persist in one’s own being is only possible on the condition that we are engaged in receiving and offering recognition” and so the very act of existing may enable and enact a violence against one’s recognition as queer, then how can one live without being attacked (*Undoing* 31)? And what about those systems of knowledge, from literature, to psychiatry, to law, that fail to change, and so instead continue to govern and destroy lives with homosexual panic?

From this point of view, Lee’s “The Gay Panic Defense,” Golder’s “The Homosexual Advance Defense,” Charles’ “Panic in the Project” and the numerous other legal critics from Chapters Six and Seven becomes of utmost importance in making queer lives livable. Their attempts at, and many successes in, enacting changes in the law that protect and support homosexually identified people continue to chip away at the fear, shame and violence demonstrated in works like Bray’s *Homosexuality in Renaissance England*, Sedgwick’s books and essays like “How to Bring Your Kids Up Gay” and Edelman’s *No Future*. Similarly, the hard-fought battles against the American Psychiatric Association’s pathologization of homosexuality and the legal instantiations of homophobia in cases like *Bowers v. Hardwick*, have resulted in the emergence of what could be called a tolerance within psychiatry and the U.S. law, or at the very least, the ability for a large amount of homosexually identified people to live their lives without being incarcerated within mental or penal institutions.

These are important changes in the governance and understanding of queer people that again rely upon a view of queer as oppositional. While these critiques continue to be a high priority for any scholarship invested in promoting the livability of queer lives, Legal Panic and the entire thesis have suggested that panic also helps to trouble assumptions about the sympathetic concepts like time, desire, knowledge and the body we assume as foundational for people’s existence. The thesis suggests that these sympathetic concepts may be recurrent demands for conformity placed upon the lives of others that makes those lives unlivable. For example, we demand that Matthew Shepard’s murderers come out as homophobic bigots,
perhaps at the expense of understanding the other forces that enabled and facilitated this violent act of murder: forces which continue to promote violence classed as homophobic but perhaps related to one of the pathologic categories homophobia is made to represent, like fear of the multiple or the indistinct. My return to homosexual panic shows how the term panic can stand for both of these movements: critiquing the experiential tensions that lead to various moments of panic, while also troubling the structural assumptions that undermine and appropriate the critiques of homophobia.

In Psychiatric Panic, homosexual panic was the metaphor through which a host of anxieties about multiplicity, the body and knowledge became manifest. Through establishing the relationship between homosexual panic and a set of symptoms that, in their pathology, constitute the stability and coherence of the American Psychiatric Association, these chapters have traced how the multiple and the indistinct remained pathological even as various terms like homosexuality and homosexual panic became depathologized.

This metaphoric understanding of homosexual panic also has shown how the concept impacts contemporary understandings of panic disorder in both panic disorder’s strong ties to homosexual imagery through the figure of the god Pan and the category’s continuance of the tradition of pathologizing multiplicity. Yet again, homosexual panic evinces how individual aspects (homosexuality, homosexual panic, panic disorder) can change in their composition/intelligibility while the structure pathologizing incoherence and multiplicity continues unabated.

In Psychiatric Panic, rethinking homosexual panic has led to a rewriting of the trajectory of panic through other concepts of derealization, misidentification and dark space. With this alternate history, Chapter Five has suggested that panic could show the importance of these concepts in rethinking our continued assumptions about the necessary components of life. While the forces rendering us intelligible, for example diagnosis, demand our coherency and cogency, the diagnoses of DMS and legendary psychasthenia point towards moments in
which the events involved exceed the diagnosis. In this excess, which is also a lapse and a gap, homosexual panic critiques the ways in which certain constructions of the APA are presented in the work of contemporary critics of homosexual panic like Gonsiorek, Chuang and Addington, in order to again destabilize these narratives and make space for the queer gaps and lapses presented through panic.

Through the chapters of Literary Panic, we have come to understand the term homosexual panic within the work of Sedgwick and Smith as a tool for envisioning a fixed version of Western culture called the chronologic. Chapter One has suggested that this fixed model allowed these scholars to critique the positioning of the homosexual within the binary of permissible/perverse, while problematically rendering other potential aberrances as explicable through sexuality. This argumentative structure, which I named fixed-origin argumentation, parallels the existing structures for the critiques of queer time in Freeman Time Binds, Love Feeling Backward, Halberstam In a Queer Time and Place, Edelman No Future and Muñoz Cruising Utopia, outlined in the Introduction. These critiques draw upon Halperin’s definition of queer as oppositional in order to articulate queer times that distort or disrupt linear time. In response to both Sedgwick and Smith’s oppositional orientation towards the permissible/perverse binary and queer scholars’ distortion of time through drag, backward affect and anti-futurity, my new conceptualization of homosexual panic provides moments that are neither oppositional to, nor governable within, the binaries of either/or. Instead, these are moments which exist beside linear temporality, what we might call paratimes of panic.

Through this idea of para- as beside, Literary Panic presents new queer versions of time, the body and desire. These beside understandings invoke Sedgwick’s articulation of queer as “possibilities, gaps, overlaps, dissonances and resonances, lapses and excesses of meaning,” in order to enhance the oppositional critiques of, for example, time, through positing gaps that are neither oppositional nor governed, but rather para- (Tendencies 8). I
have returned to Sedgwick to bring back homosexual panic as a specific example of an already extant paracultural moment of panic. By paracultural as opposed to extra- or non-cultural, I mean that rather than indicating something transcendent or oppositional to chronologic culture, panic involves, for example, the catachresis of calling panic a time either within or outside of the chronologic. A panic is not really a time, nor is it the absence of time; it is a thing enabled by an understanding of temporality that occupies time (there was a homosexual panic) while showing the absence of the sympathetic concepts that make up chronologic time like linearity, sequence and even desire and knowledge. Panic is understood through, and enabled by, the logic of time and space, while pointing towards lapses and gaps not governed by time/space; it is paracultural. For example, John Marcher in “The Beast in the Jungle” could not panic if he did not have a concept of the future to implode into the present, even though his panic destroys his concept of the future. Literary homosexual panics are perhaps most closely approximated by this term paracultural because they rely on the cultural intelligibility of a particular concept (space, time, desire) while situating the person beside the culture through a paradoxical troubling of the terms that give rise to the trouble.

In addition to the oppositional queering of time posed by, for example, Halberstam who challenges the ability of time to account for queer experiences while not challenging the seemingly necessary temporality of the described people’s existences, panic returns to chronologic time and points towards a paratime for those who do not, or cannot, live the chronologic even through dragging, backward orientation, compression or anti-futurity. By paratime I mean a beside time enabled by a specific understanding of temporality (in this case the chronologic) that rather than going against time (an anti-time) takes the person to something beside time, unrecognized as time, but subsequently appropriated as a temporal moment (a lapse). Like the panic of Robert Wringhim, John Marcher, Kempf’s patients or the legal defendants, paratime is a time of lost memory, going blank or going to the other side of

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4 *‘dragging’* is Freeman *Time Binds*; ‘feeling backwards’ is Love *Feeling Backwards*; ‘compression’ is Halberstam *In a Queer Time and Place*; ‘anti-futurity’ is Edelman *No Future*. 
one’s senses. While showing how certain queers experience linear temporality in a form that distorts that time, homosexual panic provides this paratime for those who fail to live the chronologic, and undoes the assumption that in one form or another all people really do experience time (or desire or their singular body).

Formative to my thinking about the critical efficacy of the prefix para- is Steve McCafferey’s “Parapoetics and the Architectural Leap” where he conceptualizes para- as, among other things, a beside in which “‘beside’ is also between, interstitial and intervallic, as well as extra, outside,” so that “the lateral adjacency of ‘beside’ offers a multiplicity of satellitic invocations,” (163). Para- in parapoetics presents a “working between the seams and cracks consequent to the inevitable play between discourses, upon and without the hyphenated space of power-knowledge” (McCafferey 163). This definition combines Sedgwick’s idea of queer as a gap with Chapter Three’s definition of panic as an imitative playing at cultural norms into a singular understanding of the para-.

Another important way of thinking about the concept of para- occurs in Butler’s “Quandaries of the Incest Taboo” where, though she does not use the word para-, she does discuss the para- like constitution of certain events:

Whatever story and representation emerge to account for this event, which is no event, will be subject to the same catachresis that I perform when I speak about it improperly as an event; it will be one that must be read for what it indicates, but cannot say, or for the unsayable in what is said. (*Undoing* 156)

Here Butler provides an articulation of what Chapter Three has analyzed as the appropriative efforts of the Editor and Sedgwick, what Chapter Four has called diagnosis and what Chapters Six and Seven have described as the play of fiction/myth against reality. Both Butler’s critique and this thesis motion towards the ability of the event to exist beside these appropriations.

Earlier in *Undoing Gender* Butler speaks of a “beside oneself” state that is linked to an outside oneself state in which fundamental connectivity is realized as a primary attribute of embodied existence. While her description of “the value of being beside oneself, of being a porous boundary, given over to others, finding oneself in a trajectory of desire in which one is
taken outside oneself, and resituated in a field of others in which one is not the presumptive centre” seems to turn toward Caillois’ description of dark space from Chapter Five, the emphasis is on an opening oneself outwards to “a field of ethical enmeshment with others” (Undoing 25). If Butler’s conflation of outside with beside allows her to articulate this ethical connectivity, this thesis has emphasized the difference between what is outside the person and what is beside the chronologic and fixed-origin argumentation in order to omit the transcendence critiqued in Annamarie Jagose’s Lesbian Utopics. If we through Butler understand the outside as the place of others and, in states of intense emotion, the place of myself decentered, then the outside is Caillois’ ‘similar to something’ space in Chapter Five. The outside is a place where through evacuating the centrality of myself I recognize my similarity to the others. Yet dark space as a paraspace is a place where I am “similar; not similar to anything in particular, but simply similar” (Caillois 100). The beside is a place where I am similar because there is no longer a concept of difference; a place where everything has become ‘the other side of the senses.’

There are limitations to the term para- as well. For example, para- depends on a spatial metaphor of relation. Though McCaffery affirms this return to spatiality is a benefit, I continue to see it as the way in which the term is pulled by the gravity of a logic that tries to make sense of it without fully being able to come to terms with it. This difficulty evinces the problems in embracing any term that motions towards the limits of, without falling into, the cultural logic which gives rise to that term. This tension also is present in panic which points towards the limits, while always depending on the structure, and again highlights the productive relationship between panic and the paracultural.

In exploring this para- quality of panic across the chapters, the thesis has oscillated between detailed close readings of primary texts and abstract conceptualizations of structures, gaps and epistemologies. The chapters have struggled to find a middle register between these micro- and macro-analyses and run the risk of either rendering homosexual panic as intricately
specific to a small amount of primary material or obscurely relevant to a dense academic
debate between issues of time, livability and epistemology. I suggest that rather than an
idiosyncrasy of this thesis, this continual sweeping change in register perhaps is facilitated by
the logic of homosexual panic. Panic, as we have seen, is both a structural concept and a
specific and violent reaction. It bridges the supposed distance between a unique situation and
larger cultural structures through showing the interaction between the two and bringing them
into proximity if not congruence. In this way, paying close attention to verbiage, word-choice
and argumentative form is what enables an understanding of the structural elements of, for
example, time and knowledge. Panic indicates, and occurs because of, the conjunction and
disjunction between what these scholars understand as the structure and the primary texts
within these structures.

Numerous concepts sit between (or perhaps beside) structures of knowledge and
primary texts, so what makes homosexual panic specifically a concept worth bringing back?
After seven chapters we have seen the way that critics use (homosexual) panic in certain
situations and how these individual uses construct specific definitional qualities for
homosexual panic. Yet we may wonder if any of these qualities, or even the amalgamation of
these qualities, are unique to panic. What about other affects like fear or anxiety? What about
other reactions like surprise? We also might ask if the qualities assigned to panic are not
indicative of understandings of larger concepts. Is panic as an analytic tool just another form of
deconstructionism? Is the protean quality of panic simply a ludic understanding of all language?
These questions highlight the possible limitations of any concept-based examination, in which
the emphasis on the concept (in this case panic) causes either a centralization of the term
through the term’s appropriation of more general aspects of language, concepts and
epistemologies, or a condensation of abstract definitional categories into a coherent object of
examination.
This thesis has not, and indeed cannot, affirm that any of the attributes of panic are unique to panic. To do so would be to eliminate the protean quality of panic that validates the transition of panic across and into so many different areas. Rather, this thesis has suggested that it is precisely because panic in its symptoms can be, and readily is, substituted with other titles like *res gestae*, homosexuality and Medusa that panic proves to be a productive way to examine the forces within U.S. literature, psychiatry and law that make certain lives unlivable. Attempting to find the difference between panic and, for example, surprise, would perhaps overly solidify these two concepts which, in their ability to become both similar and distinct to one another, open up more possibilities for understanding the various forces pushing them together and pulling them apart. A taxonomic project intent on discovering the exact qualities of homosexual panic would perhaps miss one of the most important parts of panic, its ability to, like Gil-Martin and Robert Wringhim, chameleonically become otherwise.

If this is the case, then why centralize homosexual panic instead of just homosexuality, panic disorder or homophobic violence generally? While these projects would have all provided provocative analyses, especially if pursued in a similar interdisciplinary manner across literature, psychiatry and law, I have found something enigmatic about the way that homosexual panic in particular functioned at the intersection between homophobic structures and interpersonal violence, and about how this violence was translated into a discourse of lost time, perpetual paranoia and out-of-body experiences. Also, the relatively limited theorizations of homosexual panic in each area, typically relying on a routine (mis)citation of a singular example, contributed to the mutability that ensured the translatability of the term across the three areas, as we have seen through the overtures and the codas.

With the versatility of homosexual panic, and in the articulation of the paracultural and para-, this thesis also motions towards future possibilities for both panic and para-. How, for example, might we think of paraspaces? One possible route is through the existent work done on heterotopias mentioned in Chapter Three. There is perhaps a connection between the
graveyard ending to Sedgwick’s primary homosexual panic texts and Foucault’s heterotopic spaces that could facilitate a reading of the beside, one which also would explore further the links between panic, death and appropriation. What about existent uses of para- that could widen the research around panic: specifically the terms paranormal and Frederick Jameson’s paraliterature? Sedgwick’s readings of her primary texts tend to minimize the paranormal aspects of those texts. She does little with the devil of Gil-Martin, and even less with the divine apparition of an angel or other paranormal moments from Confessions in which objects teleport and demons claw at shutters. Especially given contemporary critical attention to the relationship between sexuality, haunting and ghosts, what is the interrelation between the paranormal and panic? Similarly, what happens when we bring this new panicked understanding of para- to Jameson’s famous invocation of “so-called paraliterature, with its airport paperback categories of the gothic and the romance, the popular biography, the murder mystery and the science fiction or fantasy novel” in his essay on postmodernism (112)? Perhaps these popular forms contain important ways of not just thinking the popular, but also how that popular and its literature sit beside certain ideas of Western culture.

While these potential future endeavors seek to take panic and para- beyond the places in which, and through which, they have been theorized traditionally, this thesis has laid the groundwork for these continuations through revisiting the current instantiations of panic. As stated above, this preliminary exploration of panic, like any conceptual examination, risks reifying its object by giving it a specific history, definition and constitution. To preclude the possibility of holding panic still, each section of this thesis has developed several understandings of homosexual panic and its continued importance in thinking through the sympathetic concepts of time, knowledge and personhood within literature, psychiatry and the law. At various points, this thesis has theorized homosexual panic as: a specific reaction that occurs within certain people when approached by a homosexual male; an indicator of chronologic epistemology in which knowledge is generated through surprised revelation; a
tool through which certain subjects are made intelligible through diagnostic categories; a barometer that points towards the boundaries between permissible and impermissible; a concept that indicates, without containing, the unknowable; a problematic synonym for homosexuality, queer time, Pan, all the Delusional Misidentification Syndromes, res gestae, aberrance and multiplicity. While each of these definitions offers a codification of homosexual panic, a momentary stillness in the definitional play, homosexual panic always exceeds (while still fully occupying) these moments in which it is rendered intelligible.

As opposed to a paranoid project, which would always reduce these explanations to a singular force behind all of the instantiations of homosexual panic, and reduce all the explanations to a singular, I have shown the multiple, contradictory and divergent forces which come to bear in and around the term homosexual panic in hopes that these various forces will engender gaps and lapses beside those already understood to exist in sexuality, time and personhood. Panic does not offer permanent spaces of acceptance and intelligibility to unlivable lives, nor does it fully celebrate the unintelligibility and silence of those (non)existences. Panic enables ways of rethinking the structures that give rise to the definitions of personhood, time and sexuality that are then sorted into livable and unlivable categories. I have suggested that part of the project of critiquing understandings of sexuality, time and personhood needs to involve the possibility that not all people can, or do, experience these categories. This thesis seeks to replace the gap in the debate about queer spaces, restart the lapse in the debate about queer time, and reinstate the dissonances and resonances in the sympathetic concepts of homosexual panic.
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