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Elworthy, Heather

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Sonic Essentialism and Anti-Gay Policing in Mid-Century America, 1920-1960

*Heather Elworthy*¹

In the spring of 1956, three undercover agents of New Jersey's Division of Alcoholic Beverage Control sat in the Paddock Bar, a modest tavern in Asbury Park rumored to be "frequented by homosexuals."² They reported no solicitation, no indecent acts, and no public lewdness. What they recorded in sworn testimony was sound: patrons, the agents said, "spoke in higher than normal tones," "giggled loudly [very much] the way females do," and "carried on in an effeminate manner." One agent added that, had he closed his eyes, he might have believed himself "in the presence of a bunch of females."³ The Division suspended the bar's liquor license on that basis alone; the Superior Court of New Jersey affirmed, holding that circumstantial and inferential evidence satisfied the applicable rule of the ABC's code and that the "noticeably effeminate pitch of voice" merited weight. "It is often in the plumage," the judge concluded, "that we identify the bird."⁴ With those few lines, the stereotype of the self-revelatory homosexual voice was codified into law.

For much of the twentieth century, the policing and regulation of homosexuality in America unfolded through civil licensing regimes, public order statutes, and liquor laws. In the post-Prohibition period, state authorities intensified campaigns against bars suspected of serving homosexual patrons, presenting these efforts as necessary measures to preserve public order. Enforcement hinged less on demonstrable conduct than on the identification of "apparent homosexuals." The regime gave rise to recurring disputes over police authority, investigative legitimacy, and expertise.

Historians have long understood these developments through a visual framework. On the one hand, scholars such as George Chauncey have emphasized that gender presentation, particularly during the "pansy craze"—a brief period in the late 1920s and 30s during which drag performers and openly gay men experienced unprecedented mainstream popularity—rendered gay men publicly visible as a recognizable, if unstable, "third gender." From this perspective, the fairy's visibility marked a transformation in public attitudes toward the "effeminate" male "pansy," if not acceptance then tolerance, and later vice policing appears as the persistence of an earlier visual logic once thought

¹Heather Elworthy is a senior at Cornell University, majoring in Government, with minors in Law & Society and Feminist, Gender, and Sexuality Studies. She has worked as a legislative intern in the New York State Senate and with nonprofit climate advocacy organizations. She has also supported lead counsel in litigation before the New York State Supreme Court.

² State of New Jersey Department of Law and Public Safety Division of Alcoholic Beverage Control, Bulletin 1159, Item 2. (April 3, 1957).

³ Bulletin 1159, Item 2, p. 5

⁴ Bulletin 1159, Item 2, p. 405, pp. 408-409

displaced by the modern closet concept.⁵ On the other hand, critics of liberationist accounts of the pansy craze, such as Anna Lvovsky, have argued that postwar liquor-board cases culminated in the formalization of popular stereotypes of effeminacy as legal standards of deviance.⁶

Despite their disagreements, both Chauncey and Lvovsky privilege sight in their accounts of the “pansy craze” as *the* mode through which urban publics recognized gay men. As administrative hearings and appellate decisions, such as *Paddock Bar*, reveal, however, vice officers did not merely describe what they observed; they asserted that listening itself was a trained and unremarkable capacity, one that any layperson could readily employ to identify homosexual men by ear. The historiography’s emphasis on sight, therefore, cannot explain a recurring feature of the historical record. The persistence of this essentialist logic reveals a power/knowledge that the existing historiography has not addressed: listening practices—or queer audibility—and the production of vocal hallmarks of homosexuality and effeminacy. From the height of the pansy craze through the post-Prohibition crackdown, vice officers, liquor agents, journalists, and lay observers repeatedly testified to the supposed hallmarks of vocal homosexuality. How did vocal manner come to be heard as diagnostic of sexual deviance? On what grounds did courts accept auditory impressions—often explicitly framed as “what one might hear with one’s eyes closed”—as damning evidence of homosexuality? And what might the historical archive tell us about the politics of listening and of naming vocal timbre in early twentieth-century America?

Drawing on Foucault’s concept of power/knowledge, this paper argues that listening for and knowing the “hallmarks of vocal homosexuality” were not separate phenomena—one political, one epistemological. The act of “naming” vocal timbre was not a marginal feature of postwar policing but a historically sedimented form of knowledge that presupposed and constituted power relations at the same time.⁷ Engaging the work of historians of gender and sexuality,⁸ feminist theorists and

⁵ George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940*. 2. trade paperback edition, (BasicBooks, 2019), pp. 47, 54.

⁶ Anna Lvovsky, *Queer Expertise: Urban Policing and the Construction of Public Knowledge About Homosexuality, 1920–1970*. 17 May 2015, p. 144.

<http://nrs.harvard.edu/urn-3:HUL.InstRepos:17463142>.

⁷ Nina Sun Eidsheim, *The Race of Sound: Listening, Timbre, and Vocality in African American Music*. Refiguring American Music, (Duke University Press, 2019), p. 42; Michel Foucault, *Discipline and Punish: The Birth of the Prison*. Second Vintage Books edition. Translated by Alan Sheridan. (Vintage Books, a division of Random House, Inc, 1995), p. 27.

⁸ Chauncey, *Gay New York*; Lvovsky, *Queer Expertise*.

philosophers,⁹ music scholars,¹⁰ and historians of race,¹¹ this paper traces this power/knowledge across three overlapping bodies of primary sources: popular press and music, including Blair Niles' book *Strange Brother*;¹² twentieth-century medical and psychiatric writings, including La Forest Potter's novel *Strange Loves*¹³ and George Henry and Hugh Galbraith's "Constitutional Factors in Homosexuality";¹⁴ and transcripts of liquor licence revocation hearings and appellate decisions. By examining how the vocalizer's position informs vocal choices—spatially, on stage and in bars or temporally, in the pansy craze and during the 1950s—I demonstrate that the habituation of vocal practice (self-monitoring) and the act of listening, no more than the act of developing expertise in vocal performance or vocal "cues," were shaped by the power relations and dynamics of the cultures in which vocalizers and listeners participated, and that throughout the early twentieth century, these practices were often adapted both in expression and in purpose to conform to a given culture's ideal.¹⁵

Timbre and The Acousmatic Question

Sound has long promised immediacy. Unlike sight, which presumes distance, framing, and perspective, hearing appears to place the listener in direct relation to another body. This apparent proximity has repeatedly underwritten claims that voice can disclose identity—gender, race, sexuality—prior to interpretation. Legal, medical, and popular discourse alike treated the voice as a privileged site of truth: a medium through which interiority announces itself without mediation. However, this promise of immediacy has always been unstable. The persistence of what she calls the acousmatic question (*Who is this?*) betrays the very uncertainty it seeks to resolve.¹⁶ To ask the acousmatic question, *Who is this?*, is

⁹ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*. 2nd ed. Routledge Classics. Routledge, 2007; Adriana Cavarero, *For More than One Voice: Toward a Philosophy of Vocal Expression*. Stanford University Press, 2005.

¹⁰ Eidsheim, *The Race of Sound: Listening, Timbre, and Vocality in African American Music*.

¹¹ C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity*. (University of Minnesota Press, 2017).

¹² Blair Niles, *Strange Brother* (Horace Liveright, 1931).

¹³ La Forest Potter Potter, *Strange Loves: A Study in Sexual Abnormalities* (Robert Dodsley Company, 1933)

¹⁴ George W. Henry, and Hugh M. Galbraith, "Constitutional Factors in Homosexuality," *American Journal of Psychiatry*, Vol. 13 (1934).

¹⁵ Foucault, *Discipline and Punish: The Birth of the Prison*; Although Eidsheim's reading of Foucault suggests that monitoring is "relocated" within the individual and thus "does not need to be reinforced on a level higher in the structures of power" (2019, 13; see *Discipline and Punish*), this paper attends to both the productive and repressive forces of power that shaped various discourses and listening practices during the pansy craze and post-Prohibition period.

¹⁶ Eidsheim, *The Race of Sound*.

to presume that the sound of the voice reveals something essential about the vocalizer who emits it—that timbre, pitch, or manner of speech can disclose gendered, racialized, or sexual truth. Eidsheim names this presumption “sonic essentialism”: the belief that voice and sound are of an “a priori stable nature,” that deviations from an imagined norm can be identified, and that such deviations index interiority rather than social relations or listening practices.¹⁷ Voice, in this framework, is treated as evidence—not merely expressive, but diagnostic.

The acousmatic question is especially consequential for histories of sexuality. As the legal archive examined in this paper makes clear, to hear an “effeminate” voice was already to know. Central to this process was the naming of timbre. According to the American National Standards Institute (ANSI)—an organization that “offers precise standards for everything from the size of nuts and bolts made in different factories to the permitted decibel level in residential neighborhoods”—timbre is “that attribute of auditory sensation in terms of which a listener can judge that two sounds similarly presented and having the same loudness and pitch are dissimilar.” Timbre is also “everything else”—the residual category that allows listeners to distinguish between voices that share pitch, volume, and duration.¹⁸ Timbre is thus not a measurable property of the voice in isolation; it is a perceptual judgment made by a listener. Who hears timbre? Who names the “everything else”? Who brings gendered expectations to the vocal scene?¹⁹ And who is unable—or unwilling—to hear a voice outside those gendered terms?²⁰ By foregrounding the acousmatic question, this paper asks how material sound became legible as knowledge of deviance. What histories of performance, medicine, and popular discourse trained listeners to hear homosexuality in a voice? And how did those listening practices come to be treated as sufficiently stable to function as legal evidence? The section that follows clarifies the limitations of the existing historiography on vice policing and regulation in early twentieth-century America, and engages scholarship to support the argument developed thereafter. What is at stake in asking the acousmatic question (or not) in historiography?

Historiography and Visibility as the Dominant Paradigm

The history of urban gay life in early twentieth-century America has long been framed through a visual paradigm. This emphasis on visibility emerged alongside the rise of urban social and queer history, which displaced earlier legalistic or moralizing accounts of homosexuality by showing how sexual categories were socially constructed through everyday practices, representations, norms, assumptions,

¹⁷ Eidsheim, *The Race of Sound*, p. 2.

¹⁸ Eidsheim, *The Race of Sound*, p. 6.

¹⁹ Eidsheim, *The Race of Sound*, p. 6.

²⁰ In the cases examined here, timbre was not simply perceived; it was interpreted through cultural listening practices that aligned certain vocal qualities with effeminacy, deviance, and sexual abnormality.

and forms of surveillance. Chauncey's *Gay New York* sets the terms for this literature by showing that the fundamental division of male social actors in much of turn-of-the-century working-class thought was not between homosexual and heterosexual identities but between masculine men and effeminate men—“fairies” or “pansies.”²¹ Effeminacy functioned as a historically contingent, relational category produced through visual, behavioral, and gendered codes—grooming, gait, posture, dress, gesture, demeanor—that were interpreted differently across contexts. In the 1920s, these codes were both mobilized and subverted by members of the “third sex” that combined elements of the male and female.²²

Chauncey's account reshaped the field by demonstrating that gay men were both publicly and culturally visible well before the emergence of the modern “closet,” and by insisting on the instability of these signs across time and space. Chauncey also writes that specific signs of gay affiliation, such as the red pocket square, were intelligible only within queer subcultures, allowing knowledge to circulate among insiders while remaining inaccessible to the broader public. This possibility of selective legibility, however, depended on the relative underdevelopment of regulatory surveillance during the period. As policing intensified, the boundary between insider knowledge shared among police and public “common sense” eroded. Despite the breadth of his analysis, voice appears in Chauncey's account as an extension of visible demeanour rather than as a distinct field of knowledge. Chauncey notes that investigators and contemporaries identified gay men through “voice inflection” and “mode of speech,” albeit these cues function as evidence of public fluency or familiarity rather than as shaped by power/knowledge and epistemic authority.

Policing, Expertise, and the Production of Knowledge

Anna Lvovsky's *Vice Patrol* shifts attention from subcultures to the state, tracing how knowledge of gendered codes was institutionalized through policing and administrative regulation. *Vice Patrol* is exceptional in its explanation of how mid-century vice police officers justified their investigatory practices by insisting that the telltale signs of deviance were already widely known—a claim that later blurred distinctions between popular stereotypes, publicly accepted knowledge, and expertise.²³ Lvovsky's “Queer Expertise” is also essential for understanding how the sensationalist performances of the pansy craze trained spectators to read the homosexual body as an “object of knowledge” available to “optical analysis.”²⁴ She demonstrates that postwar liquor boards and vice officers developed expertise through ethnographic fieldwork—sustained observation, documentation, and immersion in queer

²¹ Chauncey, *Gay New York*.

²² Chauncey, *Gay New York*, p. 48.

²³ Anna Lvovsky, *Vice Patrol: Cops, Courts, and the Struggle over Urban Gay Life before Stonewall*. De Gruyter eBook-Paket Rechtswissenschaften (University of Chicago Press, 2021).

²⁴ Lvovsky, *Queer Expertise*.

subcultures—thereby generating conventions that justified enforcement and reassured the public of their “mastery” over the unwanted social minority.²⁵

Lvovsky’s account remains anchored in a visual regime, foregrounding flamboyant, consistent bodily codes.²⁶ Voice appears in these lists, but not as a sensory mode with its own genealogy or evidentiary logic. The auditory archive thus reveals a deeper contradiction. In court, police officers relied on the primacy of the visual to exempt themselves from the very categories they invoked as decoys. Their bodies, read as conventionally masculine, allowed vocal performance to appear detachable rather than revelatory. The same high-pitched voice treated as damning evidence when heard in a tavern was rendered inconsequential when performed by a decoy. Sonic essentialism operated selectively and asymmetrically: voice was diagnostic only when emitted by a vocalizer already positioned as suspect. This differential audibility reveals how the acousmatic question, which presumes listening, no less than seeing, was structured by power relations.

Visibility and Gender Performativity

Much of the theoretical foundation for histories of gender and sexuality has likewise emphasized the visual realm as the primary terrain on which power operates. Feminist and queer theorists have critiqued essentialist understandings of gender as well as moral accounts of homosexuality. Judith Butler’s account of gender performativity is foundational in this regard. In *Gender Trouble*, Butler examines discursive structures and their internal contradictions to show, first, that lesbian and gay identities are erased through the “adoption of foundational, metaphysical assumptions,” and second, that such erasure “is never totalizing.”²⁷ Drag, Butler argues, exposes the “instability of the subject” by dramatizing everyday “gender rituals” and disrupting the “imposition of cultural coherence onto bodies.” By pulling biological sex into the “gendered gaze,” drag fully subverts the distinction between “inner and outer psychic spaces.”²⁸

Butler’s framework has been crucial for feminist theorists and historians seeking to move beyond essentialist accounts of gender. Yet Butler’s emphasis on subversion risks overstating the relation between performance and power.²⁹ As Lvovsky’s critique of liberationist readings of the pansy craze demonstrates, drag spectacles in the 1920s and 1930s were already embedded within dense power relations. Far from destabilizing essentialist assumptions, these performances helped fix shared

²⁵ Lvovsky, *Queer Expertise*, pp. 36, 74-75.

²⁶ Lvovsky, *Queer Expertise*, p. 144.

²⁷ Butler, *Gender Trouble*, pp. 52-53; Kakoliris, Gerasimos. ‘Judith Butler on Gender Performativity’. *Dianoesis* 17, no. 1 (2025): pp. 61-65. <https://doi.org/10.12681/dia.41735>.

²⁸ Butler, *Gender Trouble*, p. 137.

²⁹ Charlotte Coles, “The Question of Power and Authority in Gender Performance : Judith Butler’s Drag Strategy.” (2007).

conventions through which sexual deviance became recognizable—conditions that later enabled the regulation of gay men. From this perspective, drag may be less a departure from essentialism than Butler suggests.³⁰ Butler’s focus on discursive transgression thus leaves underexamined the materiality of vocalization itself—the bodily labor of speaking, singing, laughing, and sounding gender in ways not entirely reducible to signification.³¹ As Senelick observes, twentieth-century theatrical cultures increasingly treated nakedness as a guarantor of authenticity.³² The throat and flesh, no less than the genitals, are implicated in drag performance, which, as Martin writes, becomes a site where “parody” and “inscribed meaning” may obscure “the actualities of power” that give the body its form.³³ Butler later concedes this limit, acknowledging that there is “no necessary relation between drag and subversion” and that it may just as easily serve “reidealisation.”³⁴ The same might be said of queer vocality: a high-pitched voice may signify resistance in one context, illuminate the fault lines of the male/female binary in another, and function as evidence of deviance in a third.

Power/Knowledge Beyond Sight: A Foucauldian Starting Point

Foucault’s concept of power/knowledge provides a starting point for understanding how voice became legible as evidence of deviance—how the vocal aspects of song, drag, and the voice were made to signify. For Foucault, discourses are not merely “conversations or information”; they are the “socially sanctioned” ways of constituting knowledge, subjectivities, and power relations.³⁵ Discourses do not simply reflect social reality; they prescribe the rules, norms, and categories that define the “criteria for legitimate knowledge and truth within a given social order”.³⁶ In the pansy craze, discourses about fairies and female impersonators shaped what could be seen and what could be heard as “true” or

³⁰ Coles, “The Question of Power and Authority in Gender Performance : Judith Butler’s Drag Strategy”, p. 11; As Biddy Martin cautions, Butler “fails to make the body enough of a drag on signification”; “the body is more concrete and materially significant” than Butler acknowledges (1994, p. 100; cited in Coles 2007).

³¹ Cavarero, *For More than One Voice*.

³² Laurence Senelick, *The Changing Room: Sex, Drag, and Theatre*, (Routledge, 2000); Coles, “The Question of Power and Authority in Gender Performance : Judith Butler’s Drag Strategy”, pp. 11-12

³³ Biddy Martin, “Sexualities Without Genders and Other Queer Utopia’s,” *Diacritics*, (1994), 24 (2/3), p. 109.

³⁴ Judith Butler, *Bodies That Matter: On the Discursive Limits of Sex*. 0 edn. (Routledge, 2011), p. 125. <https://doi.org/10.4324/9780203828274>.

³⁵ Foucault, *Power / Knowledge: Selected Interviews and Other Writings 1972 - 1977*, Edited by Colin Gordon. (Pantheon Books, 1981); Foucault, Michel, and Michel Foucault. *The Birth of the Clinic: An Archaeology of Medical Perception*. (Vintage Books, 1994)

³⁶ Foucault, *Power / Knowledge: Selected Interviews and Other Writings 1972 - 1977*, Edited by Colin Gordon. (Pantheon Books, 1981), p. 33.

“meaningful.” Newspaper reviews, theatrical criticism, medical texts, and police testimony did not passively “produce” a field of knowledge about the sonic properties and characteristics of queer voices; they stabilized interpretive frameworks that fixed sounds—high pitches, exaggerated inflection, stylized laughter—to sexual deviance. Listening, in this sense, was not neutral perception but a learned practice embedded in relations of power.³⁷

While Foucault helps explain how sound could be made “meaningful” within discourse, his framework introduces a tension. If knowledge formation is rooted in discourse, and if discourse fixes “the meaning of statements or texts to align with the political rationality that underlies their production”—to eliminate “differences and contingencies in interpretation” and reinforce the power and stability of the discourse—then how might we account for sound that exceeds speech, or rather, for asemantic vocalization?³⁸

Feminist Critiques of the Semantic Order

Feminist philosophy helps address this dilemma. In *For More Than One Voice*, Adriana Cavarero identifies a Western “symbolic patriarchal order” in which patriarchal and philosophical traditions privilege the semantic over the vocal—voice is feminized, affective, and epistemically suspect).³⁹ This visual-semantic framework suggests that the fairy’s femininity became legible insofar as it could be stabilized into recognizable signs, whereas vocal excess remained analytically marginal.

While Cavarero helps explain why historians—and theorists—have often reduced voice to an index rather than analyzing it as a field of knowledge with its own genealogy, her critique of the symbolic patriarchal order cannot fully account for the historical record in which the sound of the voice was privileged over “proper speech.” Cavarero’s framework, organized around the exclusion of voice from reason, cannot address moments when institutions privileged sound over speech precisely because it appeared to bypass conscious articulation. In legal and medical contexts, the very qualities that render voice non-rational—its affective, embodied, unstable, and asemantic character—became grounds for classification and control. Doctors, investigators, and judges treated vocal pitch and tone as bodily traces that could be extracted, compared, and evaluated, often at the expense of speech itself. This inversion suggests that voice did not operate outside knowledge, and thus not beyond Foucault’s understanding of discourse as the root of knowledge formation, but as a distinct epistemic register, one

³⁷ As Foucault states in *Power/Knowledge* (1981, p. 34) [on the power to disseminate information]: “The means for distributing information is in the hands of those in power, and the people’s court made it possible to break this monopoly on information.”

³⁸ Akhter Hussain, Priyanka Saloi, *Foucault’s “Power/Knowledge” And Its Contemporary Relevance*. (Library Progress International, 44(1s), 2024), p. 124.

³⁹ Caravero, *For More than One Voice*, pp. 5-6.

that promised access to interior truth when visual certainty faltered. To understand this shift, we therefore need a theory of listening as a political practice.

Sonic Essentialism and the Politics of Listening

Recent work in sound studies clarifies why auditory evidence became persuasive precisely where visual certainty failed. Eidsheim's *The Race of Sound: Listening, Timbre, and Vocality in African American Music* provides a crucial framework for understanding how voice came to function as a seemingly self-evident marker of interior identity.⁴⁰ Eidsheim draws parallels between the "multiplicity of the thick event" and the "multiplicity of a person."⁴¹ The "thick vocal event" describes the complex, layered, and socially constructed way in which the human voice is "performed," interpreted and produced. For Eidsheim, in the same way that "the vocal moment is complex as a thick event, with the limited parameter of sound selected as the aspect that defines it," complex phenomena such as human voices are "further defined by socially, culturally, and economically driven categories such as race, class, and gender." Where in the former situation, "voice is often reduced to its textually driven or notable meaning content (language, pitch, rhythm, etc.)," in the latter, vocal timbre is "used to make truth claims about voice and the person emitting the vocal sound."⁴² Eidsheim's examination of timbre regarding vocal pitch ranges and their relationship to gender, as well as her analysis of Jimmy Scott's voice, which she notes "unsettled" the habitual auditory shortcuts listeners relied upon to answer the acousmatic question, is generative in this regard. It allows consideration of how urban audiences responded to the acousmatic question in the context of encounters with voices that defied sonic expectations during the pansy craze, particularly those that echoed Judith Halberstam's remark, "I heard a feminine [vocal] range."⁴³

Eidsheim establishes three interrelated correctives that better capture what "voice is" and what "we identify when we identify voice." First, voice is not singular; it is collective. Second, voice is not "innate"; it is cultural. And third, the voice's source is not the singer; it is the listener. While this paper is indebted to Eidsheim's assessment of vocal timbre as "a knowable entity," and her suggestion that the listener, "including both other listeners and auto-listening, is so strong, and indeed so overriding, that to understand the process of evaluating and defining vocal timbre and voices, it is more useful to consider the process from the listener's point of view," it rejects Eidsheim's third corrective. Instead, I focus on the power relations between vocal production and the listener.

Hidden Organs

⁴⁰ Eidsheim, *The Race of Sound*.

⁴¹ Eidsheim, *The Race of Sound*, p. 5.

⁴² Eidsheim, *The Race of Sound*, p. 5.

⁴³ Eidsheim, *The Race of Sound*, p. 102.

Snorton's *Black on Both Sides* sharpens the stakes of Eidsheim's insights by showing how regimes of knowledge operate most forcefully not where bodily truth is perceptually secure, but precisely where it cannot be stabilized or confirmed through sight alone. Snorton demonstrates that figures positioned at the center of racial and gender domination, rather than at its margins, are often understood through what Snorton describes as shadow, silhouettes, and imperceptible traces—modes of knowing that emerge through obstruction, speculation, and delay.⁴⁴ Drawing on Spillers's account of Black gendered life unfolding within the "Manichean darkness" of the American symbolic order, Snorton shows that epistemic indeterminacy does not suspend power.

Snorton's analysis of the "hidden organs" defense in the case of Hicks Anderson is particularly instructive.⁴⁵ In that case, the claim that anatomical truth would later be revealed through postmortem discovery did not weaken medical or legal authority; it reorganized knowledge itself, preserving existing power relations and enabling continued governance over docile bodies. A similar logic appears in Snorton's discussion of the "crisis of visibility" surrounding Christine Jorgensen's emergence as a transsexual celebrity. Popular discourse—captured in the lyric, "But behind that lipstick, rouge, and paint / I gotta know—is she is, or is she ain't?"—staged a collective anxiety about where bodily "truth" resided: on the surface, in an interior essence, or in some hidden anatomical site that exceeds the visual realm. Even as Jorgensen's public recognition marked a moment of American "liberal" inclusion, it simultaneously revealed that when visual certainty falters, other modes of inference, speculation, and control rush in to take its place.⁴⁶

Extending Eidsheim's and Snorton's insights on how difference is culturally produced and then naturalized as proof of an underlying truth, this paper argues that legal and medical authorities treated the "queer voice" as self-evident, not because of its acoustic precision, but because the authority of the trained ear rested less on empirical certainty than on power/knowledge that shaped assumptions that deviance announced itself audibly to those sufficiently attuned to it.⁴⁷ Where bodies could not be conclusively read, listening offered institutions an alternative means of claiming knowledge without relinquishing authority.

Rather than beginning with post-Prohibition legal cases—where the disciplinary effects of power are most explicit—this paper first turns to interwar newspapers, performance reviews, and popular literature of the pansy craze, including Niles' novel *Strange Brother*.⁴⁸ These sources reveal how a broader network of social relations and power/knowledge constellations stabilized vocal qualities as

⁴⁴ Snorton, *Black on Both Sides*, p. 143.

⁴⁵ Snorton, *Black on Both Sides*, p. 150.

⁴⁶ Snorton, *Black on Both Sides*, pp. 140, 162.

⁴⁷ Foucault, *Power / Knowledge 1972 - 1977*, pp. 34-35.

⁴⁸ Foucault, *The Birth of the Clinic*. (Vintage Books, 1994); Niles, *Strange Brother*.

legible signs of deviance, aligning sound with the political rationalities of regulation.⁴⁹ I then examine early twentieth-century medical and psychiatric writings to show that medical authority often relied on the same impressionistic listening practices as urban lay audiences. Finally, the paper analyses postwar liquor licensing proceedings and appellate decisions to demonstrate how courts and administrative bodies entrenched the belief that voice could disclose sexual deviance by treating “effeminate” vocal mannerisms as “common sense” evidence of deviance. Mid-twentieth century anti-gay policing thus rested not only on what could be seen, but on what could be heard—and, crucially, on who possessed the authority to determine when hearing became knowing.

Public Discourse and the Making of Queer Audibility

Long before aural cues of effeminacy were formalized as juridical evidence through administrative hearings and appellate decisions, stereotypes about the revelatory homosexual voice circulated through mass entertainment, popular journalism, and everyday commentary. Queer vocality became intelligible not through specialized expertise alone, but through repeated cultural exposure and shared listening practices that simultaneously produced and constituted power relations. Their evidentiary significance lies in the assumptions they normalized: that homosexuality could be heard, recognized, and examined as an object of knowledge. Drag balls and fairy cabarets allowed the public to “stop decrying the sexual deviant and simply be entertained by him”.⁵⁰ Popular discourse offered urban audiences a way to discuss sexual difference that suspended overt condemnation in favor of fascination and amusement. Theatre criticism and gossip columns described performers whose speech, singing, and laughter departed from normative expectations of male vocality (Littel, “The Play”). Patrons and urban elites who described these encounters in conversation, in print, and within elite social networks thereby participated in the production and circulation of shared knowledge about queer vocality without necessarily understanding themselves as engaged in regulation. Cartoons exaggerated effeminacy through wilting postures, plucked eyebrows, lipstick, and gelled hair (Figure 1). The *New York Amsterdam News*, *Baltimore Afro-American*, *Pittsburgh Courier*, and *Atlanta Daily World*, along with magazines such as *Variety* (41), celebrated drag balls and pansy cabaret not merely as spectacles of gender inversion but as sites of sexual transgression.⁵¹

⁴⁹ Michel Foucault, *Discipline and Punish* (Vintage Books, a division of Random House, Inc, 1995), p. 26.

⁵⁰ Lvovsky, *Queer Expertise*, p. 56.

⁵¹ The *Interstate Tattler* famously reported on the Hamilton Lodge Ball, for example, using terms like “fairies” and “subnormal”—terms that signalled not only moral judgment but were themselves constitutive of a cultural discourse.

Literary texts written for a general readership, such as *Strange Brother*, a popular novel of the period, also explicitly alerted readers to bodily and vocal characteristics of sexual deviants.⁵² In one illustrative passage, the narrator describes a group of five young men whose carefully “marcelled hair,” plucked eyebrows, carmined lips, and “manicured nails” are matched by “high voices and little trilling laughs,” as well as feminine gestures and affect.⁵³ Although *Strange Brother* and the popular press relied on caricature and exaggeration, they did more than merely reflect preexisting stereotypes. By repeatedly linking high-pitched voices and particular modes of laughter to sexual deviance, these texts encouraged sonic essentialism. Voice became an index of interior truth—a “hidden organ” of sorts that would soon be taken up and rearticulated in medical discourse.⁵⁴



Figure 1. *New York Amsterdam News*. March 6, 1937.

Medicalizing the Audible Body: Popular and Clinical Knowledge in the 1930s

In the 1930s, medical discourse blurred the boundaries between specialized expertise and popular stereotypes. Physician Potter's novel, *Strange Loves*, exemplifies this convergence. Written for a general readership and marketed in a science fiction anthology, *Wonder Stories*, the book promised to fix “the meaning of many misunderstood subjects ... under the searchlight of truth” using the insights of a verified medical expert and authority.⁵⁵ Its success—four printings in its first year—exemplifies the extent of public appetite for “more objective” knowledge about deviance. Addressing this popular

⁵² Niles, *Strange Brother*.

⁵³ Niles, *Strange Brother*, p. 49.

⁵⁴ Snorton, *Black on Both Sides*.

⁵⁵ Potter, *Strange Loves*, p. 256.

audience, Potter emphasized the “peculiar, high-pitched tones of voice” of effeminate homosexuals, both in speaking and in singing.⁵⁶ Aural markers thus functioned as diagnostic cues alongside visual ones—much like in *Strange Brother*. While Lvovsky suggests that such physicians intentionally reinforced theatrical stereotypes of effeminacy, a Foucauldian reading complicates this interpretation.⁵⁷ Rather than simply disseminating stereotypes downward, texts like *Strange Loves* participated in a broader constellation of power/knowledge, stabilizing auditory difference as a legible, seemingly objective sign of deviance.⁵⁸ Voice was not merely illustrative; it was made evidentiary.⁵⁹

Clinical Precision and “Impressionistic” Listening

Reliance on popularized aural stereotypes persisted even within ostensibly scientific clinical research. In “Constitutional Factors In Homosexuality,” George Henry and Hugh Galbraith of Bloomingdale Hospital reported on the “constitutional and physiological components” of 123 male and 105 female patients under their treatment, regardless of “the nature or stage of the illness,” to obtain a “better understanding of sexual problems” and to “more fully realize” their complexity.⁶⁰ Although the doctors stressed scientific rigor, they acknowledged that while “some of [their] notations were of precise measurements,” most depended on “direct impressionistic observations” (1251).⁶¹ The tension between precision and impression becomes evident in their treatment of voice. Physical traits such as the “carrying angle of the arm of the male and female,” or the average “torso-leg ratio” of homosexual males, were meticulously quantified—e.g., an “external conjugate” of 17.8 cm versus 17.3 cm—while vocal pitch was reduced mainly to a binary: “high or low.”⁶² Allowances were made for hoarseness or illness, but no criteria were provided for assessing pitch or for explaining why it mattered.

This vagueness becomes analytically productive when placed against the authors’ case studies. Case 70, a heterosexual male age 35, was noted to have “no feminine physical characteristics except for high-pitched voice,” and diagnosed with “alcoholism without psychosis.” Case 106, a homosexual male age 42, exhibited multiple “feminine” traits, including a “high-pitched voice,” feminine pubic hair, and a “feminine carrying angle.”⁶³ Yet in their summary, Henry and Galbraith asserted without qualification that “the homosexual male is characterized by a high-pitched voice.” The contradiction is never resolved. Voice appears both decisive and unreliable—invoked as a hallmark of homosexuality yet

⁵⁶ Potter, *Strange Loves*, p. 103.

⁵⁷ Foucault, *Power / Knowledge, 1972 - 1977*, p. 84.

⁵⁸ Foucault, *Discipline and Punish*, pp. 27-28.

⁵⁹ This also raises the question: what type of power is susceptible to producing discourses of truth that, in early twentieth-century society, were endowed with such potent effects (Foucault 1981, p. 93).

⁶⁰ Henry Galbraith, “Constitutional Factors in Homosexuality,” pp. 1250-1251.

⁶¹ Galbraith, “Constitutional Factors in Homosexuality,” p. 125.

⁶² Galbraith, “Constitutional Factors in Homosexuality,” pp. 1252, 1256.

⁶³ Galbraith, “Constitutional Factors in Homosexuality,” p. 1259.

incapable of sustaining consistent diagnostic boundaries (Figure 2). What these sources reveal is not scientific confusion but epistemic work: listening was treated as meaningful even when it failed empirically. The authority of the homosexual “voice” persisted despite counterexamples, suggesting that auditory perception functioned less as evidence than as confirmation of an already stabilized category.

<i>Muscles</i>	Male heterosex.			Male homosex.			Female heterosex.			Female homosex.		
	M.	F.	%	%	M.	F.	M.	F.	%	%	M.	F.
Large	1	..	20	35	6	..	2	..	20	12.5	2	..
Small	..	4	80	65	..	11	..	8	80	87.5	..	14
Firm	3	..	60	71	12	..	3	..	30	94	15	..
Soft	..	2	40	29	..	5	..	7	70	6	..	1
<i>Hair</i>												
Coarse	2	..	40	35	6	..	2	..	20	12.5	2	..
Fine	..	3	60	65	..	11	..	8	80	87.5	..	14
Upper Lip	5	..	100	65	11	..	?	..	..	62.5	10	..
Chin	..	..	..	35	..	6	..	?	..	37.5	..	6
Chest	5	..	100	59	10	..	?	..	..	6	1	..
Pubis	..	..	..	41	..	7	..	?	..	94	..	15
Thighs	5	..	100	71	12	..	..	..	..	31	5	..
Legs	..	..	..	29	..	5	..	10	100	69	..	11
Upper back	4	..	80	53	9	..	..	..	..	37.5	6	..
Lower back	..	1	20	47	..	8	..	10	100	62.5	..	10
Shaving	5	..	100	100	17	..	2	..	20	62.5	10	..
High	..	..	..	..	..	..	..	8	80	37.5	..	6
Low	5	..	100	100	17	..	7	..	70	100	16	..
Upper back	..	..	..	..	..	..	..	3	30	..	..	..
Lower back	1	..	20	12	2	..	..	..	..	6	1	..
Shaving	..	4	80	88	..	15	..	10	100	94	..	15
High	2	..	40	12	2	..	..	..	..	19	3	..
Low	..	3	60	88	..	15	..	10	100	81	..	13
Shaving	5	..	100	82	14	..	..	..	..	..	..	..
High	..	..	..	18	..	3	..	..	..	..	..	..
Low	..	..	..	..	..	..	..	..	..	..	..	..
<i>Voice</i>												
High	..	1	20	65	11	..	..	9	90	87.5	..	14
Low	4	..	80	35	..	6	1	..	10	12.5	2	..

Figure 2. Table from *Constitutive Factors in Homosexuality*, 1253.

By the postwar period, this unstable medical knowledge had hardened into a fixed legal regime. Administrative directors and appellate courts routinely relied on descriptions of patrons’ voices, alongside gestures and comportment, to establish sexual deviance. The inability to see sexual difference did not produce epistemic restraint; it prompted a turn toward listening for alternative sites of “truth.” In the 1930s, defendants charged with serving homosexual patrons often appealed to “common sense” to challenge the state’s claims. By the 1960s, however, bar owners increasingly enlisted expert witnesses—most often psychiatrists—to contest popular stereotypes of the self-revelatory homosexual.⁶⁴ This shift occurred alongside the rise of sexual psychopath laws and growing collaboration between law enforcement and medical professionals. Scientific expertise was embraced when it bolstered policing but resisted when it threatened to unsettle entrenched modes of detection.

⁶⁴ Lvovsky, *Queer Expertise*, p. 149.

Sonic Essentialism in the Courtroom

The 1954 proceedings against Adele Kaczka's N.Y. Bar in Paterson, New Jersey, illuminate the legal consolidation of what Eidsheim terms "sonic essentialism," the belief that sound reveals essence.⁶⁵ Investigators testified that 60% to 90% of the male patrons spoke "in a manner common to women, puckering their lips and ... in high-pitched voices," treating audibility as damning evidence rather than incidental description. Kaczka's defense did not dispute what investigators heard. Instead, it challenged whether those observations constituted publicly accepted knowledge of suspicious conduct.⁶⁶ Defence retained a psychiatrist as an expert witness. On the stand, the psychiatrist testified that there was "no direct correlation between a man's psychological makeup and his physical makeup," and that "detection would be difficult for an untrained person." The argument was epistemological: if homosexuality could not be heard without expertise, then lay listening was insufficient grounds for regulation. Counsel's argument collapsed on cross-examination. When ABC attorney Ambrose presented the psychiatrist with a hypothetical recapitulating the investigators' testimony—"the dancing, the swishing walks, the high-pitched voices, the puckered lips"—the psychiatrist conceded that he would infer homosexuality. Hearing officer Davis seized on this admission. "Counsel's contention is unsound," he concluded. The distinction between expert and lay listening dissolved. The ear, rather than expertise, was decisive.

Codifying Lay Listening: Paddock Bar and Beyond

This sonic essentialism—what Lvovsky, somewhat generously, calls "the idea of a meaningful hierarchy in the science of homosexual detection"—was echoed and entrenched in subsequent liquor license revocation cases.⁶⁷ In the proceedings against the Paddock Bar, the court explicitly rejected the notion that medical professionals possessed unique authority to detect homosexual men. "The psychiatrist," the court observed, "constructs his deductive conclusions largely upon the ostensible personality behavior and unnatural mannerisms of the patient."⁶⁸ On this reasoning, the outward flamboyance of the Paddock Bar's patrons should have alerted bartenders to their sexual preferences. By likening the psychiatrist's medical inference to a layman's capacity to recognize homosexuality—on sight and, though not explicitly named in the court's opinion, by ear—the court effectively privileged sonic essentialism and codified aural stereotypes into law. By insisting that homosexuality announced itself audibly, the state expanded its regulatory reach without confronting the difficulty of proving illicit

⁶⁵ Eidsheim, *The Race of Sound*.

⁶⁶ Kaczka's attorney contended that the ABC's agents, as laymen, "were not qualified" to identify the Bar's patrons as homosexual.

⁶⁷ Lvovsky, *Queer Expertise*, p. 163.

⁶⁸ *Paddock Bar, Inc. v. Div. of Alcoholic Beverage Control*, 46 N.J. Super. 405 (App. Div. 1957), pp. 408-409.

acts—long after the unreliability of physical markers of deviance had been acknowledged by medical professionals, the military, and, in some cases, judges themselves. Investigators repeatedly emphasized that they could identify a bar’s clientele almost immediately upon entering. The *Paddock Bar* decision made this logic explicit. Affirming the revocation of the bar’s license, the Superior Court of New Jersey held that the “noticeably effeminate pitch of the voice” constituted sufficient circumstantial and inferential evidence under Rule 5 of the ABC Code.⁶⁹ What emerged was a juridical regime in which auditory perception was stabilized and “fixed” as accepted public knowledge of sexual deviance. To hear was to know; to know was to judge.⁷⁰

A Legal Fiction: Log Cabin Inn and Gloria Bar & Grill

By mid-century, liquor authorities and courts had entrenched a legal fiction: that homosexuality was not merely visible but audible, and that identifying homosexuals by ear was an unremarkable lay skill. This presumption insulated regulatory agencies, such as the SLA and the ABC, from the challenges posed by emerging forms of expertise in the early 1950s. Liquor agencies avoided a direct contest of authority precisely because their enforcement of disorderly conduct laws—“permitting” lewd conduct or catering to “known” sexual degenerates—had long depended on the public stereotype of the self-revelatory homosexual body to initiate charges and to sustain them in court.

Although psychiatrists and statisticians increasingly questioned the reliability of these stereotypes, the evidentiary logic underpinning liquor regulation proved remarkably resilient. The exchange in *In re Kaczka*—in which the defense psychiatrist ultimately reached the same inference as the investigators based on a combination of visual, behavioral, and aural cues—suggests that long before bar owners like Adele Kaczka sought to introduce expert testimony, the presumption of lay mastery over homosexual detection was already too deeply ingrained to “brook serious contention in the courts.”⁷¹ That presumption extended well beyond regulatory agencies to encompass psychiatrists, statisticians, and expert witnesses themselves.

A similar evidentiary pattern appeared in the *Log Cabin Inn* proceedings. During the hearing, the bartender denied having identified his customers as homosexuals and instead insisted that he did

⁶⁹Paddock Bar, Inc. v. Div. of Alcoholic Beverage Control.

⁷⁰ As Foucault writes, “When we talk about courts we’re talking about a place where the struggle between the contending forces is willy-nilly suspended: where in every case the decision arrived at is not the outcome of this struggle but of the intervention of an authority which necessarily stands above and is foreign to the contending forces, an authority which is in a position of neutrality between them and consequently can and must in every case decide which party to the dispute has justice on its side” (1981, 27).

⁷¹ Lvovsky, *Queer Expertise*, pp. 165-166.

not know what a “fag” was.⁷² The Commissioner initially appeared willing to credit this denial. However, when the investigator later described two male patrons whose voices were “a little off tune,” the Commissioner grew more skeptical. “With respect to the two men described by [the investigator], even he admitted that their voices were ‘a little off tune.’”⁷³ “Any bartender who heard a customer speak in a high-pitched voice,” the Commissioner reasoned, could be “trusted to recognize that unusual tenor as a hallmark of the sexual deviant.” As Lvovsky notes, the Commissioner “did not take seriously the suggestion that a bartender with relatively sharp hearing might still be ignorant of either the fairy or his telltale cues.” Vocal pitch here required no specialized knowledge, no interpretive labor—only the supposedly self-evident capacity to hear.

Other bar owners attempted to resist this logic. At the Gloria Bar & Grill, owner Isidore Schwartz protested that he had never interpreted his customers’ effeminate mannerisms as evidence of sexual deviance. “How do I know which one is a degenerate?” he asked. “I can’t go up and ask a man if he is a degenerate or if he is a fairy.”⁷⁴ Schwartz’s statement underscores the indeterminacy of social cues in everyday life. Yet this uncertainty carried little weight before the Authority.⁷⁵ This lay skill was never confined to sight alone or to the stereotype of the self-revelatory homosexual body. It relied equally on hearing and on the presumed self-revelatory sound of the voice—that is, on sonic essentialism. High-pitched voices, “off-tune” speech, trilling laughter, and exaggerated vocal affect were treated as transparent signs of homosexuality.⁷⁶ This logic remained operative into the late 1950s. In 1959, investigators testifying against the Fulton Bar & Grill reported that male patrons wore “tight-fitting trousers,” and spoke “in high-pitched effeminate tones.”⁷⁷ On that basis alone, the SLA revoked the bar’s liquor license, concluding that the establishment catered to “homosexuals and degenerates who conducted themselves in an offensive and indecent manner.”⁷⁸ On appeal, a New York trial court annulled the SLA’s revocation on the grounds that Fulton’s managers had no alleged

⁷²Record of the Department of Alcoholic Beverage Control, State of New Jersey, Trenton, NJ In re Log Cabin Inn, Bulletin 279, November 10, 1936.

⁷³Record of the Department of Alcoholic Beverage Control, State of New Jersey, Trenton, NJ In re Log Cabin Inn, Bulletin 279, p. 12.

⁷⁴New York Supreme Court Archives, Civil Branch, New York County, New York, NY, Gloria Bar & Grill v. Bruckman, Record on Review and related files (1940).

⁷⁵Borrowing from Cavarero (2005), we might say what mattered was less what was said than who the sound of the voice was taken to reveal.

⁷⁶Long before psychiatrists openly questioned the reliability of bodily or behavioral markers, Western legal and philosophical traditions had already aligned voice with body, treating sound as an index of interior truth.

⁷⁷Fulton Bar & Grill, Inc. v. State Liquor Auth., 205 N.Y.S.2d 37 (1960)

⁷⁸Fulton Bar & Grill, Inc. v. State Liquor Auth., 205 N.Y.S.2d 37; Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World*, pp. 344, 454-455.

knowledge of any illicit solicitations on premises, but the appellate division reversed.⁷⁹ Even absent solicitation, the court found, “a consideration of the entire record” disclosed “that the evidence is amply sufficient” to support the SLA’s charges. No witness testified to having observed sexual acts, solicitation, or lewd behavior.

Years later, agencies such as New Jersey’s ABC and New York’s SLA continued to suspend and revoke liquor licenses even as bar owners introduced expert witnesses who challenged the state’s investigators’ claims that they should have recognized the homosexuals on their premises. For example, in 1961, in the case of *Murphy’s Tavern, Inc. v. Davis*, Murphy’s Tavern introduced a psychiatrist to prove that the ABC’s reports of “high-pitched voices” provided “no direct proof of [their] homosexual nature.” The doctor confirmed that “the determination of a homosexual cannot be made from appearances alone.”⁸⁰ Sonic essentialism once again survived critique.

Hearing as Governance, Sound as Risk

The history of queer audibility reveals how sound, speculation, and sensation became intimately intertwined with the productive and repressive forces of power through which discourse about sexual difference was made to “fix” what came to be known as “true” about the vocal hallmarks of homosexuality and effeminacy. The regulation of queer audibility did not require that sound itself be fully captured as speech; instead, it depended on a broader network of power relations that shaped who could be heard, how, and which sonic qualities could be rendered meaningful without ever being fully verbalized. Urban Americans who equated specific vocal properties with sexual deviance were already deeply entangled within the complex interplay between power and knowledge in the early 1920s and 30s.⁸¹ In cases such as *Paddock Bar* and *Log Cabin Inn*, auditory impressions were not treated as speculative or contingent but as sufficient grounds for regulation and sanction. By authorizing certain forms of hearing as knowledge and anchoring voice in a stable ontology, the courts further expanded the reach of vice policing without requiring proof of discrete acts, setting the terms for who could testify as an expert and what the layperson was expected to recognize. Voice, stripped of its relational, contingent, and ephemeral qualities, was made a sonic proxy for identity. And timbre, often referred to as the color, vocal imprint, and sound of the voice, was made the site where biological, racial, and gender essentialism survived critique—where the complex and intermingling phenomena of “sound” and “person” were reduced to a placeholder (gender; sexuality; effeminacy; deviance), one that stood in

⁷⁹ Lvovsky, *Queer Expertise*, p. 140.

⁸⁰ *Murphy’s Tavern, Inc. v. Davis*, 70 N.J. Super. 87 (App. Div. 1961)

⁸¹ Foucault, *Power / Knowledge, 1972 - 1977*, pp. 62-63.

for the unnameable event.⁸² Timbre, in other words, was used to make “truth claims” about voice and the person “emitting the vocal sound.”⁸³

To attend to voice as I have done here is not to abandon discourse analysis, but to show how power operates even where speech falls short of formal articulation, and how listening itself becomes a mode of regulation.⁸⁴ Across cultural, medical, and legal archives, sound repeatedly stands in for identity itself—as if tone, pitch, accent, or timbre could transparently index gender, sexuality, desire, or difference. What unites the drag ball spectator, the vice officer, and the judge, then, is not simply a reliance on stereotype, but a shared epistemological wager to resolve uncertainty without confronting its own conditions of possibility.

Sonic Essentialism Today

“Sonic governance,” the use of listening as a technology of classification, inclusion, and exclusion, remains a feature of contemporary legal and administrative practice. Whether the “fairy” in a bar, the “black voice” in a courtroom, or the “credible refugee” at an asylum hearing, juridical institutions continue to treat voice as evidence of interior truth. In immigration courts across the United States and Europe, asylum seekers are routinely evaluated not only on the content of their testimony, but on how they speak: whether their accents align with the projected norms of the manner of speech associated with their national origin, whether their cadence sounds “authentic,” and whether their manner of narration conforms to culturally legible scripts of trauma. Credibility determinations often hinge on perceived incongruities in tone or affect—on whether experiences and affect (fear, pain, disgust) “sound right.” The substantial evidence requirement states that the IJ may not rely on “stereotypes about how persons belonging to a particular group would act, sound, or appear. “Demeanor” assessments are nevertheless often influenced by off-the-record experience/knowledge about how members of a particular group, such as sexual minorities or trauma survivors, *should* “sound.” For example, in *Shahinaj v. Gonzales*, asylum was denied because “neither [Shahinaj]’s dress, nor his mannerisms, nor his *style of speech* give any indication that he is a homosexual.”⁸⁵

⁸² Eidsheim, *The Race of Sound*, p. 5.

⁸³ Eidsheim, *The Race of Sound*.

⁸⁴ Foucault writes that “power and knowledge directly imply one another ... there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations” (1995, 27).

⁸⁵ *Shahinaj v. Gonzales*, 481 F.3d 1027, 1028 (8th Cir. 2007); A non-asylum-related case demonstrates the persistence of sonic essentialism. In *In the Matter of the Name and Gender Change of R.E.*, (Indiana Court of Appeals, 2020), counsel pointed to R.E.’s “beard and deep voice” as evidence of Testosterone use and transition, only for the court to dismiss vocal depth as legally insignificant. As the

The acousmatic question: "*Who is this?*" is always already asked within a structure of power relations that has already assumed an answer. To foreground voice, then, is not merely to add another sensory register to histories of regulation but to unsettle the assumption that we can reduce vocal events in a manner similar to the way we reduce the falling tree to a sound. Sound can function as a site of capture. Sound can also register excess: laughter that exceeds the transcript, voices that fail to "stabilize" within existing fields of "accepted" knowledge, or that do not meet sonic expectations. This paper insists on listening to listening itself: to the histories, expectations, discourses, songs, and gender expressions that determine when hearing becomes knowing (or not knowing), and when sound is permitted to remain ephemeral. We cannot expect to yield a single, unambiguous answer to the question, "Who is speaking?" "Who are they?" Instead, we must begin to think about how we can learn to listen anew.

judge remarked, "And I don't mean this insensitively, I've got an aunt that has a significant amount of facial hair too, that doesn't make her a male."