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Amis de la gaieté: Same-Sex Sex, Intimacy, and Power in French Prisons in the July Monarchy and After

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By

Tyler L Blakeney

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Committee in charge:

Professor Michael Lucey, Chair
Professor Debarati Sanyal
Professor Damon R. Young

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Abstract

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While touring the women's prison of Saint-Lazare in Paris in the early 1930s, the author Fracis Carco was surprised to find a respectable looking young woman in the *menagerie*, a set of tiny cages initially set up for the children sent to the prison. At the time of Carco's tour, the cages of the menagerie were no longer used for children, or as a special punishment for the worst prisoners. In fact, a stay in the menagerie was a special privilege accorded to certain well-behaved prisoners. Even though the cages are tiny, like the cell in a zoo outfitted only with a bed and a chamber pot, the warden says, "the women are happy with them, because that way they can escape the promiscuity of the dormitories and they can get their act together better."[1] As the warden's comment suggests, sex between the prisoners seems to be the prevailing norm within the prison. When the tour group encounters an explicit graffito later ("My heart and my ass for Mimi B. —Fernande"), the warden asks a prison guard to erase it. The attendant replies flippantly, "Oh please! I'd be stuck doing that forever! I'd wear out my paws. With these females here, I'd have to start over every day."[2]

These two anecdotes reveal some of the key issues at the heart of my dissertation, titled *Vicious Inclinations: Gay Sex and State Power in Prisons from 1830 to the present*. Although we often think of sex between prisoners as something highly regulated by the institutions of incarceration, these examples show the limits of that regulation, indeed even sometimes the complete indifference of the guards to sex between prisoners. They also that institutions of incarceration themselves are not monolithic but comprised of multiple different nodes of power which may each have different motivations and actions. In this

[1] Francis Carco, *Prisons de Femmes* (Paris: Les Editions de France, 1931), 32–34. My translation.

[2] Carco, *Prisons*, 35–36. My translation.

case, the warden's power is by no means absolute, and she is unable to mobilize the guard to repress this blatant symbol of sex between the prisoners at her institution. At the same time, even the most horrific and repressive inventions of the disciplinary imagination can be twisted, turned, and used to the prisoners' own ends. In the case of the Saint-Lazare prison, animal cages used to hold children have become a space where some prisoners can get privacy from the overwhelming and sometimes dangerous social dynamics of public dormitories; the very walls of the prison used to hold the prisoners have become the canvas to express same-sex love. Ultimately, my dissertation shows that the relationship between power and sexuality in prison is incredibly complex, and stands outside of any binary construction of power in which guards and wardens simply exert repressive power over prisoners.

My dissertation seeks to take examples of the lived experience of prisoners who had sex with each other as the basis for rethinking how state power and sexuality relate to one another. It has three main goals. First, I seek to uncover and imagine the experiences of individuals who had same-sex sex in prisons from 1830 to the present in what Foucault calls their "infinitesimal materiality."[3] Far from being hidden, the archive is full of accounts and traces of same-sex sex in prisons throughout this period. In fact, same-sex sexuality is at the very origin of the cellular design and structure of the modern prison, as my work on the July Monarchy demonstrates. My goal is to trace through time the way people talked about and conceptualized prison sex, and to imagine to the extent that we can the lived experience of individuals who had sex with members of the same sex in prison. My corpus is drawn from archival sources that give us a sense of the historical realities of prison life (published works by prison doctors, internal official documents like surveys of prison wardens, conference presentations by criminal sexologists, law enforcement reports, along with the rare accounts from prisoners themselves that become more common after the 1970s). Literary sources, both fictional and nonfictional, also play a key role in my work, because they allow us to analyze the workings of power at the level of individual. Even if they are not always aiming to recount events that actually occurred, they often can give us insight into both a material truth (about the experiences of prisoners who had same-sex sex) and a theoretical truth about the functioning of power.[4]

Through this exploration of these lived experiences, I seek to elaborate a theoretical account of how individuals live out their sex lives within the constraints of state power. I argue against a binary account of power (which I argue is still prevalent in queer theory) that sees some individuals as "in" power and others as being "outside" of it. Drawing on a

[3] The phrase comes from *Surveiller et punir* (Paris: Gallimard, 1975), 39.

[4] My thinking about fiction's role in contributing to our knowledge of lived experience in the past that would otherwise be difficult to read in the archive draws from Saidiya Hartman's *Wayward Lives, Beautiful Experiments* (New York: W. W. Norton, 2019).

novel theoretical corpus of less-known works by Foucault and Bourdieu, I attempt to narrate these lived experiences in a way that draws out the experiences of individual agents as they navigate the field of state power. I eschew thinking that argues that the "heteronormative state" is necessarily *against* same-sex sexuality in all situations because it must promote some kind of "biopolitical" agenda. Rather, through my narration of individual experience, I try to think through in very concrete ways how the macro strategies that we can recognize in the state's behavior are produced by the collective actions of many different agents (agents who often have various and even opposing agendas *within* the field of state power).

Finally, I seek to displace identity's centrality in investigations of sexual behavior in the past and to historicize our understanding of normativity. Since the debates between the essentialist and constructionist LGBT historians of the 1980s, identity has become the key point of distinction between the different camps of those investigating same-sex sex in the past. The idea that sexual modernity is defined by the invention of homosexuality as a category is an article of faith of queer theory. And yet, this insistence on identity has masked continuities of thought between queer studies and the essentialist groups it critiques. Both are structured around what I call the outlaw thesis, the idea that same-sex sexuality is necessarily outlawed and stigmatized within a heteronormative state and society. Drawing on recent work in queer studies like Laura Doan's *Disturbing Practices* and R. Wiegman and E. A. Wilson's recent issue of *differences* on "Queer Theory without Antinormativity," I show that such approaches incorrectly construct heteronormativity as an ahistorical constant. Norms around sexuality change over time just as much as identities do, and they have much less power than the queer account credits. While norms about sexuality certainly play a role in shaping behavior, the rich and varied experience of prisoners I uncover demonstrates that they are not determinative by any means. We must not conflate norms with the behavior of state-aligned institutions and individuals, who often act in conflicting ways that meet the tactical needs of a specific situation instead of out of a commitment to some kind of heteronormative strategic agenda. Scholars of gender and sexuality need to treat normativity and state power with the same rigorous historical method that they apply to identity, and my dissertation seeks both to offer a demonstration of such an approach and to theorize a methodology that could be taken up by other scholars.

My dissertation is divided into two parts. The first part centers on the period of the July Monarchy in France (1830–1848) for two key reasons. First, the liberal, reformist monarchy of Louis Philippe I saw the transition, documented by Foucault and others, from the absolutist, arbitrary justice of the *Ancien régime* to the "enlightened" and modern system of imprisonment that still exists today. Central to these debates, particularly to the invention of the cellular model of imprisonment, was the question of sex between prisoners. Second, this period also saw a huge proliferation of representations of same-sex sex between prisoners. From popular sources (theater, newspapers, and illustrated books)

to high literature (Hugo and Balzac), sex between prisoners was one of the key tropes of July Monarchy popular culture.

As my entry into this period, I focus my readings around Victor Hugo's 1834 novella *Claude Gueux*, which tells the story of a prisoner (Gueux) who assassinates a prison official who has separated him from his intimate friend Albin. While critics acknowledge that Gueux and Albin's sexual relationship was well known in the popular accounts of the real story on which Hugo drew, they often argue paradoxically that Hugo could not have represented same-sex sexuality himself because the topic was too taboo. In the first chapter, I look closely at Hugo's text and the critical response to it, from the immediate period of its publication through the 21st century, to reveal the ways in which the historical specificity of the sexual configurations of the July Monarchy have been lost by the anachronistic projection of the idea that same-sex sex must be repressed back onto the 19th century text. I resituate Hugo's text in terms of 19th-century discourses of friendship. The second chapter explores the context of discussions of prison sexuality in July Monarchy culture, drawing on popular sources, prison reform writings, and the works of prison officials and prisoners themselves, to describe the particular configuration of prison sexuality that was operative in this period. In the third chapter, I analyze the same sources to show the power dynamics between prisoners and prison officials. I then offer my own reading of *Claude Gueux*, demonstrating how the intimate friendship between prisoners was in fact central to Hugo's critique of the prison system more generally and his utopian vision of a fraternal society that would combat inequality.

The second part of my dissertation traces these questions beyond the July Monarchy period into the present. The fourth chapter rethinks the established narrative of the role of sexology and related scientific fields in determining dominant modes of understanding sexuality. While many historians of sexuality and queer theorists today think of sexologists as all-powerful and take their conceptions of sexual identity to be *the* dominant conception of sexuality during their time, I try to resituate sexology within a historical moment in which it was very much a marginal field within the growing structure of the officially recognized sciences. Through close readings of sexological texts from across the 19th and early 20th centuries, I show how sexology actually *used* its description of same-sex sexuality in order to legitimate itself as a true science rather than a pseudoscience. The fifth chapter focuses on representations of the queer murderer Pierre-François Lacenaire, executed in 1836, in the 20th and 21st centuries. Seen as the ultimate figure of revolt in the 19th century, Lacenaire comes to be a symbol of French individualism and of its relative openness to homosexuality in the 20th and 21st. In tracing the ways this outlaw is incorporated into nationalist narratives, I demonstrate that same-sex sex is used in contradictory and mobile ways to bolster national and state power. In the sixth chapter, I return to *Claude Gueux* and show how 20th and 21st century critics of the text in France and the US discussions of sexuality in the text intersect with the literary critic's own authority, embedded within state structures of power. The conclusion reads a fragment of a poem written by a prisoner

and sung by many as they were being chained up and carted off to a work camp in order to reflect on the place of prisoners' voices themselves within this archive.

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I am sorry that I don't have the talent of some academics of writing beautiful words of thanks, but I hope that all mentioned here know the depth of my gratitude and affection.

Introduction.
Toward an analytics of same-sex sex in prison

"Gravée comme une banderole": The Visibility of Same-Sex Sex in French Prisons

In the middle of Victor Hugo's *Le Dernier Jour d'un Condamné*, there's a strange chapter that begins, "J'ai vu, ces jours passées, une chose hideuse."[1] Most of novel is written in the first person, the obsessive and isolated ruminations of a man who has been condemned to execution at the guillotine: "De quoi peut donc parler, plume en main, un incarcéré dans un lieu où rien ne se passe, où personne ne vient à lui ?" asks Jean Rousset, in an essay in which he compares the "lieu clos, rigoureusement hermétique" of Hugo's text to Robbe-Grillet's *nouveaux romans*.[2] And yet something does indeed happen in Chapter XIII. The narrator's first-person meditations give way to a third-person narration, filled with the kind of carefully researched detail that is more reminiscent of Hugo's voluminous *Les Misérables* than the avant-garde fiction of the 1950s. The "horrible thing" the narrator sees is, apart from public executions, the most emblematic carceral spectacle of early nineteenth century France, *le départ de la chaîne*. These were parades of a special class of prisoners, named *forçats*, destined for the notorious *bagnes* located in France's port cities. Prisoners were stripped naked, searched, branded with the letters *T. F.* (*travaux forcés*) by a hot iron, lined up, two by two in columns of up to thirteen, and shackled together with a chain connected to a collar on their neck that weighed seven kilograms (fig. 1–2). Far from Rousset's hermetically sealed prison, the prison as a space of spectacle during the *départ de*

[1] Victor Hugo, *Le Dernier Jour d'un Condamné*, in *Œuvres complètes : Roman I*, ed. Jacques Seebacher (Paris: Robert Laffont, 1985), 443.

[2] Jean Rousset, "Le Dernier Jour d'un condamné ou l'invention d'un genre littéraire," in *Hugo dans les marges*, ed. Lucien Dällenbach and Laurent Jenny (Geneva: Editions Zoe, 1985), 43.

la chaîne was open to the outside world. (And indeed Rousset's vision of the prison is anachronistic at best, projecting backward onto this transitional period a version of modern carcerality that was only in its embryonic stages in 1829. Prisons in France around 1830 were busy, noisy places. Isolation was the exception rather than the rule; prisoners were usually in large dormitories. It could be argued more fundamentally that the idea of the hermetically sealed prison is in fact nothing more than an ideological fiction, and that the process of "closing" the prison is never fully accomplished. To put forth such a vision has implications for the critic's role in perpetuating myths about the prison. I will return to this question in chapter six.) During the spectacle of the *départ*, visitors came to gawk at the prisoners, even women who, some contemporaries worried, could derive a sort of prurient pleasure from the sight of the naked young men. And as the prisoners were marched through the French countryside, townspeople would stop their work and gather to watch the prisoners pass through their village.[3]

In Hugo's telling, the most notorious and well-known prisoners had fashioned strange-looking hats out of their straw bedding so that they could be recognized more easily by the spectators.[4] One of these future convicts elicited the particular joy of the other prisoners, who had all gathered as a kind of grotesque audience, applauding the "hideous" spectacle of the *forçats*. Indeed, there's a curious accumulation of details around this particular prisoner:

> un jeune homme de dix-sept ans, qui avait un visage de jeune fille. Il sortait du cachot, où il était au secret depuis huit jours ; de sa botte de paille il s'était fait un vêtement qui l'enveloppait de la tête aux pieds, et il entra dans la cour en faisant la roue sur lui-même avec l'agilité d'un serpent. C'était un baladin condamné pour vol.[5]

Where, exactly, does our "hermetically" closed-off narrator learn such exact details? The pretense of the chapter's narrative frame, that this is a scene witnessed and described to us by our nameless narrator, has completely fallen away, as his first-person narration has become the omniscient third-person narration of the nineteenth-century realist novel. There's something excessive and unnecessary about this surfeit of details that mirrors the

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[3] The *départ de la chaine* was described several times in *La Gazette des Tribunaux*. The description of the event on October 24–26, 1826 contains the best description of the prisoners' life on the road and includes the scandalized reference to titillated women looking on as the men were stripped naked. Hugo also described the prisoners travels famously in *Les Misérables*, Volume 4, Book 3, Chapter 8, "La Cadène."

[4] Hugo's account closely mirrors that of "Départ de la chaine des forçats," *La gazette des tribunaux*, October 23, 1828, https://enapagen3.bibenligne.fr/opac/catalog/bibrecord?id=enapagen3_I40192. The *Gazette* may have been a supplemental source for Hugo, but he in fact attended the chaining himself. See his letter to the sculptor David d'Angers, in which he announces that Louis de Belleyme, the prefect of the police, had gotten the men access to Bicêtre for the ceremony. Victor Hugo to David d'Angers, October 17, 1828, in *David d'Angers et ses relations littéraires*, ed. by Henry Jouin (Paris: Plon, 1890), 35.

[5] Hugo, *Dernier Jour*, 445.

prisoner's own extravagance, with his straw dress and acrobatics. In this dissertation, I will show that many of these markers (femininity, solitary confinement, strange clothes, the association with *mauvais lieux* like the world of entertainment, conviction for theft) were closely tied with same-sex sexuality during this period, especially if they were found in the space of a prison or *bagne*, where prisoners were always already suspected of having "intimes familiarités avec les autres forçats," as the *Gazette des Tribunaux* put it.[6] My assertion is that Hugo adds this surfeit of detail to create a constellation of markers of same-sex sexuality around this prisoner. Moreover, I will argue that this type of signification, the accumulation of seemingly insignificant details, what Foucault calls the "infimes matérialités" of prison life, is itself intimately linked with same-sex sexuality in prisons.[7]

For now, we might simply ask, why does same-sex sexuality appear here, out in the open, right in front of the guards and the Parisians who have gathered to see the spectacle? Certainly, this is not where same-sex sexuality is supposed to be found in a world, we might assume, in which it must be highly regulated, controlled, and suppressed. Isn't the prison, with its constant surveillance and isolation, the ultimate space of the exertion of state power? Why would "the heteronormative state" allow such a queer figure to flourish within the space of its control, when we all know that the queer is inherently opposed to and outside of the "heteronormative state," with its biopolitical investment in reproduction? Surely same-sex sexuality, if it is going to appear in the prison, belongs in the supposedly hermetically sealed world of the rest of *Le Dernier Jour*, isolated and hidden away from the rest of society, rather than in the one moment in which the prison opens up onto the outside world. The idea that the guards would allow such a flamboyant and joyous display of the prison's sexual culture right under their own noses is unthinkable.

And yet this feminine young man's extravagant display is not suppressed by the onlooking guards. In fact, Hugo names him as the emblem of a real form of counterpower exercised by these prisoners, at the very moment where it would seem like they are most completely under the control of their jailers. After describing the acrobatics show, Hugo continues,

> il y eut une rage de battements de mains et de cris de joie. Les galériens y répondaient, et c'était une chose effrayante que cet échange de gaietés entre les forçats en titre et les forçats aspirants. La société avait beau être là, représentée par les geôliers et les curieux épouvantés, le crime la narguait en face, et de ce châtiment horrible faisait une fête de famille.[8]

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[6] "Départ," *Gazette*, October 23, 1828.

[7] The phrase comes from Michel Foucault, *Surveiller et Punir: Naissance de la prison* (Paris: Gallimard, 1975), 39.

[8] Hugo, *Dernier jour*, 445.

The acrobat's curious display is not repressed but celebrated, and the text accumulates a series of signifiers around him that seem tied to the phenomenon of same-sex sex. It's not hidden away; it happens right out in the open. And, perhaps most surprisingly of all, it is connected not with feelings of shame and repression but with the joy of the prisoners, their joy precisely in this moment in which they are stripped, branded, shackled, and marched off to a lifetime of hard labor in unlivable conditions. As Hugo presents it here, same-sex sexuality seems intimately connected to a form of counterpower that can be deployed right under the guards' noses. While it doesn't change the prisoners' fundamental position, it is a kind of reparative act, one that leads to an improvement in their quality of life even as their lives become more highly regulated by the state.[9] The fundamental gesture of this counterpower is the *nargue*. No matter what forms of control the guards try to exert over the prisoners, a form of tactical imagination will always find a *prise*, something to grab hold of and to twist back.

Figure 1. Gabriel Cloquemain, "La prison de Bicêtre à Gentilly: La toilette des forçats avant le départ de la chaîne." Represents prisoners stripped naked in front of onlookers. Paris Musées/Musée Carnavalet.

[9] Although it is based on a real event he witnessed, Hugo's account is of course fictional. However, the kind of reparative joy he describes is also present in "non-fictional" accounts of the ceremony, and the association of the prisoners with same-sex sexuality is even more explicit in those cases.. I return to those accounts in the conclusion.

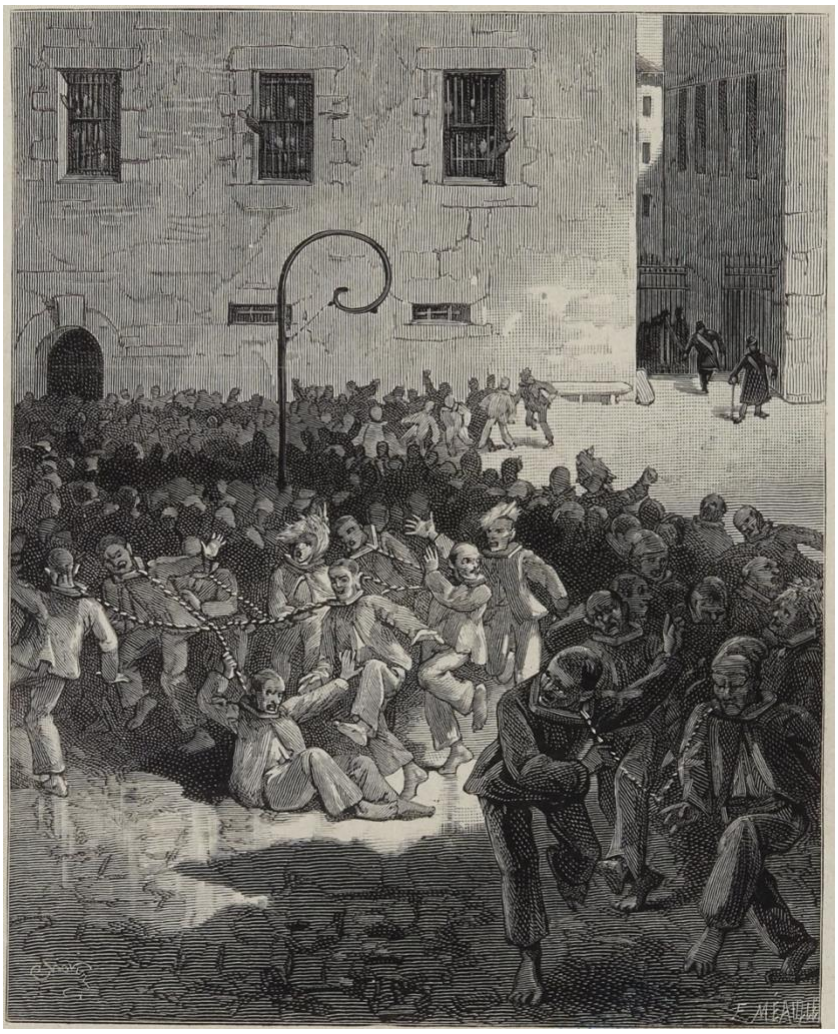

Figure 2. Fortuné Louis Méaulle, "La farandole des forçats." Engraving for an edition of Le Dernier Jour d'un condamné*, 1883. Paris Musées/Musée Carnavalet.*

This tactical imagination, the *prise*, is at the center of this dissertation, and it reveals the inadequacy of modes of thinking about power that are currently prominent in cultural studies, literary studies, and queer theory. Norms, we are told, are so pervasive, so powerful, so deeply ingrained into our way of seeing the world that it is impossible to escape them. Queer thought, according to Vicki Kirby's apt critique, "tend[s] to assume that […] we might find the agential space for contestation and intervention" only "when power fails to maintain itself," in power's "absence."[10] Influential theories of subjectivity, deriving from the French post-structuralist tradition and the work of Judith Butler, have argued that agency is an illusion, that what seems like agency is actually a liberal fiction that keeps subjects quiescent even as they are unable to think outside of the ideological apparatuses

[10] Vicki Kirby, "Transgression: Normativity's Self-Inversion," in "Queer Theory without Antinormativity." Special issue, *differences* 26, no. 1 (2015): 114, https://doi.org/10.1215/10407391-2880618.

that determine their supposed free thinking. Kirby, however, points us to "the immanence of agency in power's self-affirmation" (114). What Kirby calls "power's essential incoherence and productive proliferation" (114) ultimately enables action even by the most abject, *within*, rather than outside of, the field of power. Hugo's feminine acrobat fashions a dress out of his straw bedding. The horny but respectable young woman who comes to watch the *départ de la chaîne* uses what is supposed to be an edifying carceral spectacle to her own ends. The prisoners, condemned to a horrible fate in a labor camp in which many of them would die, manage to create a community that nourishes them. *La société avait beau être là, le crime la narguait en face.*

Another example: almost exactly a century after Hugo's queer acrobat made his appearance in *Le Dernier jour*, the novelist and journalist Francis Carco recounted same-sex sexuality among prisoners in his salacious reportage *Prisons de femmes*. As he is led through the prison by Sœur Léonide, one of the nuns who works there, Carco walks through a particularly sinister cellblock called "la ménagerie," made up of tiny cages stacked one upon the other "comme pour des fauves" (fig. 4–6).[11] Containing nothing but a bed and a water bowl, these cages seem destined for the most abject and dangerous prisoners, but Carco is surprised to learn that they are occupied only by women who request them particularly. "Les femmes s'en contentent," explains the nun, "car elles échappent ainsi à la promiscuité des dortoirs et se ressaisissent mieux" (34).[12] Far from being a shameful practice hidden away in the dark corners of the prison, sex between the women is the norm of prison life, acknowledged by guards and prisoners alike. Similarly, the horrible conditions of the menagerie are not a horrible punishment imposed on those who transgress a heterosexual norm, but a space of self-imposed, monastic isolation, a compromise of comfort for privacy and, apparently, freedom from unwanted sexual advances. The women's sexual exploits are quite literally published throughout the prison, in the form of graffiti that riddle the walls and make the fact of lesbian sex inescapable to any visitor:

> Je ne pensais plus maintenant aux amours de ces femmes, quoique, partout, les inscriptions les moins discrètes m'empêchassent d'en douter. Jusque sous le toit, dans les cachots, elles accompagnaient les cœurs géants, percés de flèches, des trois lettres fatidiques : P. L. V., qui veulent dire : pour la vie, ou encore : A. L. M. : à la

[11] Francis Carco, *Prisons de femmes* (Paris: Les Éditions de France, 1931), 32.

[12] The main sense of the word "promiscuité" in French is lack of privacy, overcrowding. It is sometimes used today in a neutral way, but its original meaning was negatively connoted and often associated with a mixing of sexes or classes in a way that is morally wrong, especially a "rapprochement sexuel de personnes contraire à un code moral ou une loi." (*Trésor de la langue française informatique*, s.v. "promiscuité.") The 8th edition of the *Dictionnaire de l'Académie française*, published the year after Carco's text, lists as the first example sentence, "La promiscuité des sexes causait de grands désordres dans cet établissement."

> mort. On lisait ici, que Marthe de Charonne aimait Lolotte de la Bastille ; là, que Berthe se vengerait d'Irma qui lui avait ravi Georgette ; plus loin, que Marcelle et Gaby se donnaient l'une à l'autre.[13]

Written on the walls of the prison, sex between women is hardly a shameful, hidden practice in Saint-Lazare (fig. 3). These calling cards leave nothing to the imagination, identifying in barely coded terms those prisoners who proudly engage in same-sex sex, even naming the prison in which the women are to be found. Like the acrobat's drag performance, it exists right under the guards' noses.

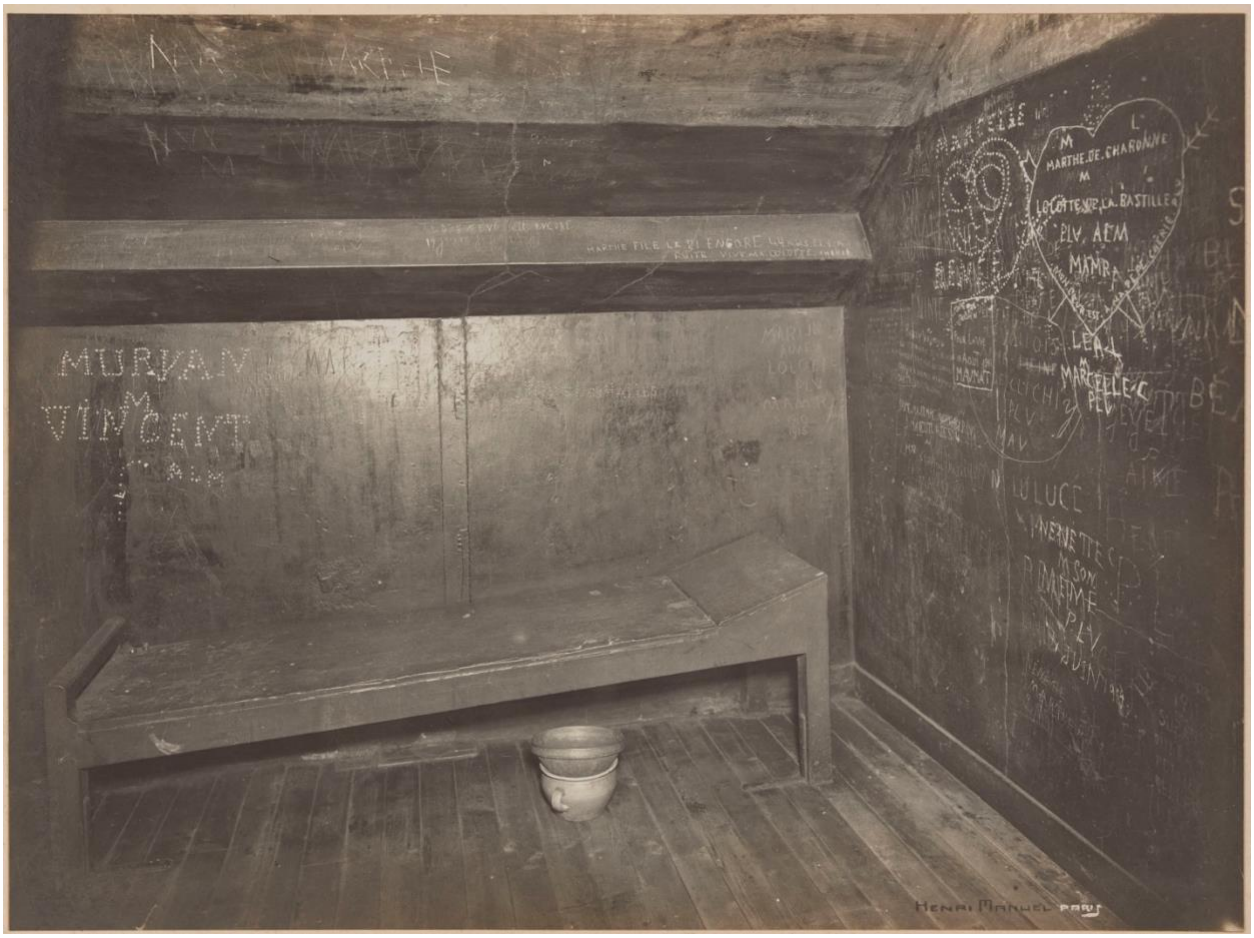

Figure 3. A photograph from the cachot of Saint-Lazare prison where graffiti referring to love between prisoners is visible. Henri Manuel, taken between 1929 and 1931. Collection des musées de la ville de Paris. Paris Musées/Musée Carnavalet.

[13] Carco, *Prisons*, 35.

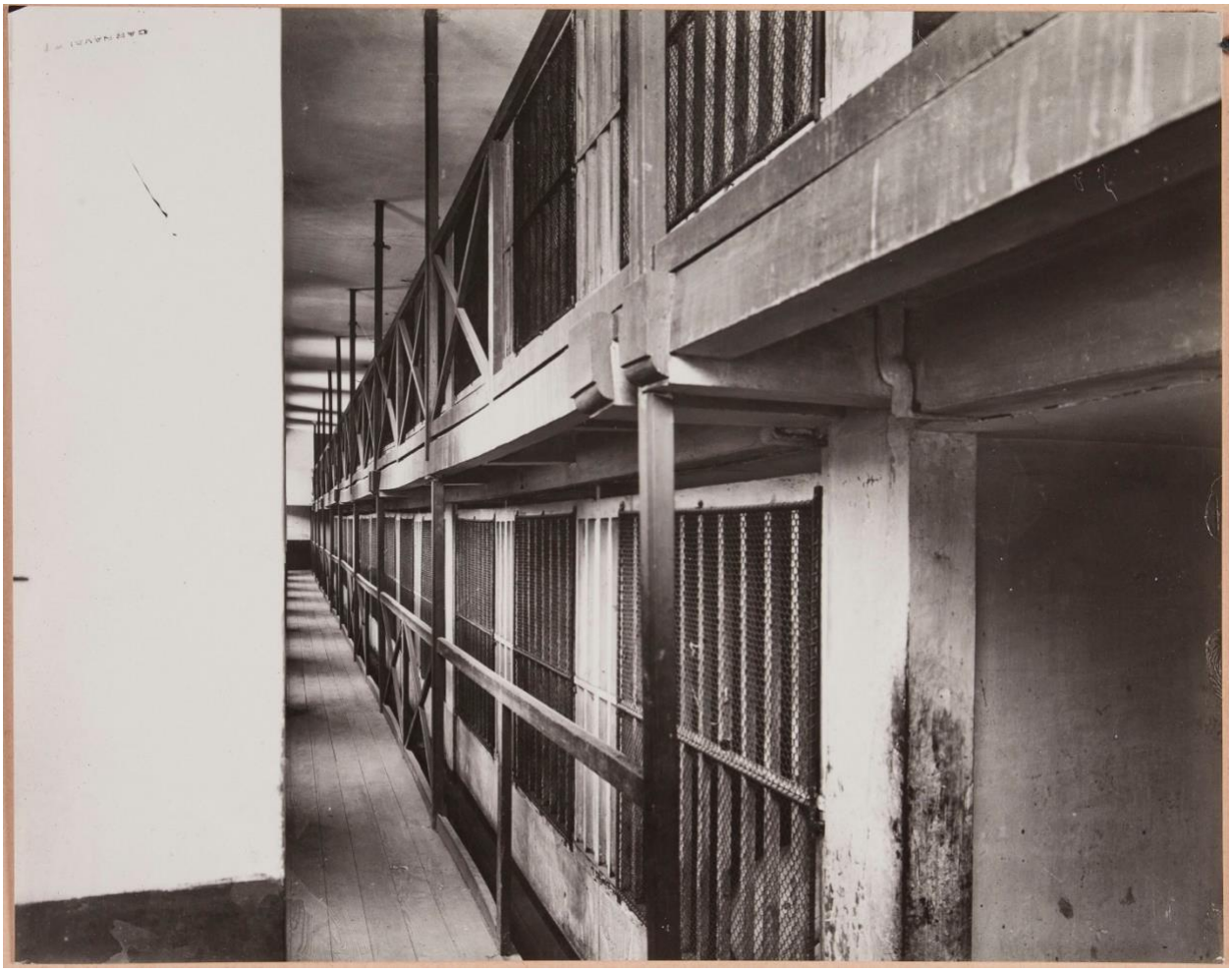

Figure 4. Anonymous, 20th century. The "ménagerie" in Saint-Lazare prison. Paris Musées/Musée Carnavalet.

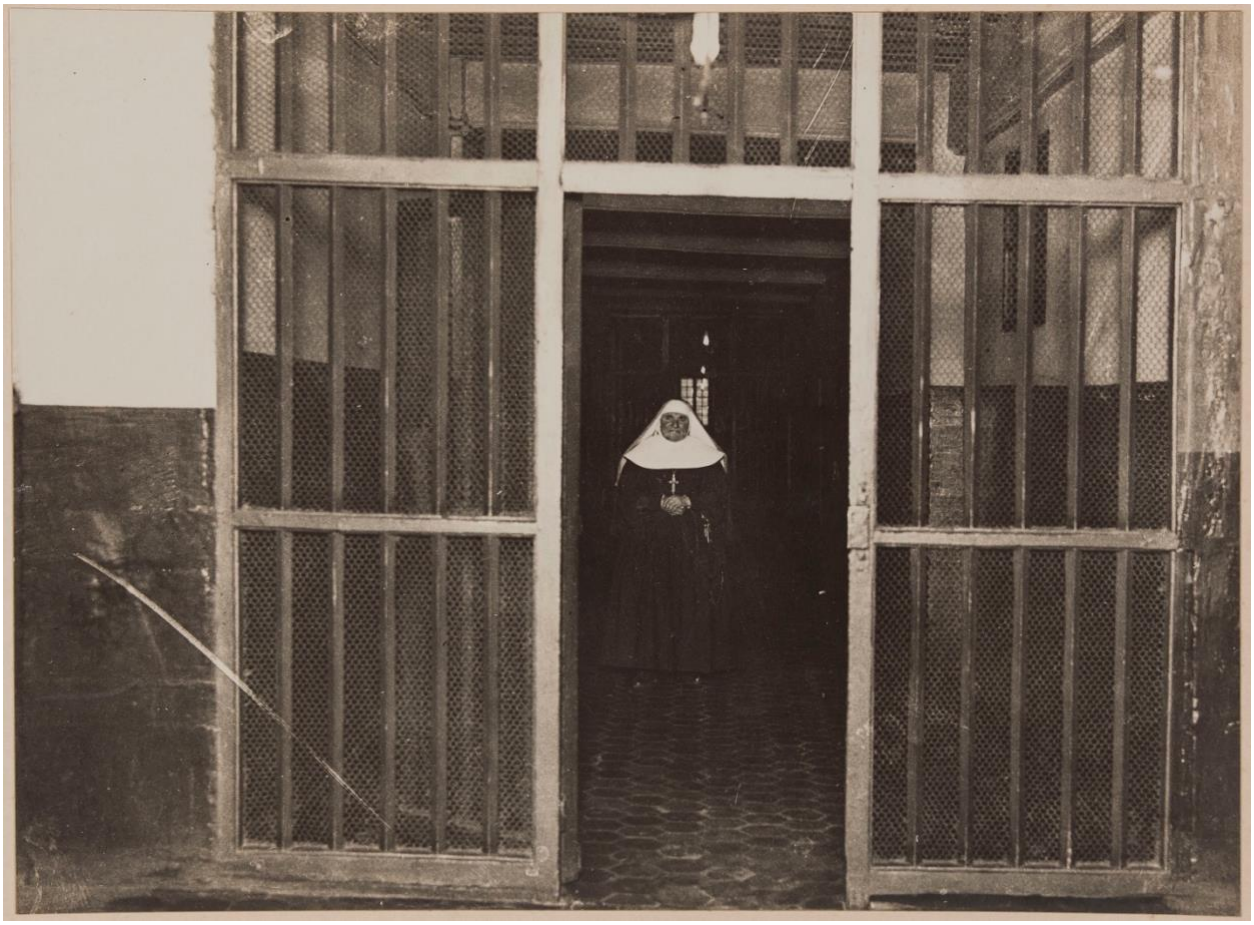

Figure 5. Henri Manuel, "Sœur Léonide devant la grille du quartier des condamnées à mort." Between 1929 and 1931. Paris Musées/Musée Carnavalet.

Figure 6. Henri Manuel, "Portrait de Sœur Léonide." Between 1929 and 1931. Paris Musées/Musée Carnavalet.

The guards take an indifferent approach to these nominally outlawed activities. When two girls run out into the hallway giggling and enter a cell together, either to "sing" or to have a lovers' quarrel, Carco's guide comments, "Mieux vaut les laisser faire. Leur tour viendra bien assez vite de changer de ton."[14] But when the party comes across an enormous and obscene graffito that takes up an entire wall ("Mon cœur et mon cul, à Mimi B. —Fernande."), the nun finally feels as though she can ignore the lesbian graffiti no longer. "Ça, par exemple, vous l'effacerez," she tells the guard who is accompanying them.[15] The fact that the nun explicitly singles out this graffito over others suggests that there is a code dictating which references to same-sex sexuality can be tolerated and which go too far beyond the bounds of propriety; indeed, her language almost suggests that it is the obscene word "cul," rather than the reference to same-sex sexuality in and of itself, that necessitates the graffito's erasure. The guard's response, however, turns what should be a moment of the regulation of non-normative sexuality into a moment that reveals just how little control the prison officials have over their charges' sexual practices: "'Ben, j'en finirais plus !' répondit [la surveillante]. 'Je m'y userais les pattes. Avec ces femelles-là, ce serait chaque jour à recommencer.' Elle partit d'un gras éclat de rire."[16] The guard, the representative of state power within the walls of the prison, finds the idea that she could erase all the inscriptions of lesbian desire quite literally laughable, and effectively ignores the warden's order to erase this graffito.[17]

Prisons de femmes draws our attention to the codes that dictated the representation of same-sex sexuality both within and outside of the prison. Like the acrobat's queer garment and dance, the inscriptions often seem to be encrypted and yet not exactly secret. The expressions "P. L. V." and "A. L. M." require a gloss for the reader, and yet it seems that Carco himself had no trouble decoding them, even as an outsider. There is an important slippage, too, between the language of affective and sexual bonds. If, as the nun's comment suggests, it is the obscenity of Fernande's graffito rather than the same-sex relationship itself that merited erasure, then perhaps we can see in the romantic language of the inscriptions a tactic to evade censure. The obscenity of Fernande's inscription is, it seems, the exception rather than the rule; most of the graffiti are romantic rather than explicitly sexual in nature. Rather than masking the identity of the participants, the graffiti rely on

[14] Carco, *Prisons*, 32.

[15] Carco, *Prisons*, 35–6.

[16] Carco, *Prisons*, 36.

[17] There is an important caveat for understanding Fernande's graffito. The expression "Mimi" was a slang term for a lesbian, so it is possible that Fernande's inscription is more obscure than it appears at first glance, and that the real identity of Fernande's lover is not Mimi, but rather encoded more discreetly in the elliptical "B." See Aristide Bruant, *L'Argot au XXe siècle: Dictionnaire Français=Argot*, 2nd ed. (Paris: Flammarion, 1905), s.v. "tribade."

the indeterminacy of the relationship itself, the gray area between romantic friendship and sexual love, to protect themselves from sanction. And yet no one seems to have any doubt about the real nature of these relationships. Carco writes, "Parfois, gravée comme une banderole, une déclaration de ce genre : « *Mon cœur est à ma Pépé chérie* » se déroulait ainsi qu'un long bras souple vers son plaisir et rachetait par sa tendre innocence des aveux plus brûlants."[18] The graffiti seem to have their own kind of poetics; like Apollinaire's *Calligrames*, the meaning lies as much in the sheer materiality of the words themselves as in their abstract signification.[19] Even if we find Carco's reading of the suggestive shape of this particular inscription to be a bit fanciful, the graffiti signify in their very presence. "Pour la vie," "à la mort": these inscriptions give the ephemeral and chance connections of these prisoners a kind of permanence; they are performative rather than representational, a technology that allows such relationships to subsist even when the prisoners themselves are not able to share the same space. The guard's laughing response to the nun's suggestion that she erase Fernande's message indicates that the sheer abundance and size of these inscriptions, too, is part of a tactic that protects them from censorship. By flooding the prison walls with this graffiti, up to the roof itself, they render the erasure of any particular message completely impracticable.

I don't want to overstate the revolutionary potential of these inscriptions. Like the *forçats'* brief moment of joy, these graffiti don't change the fundamental conditions of their authors. "Mieux vaut les laisser faire," says the nun menacingly. "Leur tour viendra bien assez vite de changer de ton." These relationships are precisely *not* "pour la vie" and "à la mort," but subject to the inevitable vagaries of prison life which lie beyond the prisoners' control. Furthermore, while the ambiguity between sexual and romantic love allows the women to evade censure, it also means that they do not have complete control over the meaning of their inscriptions. Let's take Carco's insistence on the suggestive "suppleness" of the proclamation of love for Pépé. We don't have a photograph in order to judge for ourselves the validity of Carco's reading of the suggestive shape of this graffito, but his interpretation seems reductive and sensationalist. The graffiti themselves are suggestive of the rich affective life of these prisoners as they engaged in all kinds of relationships with each other, but Carco adds an interpretative lens on top of the graffiti that emphasizes the sexual component of these relationships and effaces their affective dimension; for him, it seems, these representations can only ever be sexually explicit, even when they make no reference to sex at all.

Carco's reductive reading of the graffiti relates to the larger project of *Prisons de femmes*, which is hardly revolutionary or queer. Carco's claim that he is not thinking about

[18] Carco, *Prisons*, 35.

[19] There is a graffito that may have some kind of obscene shape in figure 3 (under the word "MARCELLE"), but there is not sufficient detail to fully identify it.

the prisoners' sexuality seems disingenuous, since non-normative sexuality seems to be at the center of the exhibitionist project of *Prisons de femmes*. This is not a work of hard-hitting, serious journalism intended to shed light on a social problem; from its opening pages, it is a salacious piece of entertainment, a view into a world of women "qui méprisaient les hommes et qui, cependant, affectaient d'en avoir le genre, le poids, l'aisance, l'autorité."[20] The menagerie in which women prisoners are exhibited as if they were "creatures" in a zoo is an apt symbol for Carco's book itself.[21] The women's sexuality is not revolutionary but, as is all too often the case with lesbian sexuality, put on display for the prurient enjoyment of heterosexual male readers for whom the image of sexually adventurous women locked up and forced to have sex with each other was a potent fantasy.

And yet in spite of all of these limitations, both of these texts, written a hundred years apart, point to the surprising relationship between same-sex sexuality and power in prison, and the way in which these sexual cultures were indexed in the archive. Same-sex sex in prison has been an object of horrified and prurient fascination since the invention of modern carceral institutions around the turn of the 19th century, a phenomenon that was quite open and discussed extensively in writing by prison officials since the inception of the institution. The myth that same-sex sexuality must be hidden in prisons because they are spaces of intensive surveillance and bodily discipline in a heteronormative and homophobic society is so persistent that, even in spite of evidence to the contrary, modern observers often work themselves into logical contortions to preserve it. In her book on prisons in nineteenth-century France, for instance, the historian Patricia O'Brien insists that any evidence of the relative toleration of same-sex sexuality by prison officials was merely a temporary deviation from a carceral regime that was otherwise strictly opposed to sex between prisoners. O'Brien writes, "This relaxed attitude toward sexual activity in the prison appears to have been an aberration, part of a passing phase in prison administration."[22] And yet Carco's representation of prison life reveals that relative toleration of open displays of same-sex affection and sexuality continued well into the 20th century. Indeed, such contradictions are not limited to historians and critics of the prison system: while sex is ostensibly banned in today's prisons in France, the administration nevertheless provides free condoms for prisoners' use.[23] Far from being an aberration, the

[20] Carco, *Prisons*, 1.

[21] Carco, *Prisons*, 34.

[22] Patricia O'Brien, *The Promise of Punishment: Prisons in Nineteenth-Century France* (Princeton, NJ: Princeton UP, 1982), 91.

[23] This paradox is often cited in works on contemporary prison sexuality in France. See for example Gwenola Ricordeau, "Enquêter sur l'homosexualité et les violences sexuelles en détention," *Déviance et société* 28.2 (2004), 233, https://doi.org/10.3917/ds.282.0233; or more recently Observatoire international des

gap between the practice of same-sex sex and a discourse that nominally bans it seems to be a fundamental feature of modern prisons.

It is precisely this gap between discourse and practice that is the object of study of this dissertation. Same-sex sex in prisons has often been viewed as exceptional or "oblique," the anachronistic persistence of a non-identitarian, pre-modern sexual culture in the modern world.[24] Historians of sexual identity have gone so far as to claim that the "situational" same-sex sex of prisons is of no relevance to the history of sexual identity: Vernon A. Rosario argues that, in spite of their deep-seated differences, neither essentialist nor constructionist historians of homosexuality have had any interest "merely in any same-sex sexual activity (for example, the 'situational' homosexuality of prisoners or sailors restricted to a single-sex environment)" but rather focus on "the more elusive issue of same-sex *desire* or sexual *orientation* ('true' homosexuality or 'gayness')."[25] My fundamental claim in this dissertation is instead that same-sex sexuality in prisons is an exemplary form for understanding the interface between same-sex sex in practice and the systems of constraint promoted by networks of power in modern society more broadly.

Too often, a discursive or ideological disposition on the part of social elites against non-normative sexual practices has been taken at its word. Even critics sensitive to the complexity of the relationship between state power and sexuality in the present have tended to reify the idea that, before the liberatory moment of gay rights, same-sex sexuality was repressed and unspeakable.[26] Hugo and Carco's texts, however, suggest the complex sexual formations that could exist even within spaces of extreme state control, even at a time in which same-sex sexuality was highly socially stigmatized. In showing us the underside of power, its constitution through the confrontation of two forces, they remind us that power is not a stable object, "held" by the guards, but the effect of what Michel Foucault has called a "multiplicité de rapports de force." Rather than taking the outlaw status of same-sex sexuality for granted, looking carefully at same-sex sexuality in prisons suggests how we might build from the bottom up, showing how the discursive formations of same-sex sexuality that were gradually imposed over the period covered in this

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prisons – section française, "Sexualité en prison: la grande hypocrisie. Conférence en ligne," video of conference, November 30, 2020, https://www.youtube.com/watch?v=Nw9HtXj8LBs.

[24] Regina Kunzel, *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality* (Chicago: University of Chicago Press, 2008), 5.

[25] Vernon A. Rosario, "Homosexual Bio-Histories: Genetic Nostalgias and the Quest for Paternity," in *Science and Homosexualities*, ed. by Vernon A. Rosario (New York: Routledge, 1997), 7. In her citation of this moment, Kunzel ascribes this view to Rosario himself, although he is describing the phenomenon critically.

[26] For example, Jasbir Puar describes "homonationalism" as a new historical phenomenon in which homosexual subjects, previously associated with death, are now "folded into life." Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke UP, 2007), xii. See the end of chapter 5 for fuller discussion of Puar's concept of homonationalism.

dissertation always only partially accounted for the variety of same-sex sexual practices in prisons and in society more broadly. Foucault argues for such an approach to discovering the mechanisms of power in *La Volonté de savoir*, the first volume of the *History of Sexuality*:

> L'analyse, en termes de pouvoir, ne doit pas postuler, comme données initiales, la souveraineté de l'État, la forme de la loi ou l'unité globale d'une domination ; celles-ci n'en sont plutôt que les formes terminales. Par pouvoir, il me semble qu'il faut comprendre d'abord la multiplicité des rapports de force qui sont immanents au domaine où ils s'exercent, et sont constitutifs de leur organisation ; le jeu qui par voie de luttes et d'affrontements incessants les transforme, les renforce, les inverse ; les appuis que ces rapports de force trouvent les uns dans les autres, de manière à former chaîne ou système, ou, au contraire, les décalages, les contradictions qui les isolent les uns des autres ; les stratégies enfin dans lesquelles ils prennent effet, et dont le dessein général ou la cristallisation institutionnelle prennent corps dans les appareils étatiques, dans la formulation de la loi, dans les hégémonies sociales.[27]

In this dissertation, I take a similar approach, one which does not take power for granted but attempts to grasp it in the course of its construction. Rather than a top-down, after-the-fact approach that views power as already *there*, this dissertation looks at power from the bottom up, as constantly produced out of a dynamic process of confrontation.

Seeing power in process is one of the key literary, textual, and archival goals of this dissertation. It is no accident that, even forty years after Foucault wrote *La Volonté de savoir* and even among those who describe themselves as Foucauldian, the myth of total, top-down, after-the-fact power persists. The agents within the field of state power have an investment in producing it as always-already *there*. There is a kind of deitic and performative force to description, one of the key tools of power, and this is a dynamic which no analyst of power can ever escape completely. Pierre Bourdieu began his three-year long series of lectures *On the State* by describing the state as an "unthinkable object," precisely because of the ways in which our perception of the social world are themselves the product of state power: "S'il est si facile de dire des choses faciles sur cet objet [l'État], c'est précisément parce que nous sommes pénétrés en quelque sorte par cela même que nous devons étudier."[28] The agents of state power are invested in producing it precisely as a *state* (of things, of being, of perception), a static *fait-accompli* rather than as a constant struggle for the acquisition of state power, and as readers we are inclined to accept this version of state power precisely by the way in which our understanding of the social world

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[27] Michel Foucault, *Histoire de la sexualité I: La volonté de savoir* (Paris: Gallimard [Tel], 1976), 121–122.

[28] Pierre Bourdieu, *Sur l'État: Cours au Collège de France, 1989–1992* (Paris: Raisons d'agir/Seuil, 2012), 13–14.

is conditioned by this unthinkable object that we call "the state." The question, within an archive that is designed with the strategic objective of producing power as a state (of things, of being, of perception), then becomes how to perceive power as something that is constantly *being instated*. How do we perceive the same-sex sexual cultures of prisons in the July Monarchy not as a fixed object produced by the organs of power but as the product of a dynamic struggle within the field of power between different agents, all of whom hold some claim to power to a greater or lesser degree? (Hayden White describes historicization as "a way of restoring events to their presents, to their living relations with their conditions of possibility."[29])

This dissertation will offer a variety of answers to this question: avoiding identifying men who have sex with men, women who have sex with women, and gender non-conforming individuals as *queer*, and thus taking for granted an outsider status that was always in the process of negotiation; avoiding understanding same-sex sexuality through a topos of "depth" and identity and instead insisting on seeing the ways in which same-sex sexuality existed "on the surface" of prison life as a mobile and experimental form of sexuality more connected to other forms of identity (prisoner, *bagnard*, *gueux*) than explicitly sexual ones; and taking seriously the historical value of literary and non-documentary filmic sources as expressions of modes of life that are not always visible in other kinds of sources that are thought to be more "true." All of these methods share in common an attempt to understand the power dynamics of prison sexuality within a field in which no one agent *holds* power but rather in which various agents, located closer to or further from the "epicenter" of state power, attempt to mobilize that power for their own ends. Doing so will ultimately help us not just to understand same-sex sexuality and its relationship to power in prisons in the nineteenth century, but to better understand same-sex sexuality's relationship to modern state power more broadly, outside of prison walls and in the present.

"Unevenly, Unpredictably, Erratically"

The question of seeing power in process is a slightly different take on the usual question posed by historians of sexuality about the *visibility* or *presence* of same-sex sex in the archive. Certainly, throughout the period covered in this dissertation, the archive is most often the product of agents who are more or less endowed with the imprimatur of state power. (Here I pointedly avoid an either/or identification of certain agents as incarnations of "the state" and others as "subjects" of that state power. What we find, when we look

[29] Hayden White, "Afterword: Manifesto Time," in *Manifestos for History*, ed. by Keith Jenkins, Sue Morgan, and Alun Munslow (New York: Routledge, 2007), 225.

closely at the way in which state power functions, is that the question of proximity to state power is much more complicated than any kind of binary categorization. Rather, proximity to what Bourdieu calls the "epicenter" of state power is precisely what is at stake in the struggle that takes place within the field of state power. Indeed, the production of an "in" and an "out" of state power is often a strategy of these agents in the procurement and prolongment of power.) With the notable exceptions of Pierre-François Lacenaire and Jean Genet, prisoners themselves were not often able to speak about their experiences in their own voices without the intervention and mediation of prison officials before the upheavals that took place in the 1970s.[30] But, in spite of what might seem obvious within a certain narrative of the "heteronormative state" that posits its need to reject all non-procreative forms of sex, the archive is in fact replete with descriptions of same-sex sex among prisoners, and, often a slightly different case, references to prisoners whose crime itself involves same-sex sexuality in some way.[31]

The examples of *Le Dernier jour d'un condamné* and *Prisons de femmes* demonstrate that such representations also have a lot to tell us not just about whether or not same-sex sex was happening in prisons (it was), but the complicated ways in which such sex was repressed, prevented, but also enabled, encouraged, or ignored by state power. I want to displace the question of the presence or absence of these voices from the archive and rather use the representations of same-sex sexuality in prison that we do have as a place to unfold the "rich field of dependencies, differentiations, clashes, and engenderings" in which various sexual forms took shape.[32] Doing so requires both a shift in our understanding of

[30] In 1971, prisoners' letters to the outside were often censored, with any mention of the conditions of imprisonment blacked out. Guards would also surveil conversations in the *parloirs* and prevent prisoners from talking negatively about prison conditions. Over the course of the 1970s, the population of prisoners became increasingly politically active, due in part to the government's harsh crackdowns in the wake of the protests of 1968. These prisoners led movements to unionize and staged spectacular and sometimes violent revolts that garnered media attention; advocates outside of prison (many of whom were formerly incarcerated themselves) organized networks publicizing prisoner accounts of prison life. For more on these dynamics, see Benedikte Zitouni, "Michel Foucault et le groupe d'information sur les prisons: comment faire exister et circuler le savoir des prisonniers," *Les Temps Modernes* 4, no. 645–46 (2007): 268–307, https://doi.org/10.3917/ltm.645.0268.

[31] Same-sex sexuality was nominally decriminalized in France after the Revolution and the Code Napoléon. However, prostitutes and men who had sex in public were sometimes imprisoned, especially later in the 19th century, along with men convicted of raping other men or boys. These cases were quite rare in the July Monarchy period, however. The Belgian sexologist Léon de Rode wrote, "En France et en Belgique ces actes, quelque honteux qu'ils soient, ne figurent plus dans la législation pénale. Pour qu'ils tombent sous l'application de la loi, il faut qu'il y ait outrage public à la pudeur, ou attentat avec violence, ou minorité de la victime." Léon de Rode, "L'inversion génitale et la legislation," in *Actes du Troisième congrès international d'anthropolgie criminelle* (Brussels: F. Hayez, 1893): 112.

[32] This wonderfully concise but rich phrase comes from Robyn Wiegman and Elizabeth A. Wilson, "The Trouble with Antinormativity," in "Queer Theory without Antinormativity." Special issue, *differences* 26, no. 1 (2015): 18, https://doi.org/10.1215/10407391-2880582.

the way in which sexual identity functions and a different way of approaching the "theory" of power and sexuality.

Revisiting identity

The study of sexuality has been overwhelmingly determined by the question of sexual identities while at the same time leaving the way in which sexual identities function completely undertheorized. The vector of debate within the field has been oriented around the poles of pro- and anti-identity thinkers, with queer theory developing largely as a rejection of the identity centered LGBT studies that had risen to prominence in the 1980s. This very rejection was founded on a binary understanding of state power and rooted in queer theory's investment in antinormativity: because constructivist historians working in the wake of Foucault had demonstrated that sexual identity categories like homosexual had been formulated not by the oppressed but by the oppressors, these identities became suspect. In a problematically ahistorical abstraction of the particular history of same-sex sexuality in modern "Western" cultures to a theoretical paradigm that underrides much of queer theory, queer theorists jumped from the particular production of certain identities by sexologists in the late nineteenth century (which, we will see in my fourth chapter, cannot be simply equated with "the state") to the claim that all identities (as norms) were inherently the tools of the powerful in a binary conception of power, used to regulate, exclude, and stigmatize those queer individuals who went against the norm; investment in identity came to be seen as intellectually naïve, shaky ground from which to mount a political movement that would inevitably leave deeper anti-queer structures (heteronormativity, liberal identity, state power, etc.) unchallenged. (Here already we start to get a sense of the binaries implicit in the theoretical construction of queerness.)

My point here is not to say that the queer critique of LGBT identity politics and academic work is *wrong*, per se, but rather that queer thought itself relies to some extent on the same kind of binary thinking it critiques. Although it is intended as a deconstruction of the opposition of hetero- and homosexuality, queer thought nevertheless produces its own binaries: the normative and the queer; the powerful and the powerless; those accepted within the "heteronormative state" and those outlawed or cast out of it; those with an easy and understandable identity and those whose identity is too complex to fit neatly within a given identity category. In its reliance on Marxist thought and especially in its indebtedness to a psychoanalytic understanding of sexuality as inherently subversive and repressed, queer thought has put identity resolutely on the side of the normative and the powerful and attempted to theorize a world without identity. However, while queer analyses were successful at identifying and critiquing systems of heteronormativity, they failed at effecting a world from which identity disappeared. Even as new forms of non-binary gender and sexual identity (enby, pansexual, and indeed queer) seem to fulfill some of the promises of queer theory to make space for other forms of life outside cis- and

heteronorms to proliferate, theoretically "pure" academics insist that these new identities do nothing but reproduce "the norm" that insists individuals must have a gender and sexual identity.[33] Part of the error here is a paranoid tendency to think that identities can only be articulated in relation to the state, and not think of the rich variety of ways that identities can function within social groups that have little direct bearing on legal forms of identity and categorization. Certainly, the identities available to any given individual are constrained (although not completely determined) by dynamic power relations, and the degree to which their identity is accepted by others is dictated by norms, but identities nonetheless serve rich social functions that are often ignored or never taken up by state institutions. In spite of the queer critique of identity, it has persisted as one of the primary ways in which individuals find communities of people who share their sexual outlook, signal their sexual interests to potential partners, and mobilize against forms of discrimination and exclusion based on sexual preferences. The reality of identity as a social phenomenon is not really an ethical question: it is an inescapable fact of the way in which we engage in the society of others. (Although it is crucial to point out that identity is *not necessarily* or even *often* formulated in binary opposition to another identity.)

An example: think of Cy, who may describe themselves to a close set of like-minded individuals as a demisexual pansexual transmasculine AFAB enby brat. This idiolectal identity may be incomprehensible to those outside of Cy's Oakland community in which transness, non-binarity, kink, and non-monogamous sexual practices are much less common. In the broader social world of the San Francisco Bay Area, Cy may identify simply as "queer," and articulate different aspects of their identity only when it becomes socially salient. (We might think of this level of identity articulation as sociolectal, on analogy with the sociolinguistic analysis of differences in language across different social groups.) If they go on a date with a kinky pansexual person, for example, the question of their gender identity may not come up at all while their brat identity would be foregrounded. On a date with a vanilla gay man, however, their gender identity might be necessary to explain while their kink identity would not be salient. If they traveled back to their conservative hometown in Iowa, they might have to fit their self-presentation within a different set of identities in order to make themselves socially coherent to a different sociolectal set of identities, or they may choose not to do so (although this choice might be met with resistance or even violence), or may simply never be called on to articulate their identity to others (maybe they "pass" as a certain gender in such a way that they are assumed to be cis).

Only a limited subset of these identities might be articulated in relationship to state institutions. In California, Cy could choose to identify themselves as nonbinary on their

[33] See for example Kadji Amin, "We Are All Nonbinary: A Brief History of Accidents," *Representations* 158, no. 1 (2022): 106–119.

driver's license, although not on the federal census in 2020.[34] If, for example, they had to go to prison, things would become much more complicated and they would have many fewer options, at least in terms of their official gender identity (although all kinds of local identities might exist in the prison that could describe Cy's gender). However, many of the identities I have listed above would never be articulated to state institutions. Demisexual and brat, in particular, are not identities that the state would care about in any way, and pansexual is not yet a category with broad enough acceptance that it would have much salience for the state. This is not to say naively that there is some kind of innate identity that Cy would have that would be untouched by the social: the particular questions Cy asks about their identity, and the particular terms they use to describe it, are of course constrained by and produced out of a dynamic interaction with their social milieu. But that milieu is not monolithic. As I said, Cy may have to change how they identify themselves in order to be legible within a given social space. And it is not *deterministic* of Cy's thoughts or actions. Cy and their group of friends might develop idiolectal sets of identities that help them talk about something that is not yet describable (say, identities to describe the different ways in which people go about changing their gender: someone who simply dresses and presents differently versus someone who takes hormones and has top surgery versus someone who has bottom surgery).

Many queer theorists will object that this account ignores the pernicious power of normativity, the way that this tendency to categorize sexuality implicitly reproduces a sexological epistemology that was produced to "regulate" queer desire. The editors of a recent issue of *GLQ* on "The Science of Sex Itself" write, for instance, "There is not really an escape hatch out of the reach of sexological logics; one cannot really opt out."[35] In my mind, such a strong theory of identity that equates it with sexological taxonomy profoundly misunderstands the complexity of identity as a social phenomenon. Craig Calhoun writes,

> To see identities as reflections of 'objective' social positions or circumstances is to see them always retrospectively. It does not make sense of the dynamic potential implicit—for better or worse—in the tensions within persons and among the contending cultural discourses that locate persons. Identities are often personal and

[34] The 2020 census contained no nonbinary option. Nico Lang, "The Census's Sex Question Sucks. But LGBTQ People Should Still Fill It Out," *Vice*, May 7, 2020, https://www.vice.com/en/article/jgxev7/census-lgbtq-people-should-still-fill-out. The Census Bureau's Pulse Survey, given to a smaller portion of the population between censuses, now includes other options, just as bizarre. It asks a person's sex assigned at birth, and then gives four options for their current gender: "Male, Female, Transgender, or None of these." (Would a trans person choose their gender or "transgender"?) Thom File and Jason-Harold Lee, "Phase 3.2 of Census Bureau Survey Questions Now Include SOGI, Child Tax Credit, COVID Vaccination of Children," United States Census Bureau, August 5, 2021, https://www.census.gov/library/stories/2021/08/household-pulse-survey-updates-sex-question-now-asks-sexual-orientation-and-gender-identity.html.

[35] Benjamin Kahan and Greta LaFleur, "How To Do the History of Sexual Science," in "The Science of Sex Itself," ed. Bejamin Kahan and Greta LaFleur. Special issue, *GLQ* 29 no. 1 (Winter 2023): 8. https://doi.org/10.1215/10642684-10144350.

> political projects in which we participate, empowered to greater or lesser extents by resources of experience and ability, culture and social organization.[36]

I should say wrote, since Calhoun wrote this critique of mistaking categories of identity for identity itself in 1994. That Calhoun was writing at the moment when queer theory was born is no accident: like queer theorists, Calhoun was critiquing the rise of a particular strand of identity politics. Unlike the former group, however, Calhoun's solution to the problems of identity politics is not to attempt to theorize an outside of identity, jettisoning it altogether as a tainted way of thinking about the world. Rather, he shows how a simplistic and naturalizing form of identity politics misunderstands the complexity of identity as a social phenomenon. That his critique can just as easily be applied to queer thinkers working two decades later shows how profoundly queer thought has internalized the way identity was framed by identity politics, and how impoverished that conception of identity is. Identity is not reducible to the taxonomical; it is a complex process of becoming that is embedded in a field of power and inequality.

Ultimately, the problem with the queer way of thinking about identity is rooted in a misunderstanding of state power. Through the concepts of the "heteronormative state" and "heteronormativity" more broadly, queer theory blurs the line between state power and the social world. It posits the social not as the field in which a struggle for power takes place but as one side of a binary, the in-group from which the non-normative, the "queer," has always-already been cast out. Certainly, there have been moments at which there have been social norms against certain sexual practices, but these norms are, first, not determinative of behavior or even of thought, and second, not givens but the products of historical change. Normativity is one regulatory mode among many, part of the dynamic process of producing identity; it is one of those "contending cultural discourses that locate persons," one among many processes that shapes but does not determine the personal and political projects of identity.[37] Ironically, queer thought produces the power of the normal, reifying it and limiting any possibility of resistance to the limited intellectual pleasure of deconstruction; in accepting the necessity of the category of thought of normal/deviant, it

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[36] Craig Calhoun, "Social Theory and the Politics of Identity," in *Social Theory and the Politics of Identity*, ed. Craig Calhoun (Oxford: Blackwell, 1994), 28.

[37] It is here that the much less read volumes of Foucault's *History of Sexuality*, particularly the third volume, *Le Souci de soi*, are quite useful. Foucault was also interested in the complexity of the way in which the individual shapes their identity within the push and pull of these normative structures.

I think Erving Goffman has a similar dynamic in mind when he writes, "Of course the individual constructs his image of himself [sic] out of the same materials from which others first construct a social and political identification of him, but he exercises considerable liberties in regard to what he fashions." Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (New York: Simon & Schuster [Touchstone], 1986), 106.

gives power over to the sexological way of viewing the world that it is trying to escape.[38] (Eve Sedgwick makes similar points in her critique of queer thought's investment in a "paranoid" mode of thinking.[39]) When we look at how power functions in practice, however, we find its functioning is much more complex. The historian Laura Doan writes,

> Historical investigation of the systems that regulate sexuality in modern Britain suggests not the secure reign of the normal but a mishmash of regulatory structures, each exerting authority or influence in one realm or another, unevenly, unpredictably, and erratically.[40]

We need a structure of analysis that is supple enough to account for this mismash, one that doesn't take the power of the normal as the state of things but that understands how norms come to be norms, one that accounts specifically for the degree of power those norms have over the way individuals lead their lives, one that is open to the uneven, unpredictable, and erratic ways in which sexual desire ultimately plays out in the social world.

Away From Theory, Toward an Analytics

My goal is not to posit a new theory, to find some outside of the "outside" that queer theory already represents as some recent critiques of queer theory have tried to do.[41] To do so would simply be to reinscribe the same binary conception of state power as something with an inside and an outside. Rather, I want to understand the complexity of social processes as they occur. Here I am very consciously choosing the phrase "analytics" rather than "theory." Foucault writes, "L'enjeu des enquêtes qui vont suivre, c'est d'avancer moins vers une « théorie » que vers une « analytique » du pouvoir : je veux dire vers la définition du domaine spécifique que forment les relations de pouvoir et la détermination des instruments qui permettent de l'analyser."[42] Indeed, we might think about our investment in the concept of theory as another one of the unchallenged principles that form the basis of

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[38] Wiegman and Wilson make this argument in "The Trouble with Antinormativity," especially pp. 13–15.

[39] Eve Sedgwick, "Paranoid Reading and Reparative Reading, or, You're So Paranoid, You Probably Think This Essay Is About You," in *Touching Feeling: Affect, Pedagogy, Performativity* (Durham, NC: Duke UP, 2002), 123–51. It is no accident that Sedgwick's description of reparative practices, the construction of a new assemblage from hostile "part-objects," more closely mirrors the sociological description of identity expressed by Goffman that I cited in the note 36.

[40] Laura Doan, *Disturbing Practices: History, Sexuality, and Women's Experience of Modern War* (Chicago: University of Chicago Press, 2013), 192.

[41] The most notable example is a recent issue of *Social Text* titled "Left of Queer," edited by David Eng and Jasbir Puar.

[42] Foucault, *Volonté*, 109.

any dissensus about sexuality within queer theory. The unremarked shift from the relatively modest ambitions of LGBT *studies* to the much more ambitious and far-reaching project of queer *theory* marks a profound shift in method and aims. A "theory" is an explanatory structure that doesn't just account for what happens but predicts what will happen in the future. On some level, it necessarily forecloses the possibility of the unpredictable and erratic; it smooths out the edges of all that falls outside of its conceptual framework by occulting or explaining away.[43]

Sedgwick too gets at the drawbacks of theory in her essay on paranoia with her distinction between strong and weak theory. With her interest in the links between affect theory and early cybernetic thought, Sedgwick also sees theory as producing a kind of "feedback loop" that not only predicts but also produces itself in the world, what she calls its "reflexive mimeticism."[44] Like Doan, she highlights theory's tautological undercurrent, its tendency to reproduce the binary of normalcy/deviance that is the starting point of the framing of "queer": "The powerfully ranging and reductive force of strong theory can make tautological thinking hard to identify even as it makes it compelling and near inevitable; the result is that both writers and readers can damagingly misrecognize whether and where real conceptual work is getting done, and precisely what that work might be."[45] Sedgwick identifies the tautological delight that comes from reading queer work, a kind of intellectual pleasure-taking in the unfolding of a system of thought that ultimately leaves the fundamental questions of the *truth* of this presentation of the world unasked, that finds a kind of satisfaction in finding the answers that we knew all along would be there.[46]

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[43] This is the origin of queer thought's blind spot in relation to right-wing and conservative forms of homosexuality which I call the outlaw thesis, pointed out by thinkers like Lisa Duggan and Jasbir Puar, and on which I have written elsewhere. The only options are either to completely ignore and deny the existence of such conservative sexual formations, as most queer thinkers do, or to revel in the "deviance" of these individuals, to effect a kind of second-order operation by which the right-wing homosexual appears as doubly deviant because of their deviance in relation to the "norm" of queer thought, as with Leo Bersani in "Is the Rectum a Grave" and J. Halberstam in his chapter on right-wing homosexuality in *The Queer Art of Failure*. In this way, queer theory comes to seem like an exact mirror of sexological theory, whose explicit goal is to smooth out the rough and jagged edges of sexual life so that all sexuality fits neatly within defined categories, to make a description of the social world spontaneously seem like the natural, "real" way that the world *is* and thus to affect the course of how the world *will be*.

[44] Sedgwick, *Touching Feeling*, 133–136. Sedgwick's critique of D. A. Miller's *The Novel and the Police* also voices precisely why I have chosen to largely eschew the framing of "carcerality" in this work on French prisons: "I don't suppose that too many readers—nor, for that matter, perhaps the author—would be too surprised to hear it noted that the main argument or strong theory of *The Novel and the Police* is entirely circular: everything can be understood as an aspect of the carceral, therefore the carceral is everywhere" (135).

[45] Sedgwick, *Touching Feeling*, 136.

[46] Sedgwick, *Touching Feeling*, 135. Sedgwick writes, "But who reads *The Novel and the Police* to find out whether its main argument is true? In this case, as also frequently in the case of the tautologies of 'sexual

Sedgwick is circumspect in her criticism of this kind of feedback loop, saying that while this kind of performance has "limitations," it is nonetheless probably "all to the good."[47] However, I would argue we should be more skeptical of the productions of self-evidences that she describes. The reproduction of what seems obvious about the state ultimately reproduces the state and reifies its power, what Bourdieu calls a "state effect." Bourdieu cautions that if it is so easy to say things about the state, it is precisely because of our embededdness *within* state power. What we need, then, is not a strong theory of state power which simply serves to reproduce what we already know about the state, but what Sedgwick calls a "soft theory," what following Foucault I call an analytics of state power, one that accounts for the complexity of the mishmash of power structures and the unpredictability of individual trajectories.

Of course, precisely because of our embeddedness within the structure of state power, developing such an analytics is no easy task, and it is partly for this reason that so many varied intellectual traditions and remarkable queer thinkers, all of whom have insights to offer, fall into the trap of a binary view of power. As my extensive citation from Foucault and Bourdieu has indicated, I have found rich resources for such an analytics in the work of both. These two thinkers have often been seen as antagonistic, especially in the US. And yet to my mind, both attempted in their own parallel disciplinary courses to elaborate an analytics of power that works from the bottom up, attempting to understand the workings of power on an individual level and, crucially, to understand how this individual scene is inflected by and contributes to broader strategies and developments. I will continue to cite and elaborate my description of Foucault and Bourdieu throughout this dissertation, as I find their concepts useful. (This seems to me more in the spirit of an *analytics* than laying out an in-depth *theory* here.) In lieu of theorization and as a way of closing this introduction, I will offer a careful analysis of the anecdote from Carco's *Prisons de femmes* in which the warden tells the guard to erase the explicit graffito, as a kind of demonstration of the analytics I describe here.

The *débutants* and the *habiles*: Power and Sexuality in Process

The anecdote of the warden's order points to the complex network of power dynamics that regulate life within the prison walls. In the modern imaginary, the prison is often seen as the space of the ultimate and exemplary exercise of total state power, the locus of "inescapable regimes of surveillance and control" which work on abject prisoner-subjects,

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difference,' the very breadth of reach that makes the theory strong also offers the space—of which Miller's book takes every advantage—for a wealth of tonal nuance, attitude, worldly observation, performative paradox, aggression, tenderness, wit, inventive reading, obiter dicta, and writerly panache" (135–6).

[47] Sedgwick, *Touching Feeling*, 136.

stripped of their rights as citizens and reduced to a state of "bare life" completely deprived of their agency.[48] The complicated story of the erasure of the graffito, on the other hand, challenges this idea of total control and attests to the complexity of the networks of power within the prison. Power is not "held" by the agents of the state and exercised "upon" the prisoners. Rather, power is a dynamic field of struggle between various agents, each endowed more or less with state authority, that is constantly being contested.[49]

In this case, we have three different agents: the warden, the worker, and the graffito author. (We might also imagine other functionaries higher up the ladder to whom the warden imagines herself to be beholden in the interaction, although they are not directly present, up to and including the "public," incarnated in this instance by Carco and his readers.) The warden and the worker are both endowed with state authority, although of course the warden has a greater authority than the worker. The graffito author, it would seem, is located farthest away from the locus of state power, and yet the state and its agents ultimately have no ability to control what she writes on the prison walls nor whom she has sex with. The warden, who should by the traditional view of prison authority have the most power, is presented by Carco as being completely ineffectual, not only unable to control the prisoner but even unable to make her employee do her bidding. None of these individuals ever really *holds* power in this interaction (or if they do their hold on power is only ever provisional); rather, they interact with each other in a differentiated field of power. Based on their position within that field, each actor has a more limited or expansive set of tools at their disposal. Obviously, the warden is in a privileged position in this regard. If she thought the graffito were significant enough a transgression, she could have the author punished or confined. If she thought it critical that the graffito be erased, she could make a more formal demand of her employee, or even sanction the employee if she refused to comply. If she bristled at the employee's insubordination, she could have the employee punished or even fired. The prisoner has probably the most restricted set of tools. Her actions are limited by the constraints on her mobility imposed by prison life and quite literally by the material objects to which she has access. (With what object did she make the inscription? How long did it take her? And would she have been able to do it more quickly or more to her own satisfaction if she had access to, say, the tools that the employee might have had access to?) Her actions are also always subject to the surveillance and

[48] Caleb Smith, *The Prison and the American Imagination* (New Haven, CT: Yale UP, 2009), 5.

[49] There are broadly speaking two schools of thought on how the power dynamics of the prison relate to the power dynamics of society at large. One group argues that the prison is a unique space of social control completely disconnected from "the outside world," while another argues that the prison is both emblematic of the functioning of state power more broadly and deeply connected to the power dynamics of society at large. Foucault is emblematic of the latter position (as are prison abolitionists in the US that connect the prison with other forms of racialized control and violence like slavery and segregation). I take the latter position, showing how the prison renders particularly visible power dynamics that exist throughout society.

regulation of the prison administrators, although we should emphasize here that this surveillance and regulation is manifestly *not* absolute and does not encompass the whole of her existence.

All of the occupants of the field have a practical understanding of the possibilities of action within their space, and this practical sense is constantly being developed, modified, and shifted. Let's think for a moment of all of the possible actions that Fernande could take with Mimi.

think about Mimi
masturbate thinking about Mimi
spend time with Mimi
give Mimi a gift
be put in the same cell as Mimi
kiss Mimi briefly
make out with Mimi
be naked with Mimi
have oral sex with Mimi
have penetrative sex with Mimi
write graffiti publishing her love for Mimi
write poetry about Mimi
write a book about Mimi
think of Mimi as her "girlfriend"
have other people think of Mimi as her "girlfriend"
think of herself as a straight woman who is forced to have a sexual relationship with a woman in the isolation of prison
think of herself as "lesbienne" (adjective)
think of herself as "une lesbienne" (noun)
not think of sexual identity
think of her relationship with Mimi as somehow impacting her gender identity (as, say, making her into a man, or a mannish woman, or a butch)
think of herself as a "gouine"
have a long term relationship with Mimi within prison
have a long term relationship with Mimi outside of prison
marry Mimi

Some of these actions, we can see, would be quite easy to accomplish, entailing minimal risk to Fernande. Indeed, we could imagine that it would be almost impossible for the prison officials to stop Fernande from thinking about Mimi, and, depending on the

conditions of the prison, nearly impossible to stop her from masturbating as well.[50] Some actions may counterintuitively be *enabled* by the repressive regime of the prison. Insistence on prisoner hygiene, for example, might afford opportunities for Mimi and Fernande to see each other naked, say in the showers or at a group medical examination, while attempts to separate prisoners from each other might give the women more privacy to have sex with each other. (In chapter two, we will see evidence that prison administrators in July Monarchy France thought very much in these terms as they debated whether to move from communal dormitories to a cellular model would increase the likelihood of immoral acts, in making the prisoners harder to surveil, or reduce it, by separating them from each other.)

Some actions might be much more difficult for Fernande to accomplish, nearly impossible even given the circumstances. Think of how Fernande might ensure that Mimi be assigned to her dorm.[51] Fernande's ability to pull off such a feat would depend on her degree of influence with other prisoners and with the prison administrators, perhaps influenced by her status in society outside of the prison (we might imagine that the daughter of an influential prison administrator, important politician, or even wealthy crime family would have much easier access to networks of influence than a social "nobody"),[52] or her status within the society of the prison (a prisoner who has more influence over her fellow prisoners, say to make them more compliant or to incite them to violent revolt, might be able to leverage that influence with the prison administrators, for instance; or, if sharing a dorm with Mimi could only occur through illicit means, say surreptitiously switching places with someone else, then Fernande would have to mobilize her social capital with the other prisoners). If the administrators are corrupt and open to bribes, it could depend on her economic capital outside of the prison. If the action requires a formal appeal within the prison or through the legal system, Fernande's success could depend on her socio-economic status outside the prison, her education level and access to excellent legal representation (think for example of the ways in which trans prisoners today go

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[50] When asked if the establishment of cells would end immoral acts among the prisoners, the director of the prison of Clairvaux wrote, "Les actes immoraux ne peuvent guère être consommés que dans les dortoirs. L'établissement de cellules pour le coucher serait donc une amélioration réelle, non pas en ce sens qu'elle empêcherait la dépravation du cœur et de l'imagination, mais en ce sens qu'elle s'opposerait à la consommation de l'acte coupable." (Clairvaux is the same prison where Claude Gueux, the subject of chapters 1 and 3, was held.) *Analyse des réponses des directeurs à une circulaire ministérielle du 10 mars 1834 sur les effets du régime de ces maisons* (Paris: Imprimerie Royale, 1836), 35, Gallica.

[51] Although it may seem outlandish, evidence from the archive supports the plausibility of the idea that Mimi could influence where Fernande was placed. The director of Prison of Loos in 1834 wrote, "les plus vicieux parviennent presque toujours à se réunir, à se grouper dans les mêmes dortoirs, quelque soin que l'on mette à l'empêcher, alors ils se livrent sans réserve à leurs turpitudes" (*Analyse*, 32).

[52] The doctor of the *bagne* in Toulon during the 1820s and 30s, Hubert Lauvergne, wrote of a group of wealthy prisoners, "des individus libres en apparence," who would walk freely around town, do business, and keep lovers. Hubert Lauvergne, *Les Forçats considérés sous le rapport physiologique, moral et intellectuel, observés au bagne de Toulon* (Paris: J.-B. Baillière, 1841), 290–91, Gallica.

about getting access to HRT, or getting themselves moved to the prison that reflects their gender identity).[53] Or perhaps there is no circumstance under which cohabitation would be possible for Fernande and Mimi—maybe the prison is set up in such a way that prisoners are isolated from each other, or maybe this warden is particularly attuned to forms of corruption and has tried to root them out within the prison. (Perhaps, in such a situation, Fernande would change her tactics and instead choose a sexual partner with whom the system already put her in proximity, rather than choosing a partner and then attempting to get close to her. Of course in such a scenario her options become much more limited—what does she do if her cell mate has no interest in her in particular, or in sex with women in general?)

Fernande's success also depends on her ability to understand this complex range of possibilities and limitations, what Emmanuel Bourdieu (Pierre's son) calls *savoir-faire*, her ability to analyze (although not necessarily consciously) the range of possibilities within a given social field and then to act on that analysis.[54] Charles Lucas, a director general of prisons in 19th-century France, distinguished "species" of prisoners based on their degree of *savoir-faire*, implicitly acknowledging the distinction as an important analytical tool for prisoner control:

> À Bicêtre, il y a pourtant bien des ruses de guerre pour éviter le départ de la chaîne. La chose est vraie ; mais cette espèce de détenus à Bicêtre, ce sont ou les *débutans*[55] qui redoutent l'infamie du bagne pour eux et pour leur famille, ou les *habiles* qui exercent un métier lucratif, qui reçoivent des secours sur les lieux, et enfin qui

[53] See Jaclyn Diaz, "Trans Inmates Need Access to Gender Affirming Care. Often They Have to Sue to Get It," *NPR*, October 25, 2022, https://www.npr.org/2022/10/25/1130146647/transgender-inmates-gender-affirming-health-care-lawsuits-prison.

[54] Emmanuel Bourdieu, *Savoir faire. Contribution à une théorie dispositionnelle de l'action* (Paris: Broché, 1988).

[55] This is the first example of a peculiarity of orthography in the July Monarchy that will appear many times throughout this dissertation: dropping the *t* in the plural of words ending in *-nt*. I have chosen to keep it rather than to silently emend because it encodes important social information. Since it occurs so frequently, marking it each time with [sic] would also be unwieldy. This change was instituted by the *Académie française* in 1835, after nearly two centuries of trying to impose it. It was widely accepted, except by a certain set of Romantic authors. Chateaubriand never adopted it; the romantic *Revue des Deux Mondes* kept using *-ns* until 1919. Lucas, in the second volume of this text which was published in 1838, does adopt the new spelling, while Victor Hugo continued to use *-ns* in *Ruy Blas*, published that same year. The decision to adopt expressed something about the author's attitude toward modernity and state institutions like the *Académie* and the university.

> comptent sur des abréviations de peine qu'ils ont plus de moyens, à Bicêtre qu'au bagne, de solliciter et d'obtenir.[56]

Fernande must spontaneously perform a complex set of probabilistic analyses, although I do not mean to imply that this is necessarily done on the level of consciousness. Which actions are likely to go unnoticed by the guards? Which actions *are* likely to be noticed by the guards, and in that case, how likely are they to care? The answers to these questions are not exactly quantifiable, of course, nor would Fernande even necessarily need to ask herself these questions in a fully conscious manner, especially if she had a high degree of *savoir-faire* in the context of the prison and she was acting under normal circumstances.[57] Fernande's ability to answer these questions correctly depends on her own skills, whether she is a *débutante* or an *habile*. This *savoir-faire* can be developed by some combination of a collective process of education amongst the prisoners and personal trial and error. Although she is in the highly regulated space of the prison, the rules that limit and to a greater or lesser extent help determine Fernande's actions would most often be articulated negatively, when she found herself or witnessed another prisoner in contravention of them.[58]

The rules and constraints of prison life are only part of the complex social apparatus that sets the boundaries of Fernande and Mimi's romantic and sexual relationship. All of these potential actions, to a certain extent, are also subject to the same kind of limitations that they would be for an individual in 1931 outside of the prison, given their specific social trajectory and the broader "symbolic constructions" of sexuality in French society at the

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[56] Charles Lucas, *De la réforme des prisons ou de la théorie de l'emprisonnement, de ses principes, de ses moyens*, *et de ses conditions pratiques* (Paris: Legrand et J. Bergounioux, 1836), 39. Bicêtre is the prison where *Le Dernier Jour* is set.

[57] "On ne prend conscience, le plus souvent, de la règle que l'on suit que dans des circonstances critiques exceptionnelles. En effet la stabilité ordinaire des contextes pratiques auxquels est confronté l'agent fait qu'il agit, le plus souvent, de manière quasi automatique, sans que sa conscience ait à intervenir. En revanche, dès que le seuil d'adaptation acritique de nos dispositions est dépassé, tout se passe comme si la réflexion et la délibération consciente de l'agent prenaient le relais de ses dispositions pour guider son action. Bref, la conscience critique est le fruit de situations critiques, extra-ordinaires. […] La réflexivité est donc un mode exceptionnel de la conscience pratique. Elle émerge uniquement lorsque les automatismes dispositionnels de l'agent sont pris en défaut, parce qu'ils rencontrent une situation soit totalement imprévue, soit pour laquelle l'usage ne donne pas de solution univoque" (E. Bourdieu, *Savoir faire*, 166–7).

[58] Even in today's prisons, which give inmates orientations and manuals to help establish rules of conduct, we can still sense some of this original paradox. The orientation video for the Washington County, Oregon Jail (phased out in 2019 but still published to YouTube on the jail's official page) lays out the rules for sexual behavior in prison as follows: "Sexual misconduct between any person in the jail, even if considered consensual, is prohibited. We expect you to report sexual misconduct immediately if you are a victim or a witness to such conduct." In making a rule about what to do when sexual behavior occurs, the video implicitly acknowledges that the first rule is sometimes broken. Washington County Sherrif's Office, "Washington County Jail Inmate Orientation Video," YouTube, April 25, 2014, https://www.youtube.com/watch?v=d65sjdXsxT0 (accessed October 25, 2021).

time. We are talking here, of course, about the potentially available concepts through which Fernande could understand her sexual desire for another woman, and the possible relational forms that such a relationship could take. E. Bourdieu theorizes the complex interaction between an individual and the constraints of the "symbolic constructions" imposed by the social world with the concept of "disposition." Crucially, disposition leaves open the possibilities beyond the binary and obligatory identification with either homo- or heterosexuality theorized by folks like Sedgwick in her influential *Epistemology of the Closet*, where she wrote that "no space in the culture [was] exempt from the potent incoherences of homo/heterosexual definition" by the turn of the 20th century.[59] Rather than seeing binary identity categories as hegemonic impositions which cannot be opted out of, E. Bourdieu's theory of disposition captures more accurately the complex interfacing between individual experience and identity categories that occurs as individual agents try to map available categories onto their lived experience: "Les dispositions sont des principes intentionnels, entretenant avec leur contexte une relation non pas binaire ou immédiate, comme celle d'un stimulus mécanique, mais ternaire, c'est-à-dire médiatisée par des constructions symboliques (qui ne se limitent pas à des représentations purement intellectuelles et explicites)."[60] Fernande's disposition to do certain things with Mimi, the list of possible interactions, is impacted not only by the direct constraints of prison life, but also "mediated" through a broader set of social possibilities. The types of possible interactions that would *occur to* Fernande are limited to a certain extent by the limits of sexual possibility within the symbolic constructions of sexuality at this time.

Take, for instance, the cluster of possibilities around self-identification that might be associated with Fernande's relationship with Mimi. To what extent would identification with the word "lesbienne" occur to a woman who has sex with women (WSW) in 1931? The word existed, certainly, but the identity category in the modern sense was not nearly as popular as it became later in the 20th century, and was used more by sexologists and criminologists attempting to regulate same-sex behavior than by WSW themselves.

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[59] Eve Sedgwick, *Epistemology of the Closet*, 2nd ed. (Berkeley: University of California Press, 2008), 2. The full citation reads, "What was new at the turn of the century was the world-mapping by which every given person, just as he or she was necessarily assignable to a male or a female gender, was now considered necessarily assignable as well to a homo- or hetero-sexuality, a binarized identity that was full of implications, however confusing, for even the ostensibly least sexual aspects of personal existence. It was this new development that left no space in the culture exempt from the potent incoherences of homo/heterosexual definition." For all of the wonderful resources this book offers to think about the complexities of power, this claim has had a profoundly negative impact on the field of sexuality studies. It is a fundamental historical falsehood that has been widely and deeply internalized among queer theorists. It has led to a flattening out of the important differences between gender and sexual identities and their relative degree of coercive power; it has led to a partitioning of the field between "modern" and "pre-modern" sexualities in a way that has hampered transhistorical investigations of the continuities between the 19th and 20th centuries; and it has ultimately contributed to the misguided view of power that I critique here.

[60] E. Bourdieu, *Savoir faire*, 119.

Perhaps more likely would be identification with the term "gouine," which had been popular since the 19th century. (In 1931, *gouine* did mean narrowly a WSW, but it retained elements of its original use, a woman with a bad reputation, a prostitute, which came to represent WSW through a kind of metonymic association.) Prison same-sex encounters are often seen through the lens of "situational homosexuality," the idea that fundamentally heterosexual people engage in gay sex because they are in a sex-segregated setting for an extending period time. But to what extent would an exclusively heterosexual identity even have been available to Fernande in 1931? As many queer theorists have noted, straight identity actually came into existence *after* the "invention of homosexuality," after the *hors-norme* had been named and established as an identity against which a norm could be defined.[61] If lesbian identity was not yet fully established in France, can we say that heterosexual identity was either? We have to keep open two other important possibilities. The first is that Fernande would not have thought of her romantic and sexual interactions with Mimi had any impact on her sexual identity at all. Although Foucault notes that there is a broad shift from viewing sex as an act to viewing sex as being tied to a particular identity from the 19th century onward, there are all kinds of spaces in which sex was still viewed simply as an act, or ways in which individuals cordon off certain parts of their sexuality as being completely unrelated to their identity. The second option is that Fernande may have thought of her relationship with Fernande as having more to do with her *gender* than with her *sexuality*. While many activists today insist rightly on the importance of distinguishing between gender and sexual identities, for various reasons the categories of gender and sexuality were much more closely connected in earlier periods.[62] In an interview in which she talks about her experience as a "lesbian" in the 1920s and 30s, the painter Hélène Azénor recounts that on her very first night out with her first lover, the two went not to a lesbian bar but to a bar that was only for men. "Nous étions des garçonnes, nous portions toutes des tailleurs," she recalled about lesbians in her circle.[63] What about marriage? Certainly the push for "gay marriage" as we know it today dates back only to the 1980s in France, but we do know from other texts from the 1930s (e.g. in Jean Renoir's *La Grande illusion*, or in later texts from Jean Genet) that men in gender-segregated settings took more or less serious oaths of commitment to one another, and we

[61] See Jonathan Ned Katz, *The Invention of Heterosexuality* (Chicago: University of Chicago Press, 2007).

[62] For an explanation of the logic by which the two should be separated, see Grayson Bell, "Separating Gender Identity From Sexuality," Medium, September 20, 2019, https://graysonbell.medium.com/separating-gender-identity-from-sexuality-bc1f8aec5a18.

[63] Azénor, Hélène. "Entretien avec Hélène Azénor." Interview by Gilles Barbadette and Micehl Carassou. January 30, 1980. *Paris Gay 1925*. Paris: Non lieu, 2008. 75–78.

also know that there were (in)famous long-term lesbian partnerships during this period like those of Gertrude Stein with Alice B. Toklas and Radclyffe Hall with Una Troubridge.[64]

It is important to remember here too that while I am shorthanding "the social" as if it were a broad, unified whole, it is always highly stratified and differentiated. There were different but overlapping and interacting rules of sexual conduct and conceptualization of sexual formations according to gender, class, nationality, and race. We might think of the process of the spread of these ideas as a form of gaseous diffusion, with both horizontal and vertical vectors. The horizontal vector expresses the degree to which an idea or social formation spreads outside of a its original group or location within the same "stratum" of society. Some ideas might have a high concentration in certain areas near the location of their production but not a wide reach, while others might have a more general distribution. Think, for example, of the degree to which the members of elite society might be familiar with the theorization of homosexuality by sexologists and physicians within their same class, or the degree to which certain slang vocabulary for referring to same-sex sexuality might be shared in common or unique to different prisons across France, or working class groups in Paris and Marseille. The vertical vector on the other hand expresses the degree to which an idea spreads from one stratum to another. To what extent did elite ideas about same-sex sexuality theorized by doctors filter down to lower classes? To what extent were elites aware of prison slang and sexual practices among prisoners? Certain ideas might be "heavier," prone to move downward if they originate high up or to stay low if they originate at the bottom, while others might be particularly "light." This metaphor of diffusion is particularly useful in that it allows us to think of how competing conceptions of the same phenomenon or term coexist but change in "concentration" over time. Take the word lesbian during the early 20th century, for example. The term was often used by sexologists to refer explicitly to homosexual women, but it was also listed in slang dictionaries as a term that may have been used by the women themselves.[65] We might assume that the different uses of the word, while they shared commonalities, pointed to quite different conceptions of same-sex sexuality. There would have been a process over time through which one conception won out over the other, or through which the two conceptions commingled to the point where they became indistinguishable to many users. Such a conceptualization helps account in a much more nuanced manner for the ways in which

[64] See Michael Lucey, "Colette and (Un)intelligibility," in *Someone: The Pragmatics of Misfit Sexualities, from Colette to Hervé Guibert* (Chicago: University of Chicago Press, 2019), 7–48. Lucey also demonstrates that the early 19th-century example of the Ladies of Llangollen provided an important pair of precursors that were discussed at this time in France.

[65] See Bruant, *L'Argot au XXe siècle*, 427. In an interview given much later about gay life in the 1920s and 30s, Hélène Azénor seems to indicate that she used the word lesbian during this period (*Paris Gay 1925*, 75).

older sexual identities and formations persisted even after another supposedly became hegemonic.

The metaphor of the diffusion of gasses is useful too in conceiving of the way in which this ambient circulation of ideas impacts any individual agent. We might think of the "social atmospherics" of the point at which any given individual finds herself in the social field. Recall Sedgwick's claim that "there was no space in the culture exempt from the incoherences of homo/heterosexual definition." My position is quite different. The homo/hetero binary was certainly beginning to take shape in the early 20th century, as sexologist opinion internationally began to coalesce around a version of the modern definition (although again it must be noted that this took place at different rates in different countries and didn't really happen in France until the 1920s). But this definition of same-sex sexuality was by no means determinative. This conception of same-sex sexuality was certainly in circulation by the 1920s in France, but it was by no means the *only* conception of same-sex sexuality that was available to individuals, nor was it equally available to all agents in all different positions and levels in society. I'm coming at the question too from a slightly different angle than Sedgwick, whose account echoes Judith Butler's contemporaneous theorization of gender in *Gender Trouble* and "Critically Queer." Both insist on the subject's lack of agency in the face of discursive formations imposed on them by those in power. I would argue that such an account is convincing for a certain aspect of the lived experience of gender, although even the pressure to identify as a certain gender is uneven, greater in certain contexts, say in the TSA line or when going to the bathroom in a conservative area, than in others. For a variety of historical and circumstantial reasons—the relative newness of our sexual identity categories and modern mode of defining primary sexual identity through the gender of the desired partner; the fact that sexual desire can be hidden or acted on in private or on the DL, whereas perceived markers of gender are constantly being publicized; and not least the fact that many modern forms of sexual identity are predicated on the existence of a stable gender identity—sexual identity is not as fundamental to formal and unofficial forms of self-definition in modern society as gender. While I agree that any kind of pure, subjectivist account of gender or sexual identity that posits that the individual can identify themselves as they want with no constraints is naïve, the queer theoretical account, which derives from strains of structuralism and post-structuralism, is also limited in its theorization of the interactions between the individual and the symbolic constructions that inflect her understanding of the world.[66] There is not, and this is particularly true for sexual identity, a rigid binary choice to

[66] P. Bourdieu said the following about Lévi-Strauss: "Lévi-Strauss is confined as he has always been within the alternatives of subjectivism and objectivism […]. He cannot perceive attempts to transcend these alternatives as anything but a regression toward subjectivism. Being a prisoner, like so many others, of the alternatives of the individual and the social, of freedom and necessity, etc., he cannot see in the attempts to break with the structuralist 'paradigm' anything but a return to individualist subjectivism and hence to a type

be made as an analyst between objectivism and subjectivism; rather we should try to conceive of the ways in which any given agent's behavior is not *determined* by the various social constructions that happened to be "in the air" at whatever position in the social field she inhabited, but is nevertheless always *inflected* by it.

In other words, the contours of Fernande and Mimi's sexual and romantic relationship were limited and defined by a series of overlapping and interacting constraints, deriving from the carceral context in which they found themselves, their socio-economic positioning in a broader sense, and most broadly the collective social imaginary. In part, the success of Fernande and Mimi's relationship depended on their *habilité*, their ability to navigate this range of possibilities, to identify what they could do without repression, or to determine what kinds of risks were worth taking. Crucially, however, this is not a static process, as if there were just a menu that Fernande could choose from. The range of possibilities is constantly expanding and contracting as certain formations become impossible while new arrangements become possible, as Fernande and Mimi find creative solutions to new problems, develop new tastes, and reassemble existing possibilities in new ways. The concept of strategy, as P. Bourdieu develops it, "presupposes a constant invention, an improvisation that is absolutely necessary in order for one to adapt to situations that are infinitely varied. This cannot be achieved by mechanical obedience to explicit, codified rules (when they exist)."[67] Thus, Fernande and Mimi's success also depended on their own creative energies, their ability and motivation to find new social forms that achieved their ever-changing desires while somehow working within all of these constraints.

Sex in Prison

of irrationalism. […] In short, because strategy is for him synonymous with choice, a conscious and individual choice guided by rational calculation or 'ethical and affective' motivations, and because this choice resists constraints and the collective norm, he is forced to reject as unscientific a theoretical project that in reality seeks to reintroduce the socialized agent—and not the subject—the more or less 'automatic' strategies of practical sense—and not the projects or calculations of a consciousness." "From Rules to Strategies: An Interview with Pierre Bourdieu," interview by Pierre Lamaison, *Cultural Anthropology* 1, no. 1 (Feb. 1986): 112, https://www.jstor.org/stable/pdf/656327.pdf.

I think Bourdieu overstates Lévi-Strauss's binarism, but his diagnosis is apt when thinking about the way that queer theorists have framed the debate around the queer/LGBT divide. Either we accept the post-structuralist account of identity which argues that it is an inescapable, pernicious force of subjectivation (*assujettissement*), or we are naïve subjectivists. There are of course accounts of identity, like the one I'm trying to develop here, which both acknowledge that identity is socially constructed and account for the considerable agency that individuals still retain.

[67] Bourdieu, "From Rules to Strategies," 112–113.

At this point, hopefully it has become clear to the reader why the prison is a space well suited for thinking through the broad questions of how individuals interact with forms of state power. Theorists and historians of prison sexuality often talk about prison sexuality as an exceptional outlier, a form of sexuality that doesn't follow the rules of sexual formations outside prison walls. Of course, to some extent, the sexual formations that arise within a prison are unique to the particular set of circumstances and challenges that the prisoners face. These gender-segregated settings often (although importantly not always) make opposite-sex sex difficult and may encourage those who would not engage in same-sex sex outside of the prison to experiment. However, my assertion is that the particularities of prison sex are overstated. To a certain extent, *all* sexual forms are the product of the complex interface between individual desire and imagination, circumstance, and broader social constraint that we see in Fernande's case. As particularly constrained forms, perversely, same-sex relationships in prisons are also the site of incredible resourcefulness and creativity; prisoners are constantly forced to find new forms of relationality in order to fulfill their needs and desires in the face of privation, surveillance, and repression. In a less pointed way, this is also the case of same-sex attracted individuals more broadly within a society in which readily available social sexual forms are often based on opposite-sex relationships. Michel Foucault said in an interview, "L'homosexualité est une occasion historique de rouvrir des virtualités relationnelles et affectives, non pas tellement par les qualités intrinsèques de l'homosexuel, mais parce que la position de celui-ci « en biais », en quelque sorte, les lignes diagonales qu'il peut tracer dans le tissu social permettent de faire apparaître ces virtualités."[68] In theorizing power in prison and the complex ways it interacts with same-sex sexuality, we can start to think more concretely about how power determines and limits agency in a way that also renders visible the pockets of agency that continue to persist. The goal of this dissertation is, through a reading of same-sex sex in prison in France in the July Monarchy and after, to offer a new analytics of state power and same-sex sexuality which will enable us to understand better how same-sex sexuality unfolds within a differentiated field of contested power rather than simply being outlawed by a powerful, heteronormative state.

My dissertation is divided into two parts. The first part centers on the period of the July Monarchy in France (1830–1848) for two key reasons. First, the liberal, reformist monarchy of Louis Philippe I saw the transition, documented by Foucault and others, from the absolutist, arbitrary justice of the *Ancien régime* to the "enlightened" and modern system of imprisonment that still exists today. Central to these debates, particularly to the invention of the cellular model of imprisonment, was the question of sex between prisoners. Second, this period also saw a huge proliferation of representations of same-sex

[68] Michel Foucault, "De l'amitié comme mode de vie," interview by René de Ceccaty, Jean DAnet, and Jean Le Bitoux, in *Dits et écrits II. 1976–1988* (Paris: Gallimard [Quarto]: 2001), 985.

sex between prisoners. From popular sources (theater, newspapers, and illustrated books) to high literature (Hugo and Balzac), sex between prisoners was one of the key tropes of July Monarchy popular culture.

As my entry into this period, I focus my readings around Victor Hugo's 1834 novella *Claude Gueux*, which tells a fictionalized version of the true story of a prisoner (Gueux) who assassinates a prison official who has separated him from his intimate friend Albin. While critics acknowledge that Gueux and Albin's sexual relationship was well known in the popular accounts of the real story on which Hugo drew, they often argue paradoxically that Hugo could not have represented same-sex sexuality himself because the topic was too taboo. In the first chapter, I look more closely at Hugo's text and the critical response to it, from the immediate period of its publication through the 21st century, to reveal the ways in which the historical specificity of the sexual configurations of the July Monarchy have been lost by the anachronistic projection of the idea that same-sex sex must be repressed back onto the 19th century text. I examine a response to Hugo's text from 1834 to assess the degree to which a contemporary may have understood the text to be about same-sex sex. These responses use the category of *amitié* to talk about the relationship between Claude and Albin, so in the final section I situate *Claude Gueux* within July Monarchy discourses of *amitié sensuelle*.

The second chapter explores the context of discussions of prison sexuality in July Monarchy culture, drawing on popular sources, prison reform writings, and the works of prison officials and prisoners themselves, to describe the particular configuration of prison sexuality that was operative in this period. I argue that to speak about prisoners and their social world was to speak of same-sex sex and intimacy. At the same time, we need to decenter same-sex sex from our framing of these texts, and understand how same-sex sex was just one part of a much larger discourse about criminality.

Chapter three offers an analytics of power in prison. I demonstrate that when we read texts written by state agents, we can nevertheless reconstruct the conditions of power in the prison. Such an approach enables us to glimpse the potential power that the prisoners held, and their means of insubordination. This struggle for power is articulated around what Foucault calls the "infimes matérialités" of prison life. I then return to *Claude Gueux* and show how Hugo, too, is interested in material objects in the prison and their capacity to signify and produce intimacy between prisoners.

The second part of my dissertation traces these questions beyond the July Monarchy period into the present. Chapter four rethinks the established narrative of the role of sexology and related scientific fields in determining dominant modes of understanding sexuality. While many historians of sexuality and queer theorists today think of sexologists as all-powerful and take their conceptions of sexual identity to be *the* dominant conception of sexuality during their time, I try to resituate sexology within a historical moment in which it was very much a marginal field within the growing structure of the officially recognized sciences. I begin by reading a phrenological text from the 1830s, a report by the

novelist Hippolyte Bonnellier of the physiology and character of a famous criminal, Pierre-François Lacenaire. I situate phrenology rigorously within the social world of its time to show the limits of its power. Then, turning to a minor sexological text from the end of the 19th century, I show how sexology actually *used* its description of same-sex sexuality in order to legitimate itself as a true science rather than a pseudoscience.

The fifth chapter focuses on representations of the queer murderer Pierre-François Lacenaire, executed in 1836, in the 20th and 21st centuries. As opposed to the outlaw thesis, the idea that same-sex sexuality is inherently anti-nationalist and left, these representations help give us a sense of the variety of ways in which same-sex sexuality can relate to nationalism. Seen as the ultimate figure of revolt in the 19th century, Lacenaire comes to be a symbol of French individualism and of its relative openness to homosexuality in the 20th and 21st. In tracing the ways this outlaw is incorporated into nationalist narratives, I demonstrate that same-sex sex is used in tactical, contradictory, unpredictable, and often incoherent ways to bolster national and state power.

In the last chapter, I return to *Claude Gueux*, particularly editors, critics, interpreters, and popular readers of the text since 1950. I examine the ways in which discussions of same-sex sexuality in the text intersect with the literary critic's own authority, embedded within state structures of power. Through a reading of the footnotes of different editions of *Claude Gueux*, I show that one of the literary critic's main functions is to police the boundary between reality and fiction. Finally, turning to Robert Badinter's opera *Claude* and his statements about Hugo in a radio show, I demonstrate how discourses about same-sex sexuality and literature can produce unexpected politics, situating Badinter's understanding of same-sex sexuality in *Claude Gueux* within the context of French neo-republicanism.

In the conclusion, I turn briefly to some of the words of actual prisoners themselves in order to reflect on our ability to see and hear same-sex sexuality in the prisons in the archive.

Part I.
Sex in Prison in The July Monarchy

Chapter 1.
How to Talk About Same-Sex Sex in *Claude Gueux*

Thinking Synchronically About Sexuality in the Past

Many histories of same-sex sexuality are defined by the boundaries laid out by Michel Foucault in his influential account of the rise of modern homosexuality in *La Volonté de savoir*, treating the period either before or after the invention of homosexuality in the late-nineteenth century. As Regina Kunzel has written,

> the insistence on the incommensurability of past and present understandings of sex has helped dismantle notions of sexuality as self-evident, transhistorical, and natural and has exposed the historically specific and contingent character of present-day understandings and experiences of sexuality. Historians point to the concept of sexual identity, heterosexual and homosexual, as constituting the most distinctive marker of modern sexuality. More than anything else, its emergence delineated a sexual present from a sexual past.[1]

A wide array of scholars have demonstrated that, while Foucault's fundamental point about the need to historicize sexuality is correct, a more careful examination of the historical record shows that this change happened much more slowly than has often been acknowledged: an emergent identitarian conception of same-sex sexuality stretches back at least into the eighteenth century, while the homosexual model did not become dominant until well into the twentieth because the new concept of homosexuality spread unevenly across different geographies and was applied differently depending on the gender, class, and race of the individual in question. In spite of these quibbles over the details of the transition, Foucault's more fundamental point—that something called modern sexuality emerged in the nineteenth century and was defined by an identitarian concept of

[1] Kunzel, 4.

homosexuality—has continued to shape the field, with histories of sexuality often being segregated into a binary paradigm of "pre-modern" and "modern." The early modern historian Merry Wiesner-Hanks notes that "every theory positing one dramatic break" between premodern and modern sexuality "has been criticized for both its chronology […] and for the notion of a single break rather than gradual transformation." And yet she cites countless examples that collectively demonstrate that "the assertion that there was a gulf between "modern" and "not-modern" sexuality is still very powerful."[2] Scholars of modern sexuality, especially, tend not to engage in a serious way with histories of pre-modern sexuality, believing their object to be fundamentally different. (Even Kunzel, who is highly attuned to the way in which the story of "modern" sexuality is much more complex than previous scholarship has allowed, nevertheless ultimately respects the distinction. Her book, *Criminal Intimacy: Prison and the Uneven History of* ***Modern*** *American Sexuality*, is as its title suggests mostly concerned with same-sex sex in prison after the 1870s. Kunzel's only chapter on sex in prison before 1870 is put into a teleological narrative in which the nineteenth-century prison becomes a site where a kind of proto-modern sexuality emerged before its time.)

Of course, there is much to recommend such an approach. As Kunzel notes, tracing the emergence of "modern" sexuality has helped to historicize a way of understanding same-sex sex that too often seemed like an ahistorical truth. And I would agree with the fundamental principle that we cannot project backward onto the historical record those conceptualizations of same-sex sexuality that come most readily to us today.[3] However, the insistence in the field on the distinct separation between "pre-modern" and "modern" forms of sexuality has become a sort of shorthand that has limited our understanding of the phenomenon of same-sex sexuality across the 19th, 20th, and 21st centuries.[4] Most

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[2] Merry Wiesner-Hanks, "Sexual Identity and Other Aspects of 'Modern' Sexuality: New Chronologies, Same Old Problem?" in *After* The History of Sexuality*: German Genealogies With and Beyond Foucault*, ed. Scott Spector, Helmut Puff, and Dagmar Herzog (New York: Berghahn Books, 2012), 32.

[3] It's worth pointing out that comparison between present and past forms of same-sex sex is not the *only* way to denaturalize homosexual identity. It can just as easily be done synchronically, with a greater attention to "non-western" conceptualizations of same-sex sex or the gaps and incoherencies within the "western" conception of gay identity. See Hongwei Bao, *Queer Comrades: Gay Identity and Tongzhi Activism in Postsocialist China* (Copenhagen: NIAS Press, 2018) and Jane Ward, *Not Gay: Sex Between Straight White Men* (New York: NYU Press, 2015) respectively.

[4] This is especially true with regards to the early 19th century. The period is the purview of "modern" scholars, and thus it is usually left out of discussions of "pre-modern" sexualities which are often instigated by scholars of the early modern, the medieval, and antiquity. In this way, this period constitutes an important blind-spot in the history of sexuality, neither fully modern or pre-modern, often only understood in its relationship to what is perceived as an incipient modernity. Of course there are notable exceptions, especially in the field of French studies which are not divided by the conventions of the "Victorian" period. See for example Michael Lucey's analysis of same-sex sex in the novels of Honoré Balzac in *The Misfit of the Family* (Durham, NC: Duke UP, 2003); Brian Joseph Martin's extensive attention to the Revolutionary and Napoleonic

importantly, the insistence on the uniqueness of modern sexuality often carries with it deeper assumptions about the totalizing nature of modern regimes of sexuality, and thus about the relationship between sexuality and power. The shift from premodern to modern sexuality is thought to coincide with the consolidation of the power of the modern state, connected both to the centralization of state power and the rise of highly efficacious modes of fine-tuned control of large populations through biopolitical techniques. In an essay that is critical of the idea of a "Great Paradigm Shift," David Halperin nevertheless writes,

> I take it as established that a large-scale transformation of social and personal life took place in Europe as part of the massive cultural reorganization that accompanied the transition from a traditional, hierarchical, status-based society to a modern, individualistic, mass society during the period of industrialization and the rise of a capitalist economy. One symptom of that transformation […] is that something new happens to the various relations among sexual roles, sexual object-choices, sexual categories, sexual behaviors, sexual identities in bourgeois Europe between the end of seventeenth century and the beginning of the twentieth. Sex takes on new social and individual functions, and it assumes a new importance in defining and normalizing the modern self.[5]

Premodern sexual regimes are understood to be a kind of dispersed and *informe* conception of same-sex sexuality, highly dependent on individual prejudice, geography, and context; while they could be incredibly violent, their implementation was not universal. Power was dispersed through the church and the state, and neither had total control over its subjects. The advent of modern sexuality represented not only a new way of understanding same-sex sex but also a newly universal, uniform application of that concept. The new sexual identity, we are told, became a key factor of modern "selfhood." On an analogy with Judith Butler's influential account of the performativity of gender, the homo/hetero binary became an inescapable framework to which an individual must subject themselves in order to become a fully recognized subject.[6]

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periods in *Napoleonic Friendship: Military Fraternity, Intimacy, and Sexuality in Nineteenth-Century France* (Durham, NH: New Hampshire UP, 2011); Andrew Counter's treatment of the Restoration period in *The Amorous Restoration: Love, Sex, and Politics in Early Nineteenth-Century France* (Oxford: Oxford UP, 2016); Andrew Israel Ross's detailed analysis of public sex in the July Monarchy and Second Empire periods in *Public City/Public Sex: Homosexuality, Prostitution, and Urban Culture in Nineteenth-Century Paris* (Philadelphia: Temple UP, 2019).

[5] David Halperin, "Forgetting Foucault: Acts, Identities, and the History of Sexuality," *Representations* 63 (Summer 1998): 96, https://www.jstor.org/stable/2902919.

[6] The analogy with Butler's account of gender is often implicit. Antoine Idier helpfully articulates it explicitly in "What's a 'Norm' After Queer Movements?" in *Oxford Research Encyclopedia of Politics*, October 27, 2020, https://doi.org/10.1093/acrefore/9780190228637.013.1191, although I disagree with his strong argument.

The concept of modern sexuality is thus coupled with a new, more effective form of power that is exerted at the level of the individual, internalized through making sexuality and sexual identity one of the fundamental truths of the self. This phenomenon is what Lisa Duggan has called "the imperative to sexual categorization."[7] In an early article explaining queer theory for a socialist audience, Duggan writes that the queer is defined by its "dissent from the hegemonic, structured relations and meanings of sexuality and gender."[8] Duggan highlights the centrality of homo/hetero definition not only for the study of sexuality but for any study of the working of state power: "Queer theories do their ghetto-busting work by placing the production and circulation of sexualities at the core of Western cultures, defining the emergence of the homosexual/heterosexual dyad as an issue that *no* cultural theory can afford to ignore."[9] Here, Duggan echoes Eve Sedgwick's strong argument in *Epistemology of the Closet* that "homo/heterosexual definition has been a presiding master term of the past century, one that has the same, primary importance for all modern Western identity and social organization (and not merely for homosexual identity and culture) as do the more traditionally visible cruxes of gender, class, and race."[10] Such early texts are usefully explicit, for the belief in the hegemonic dominance of the modern model is such an article of faith that it is sometimes difficult to find an overt articulation of it in texts written after the first wave of queer theory. Even though they don't always say so, many thinkers working in the tradition of queer critique "take as established" the idea that modern sexuality is hegemonic, and that to think outside of the "imperative to sexual categorization" is a Herculean task, so difficult as to be nearly impossible. The desire to combat the hegemony of modern sexuality underwrites and animates nearly every major work of queer theory—queer theorists have to *produce* their queer objects of study, unearthing modes of thought that were supposedly obscured by the hegemony of homo/hetero definition.

As I've said, this phenomenon is absolutely widespread, but here I will just give one example in order to elucidate my claim. Take Heather Love's *Feeling Backward*, which seeks to create an archive of texts unified by "a shared feeling of backwardness in relation

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[7] Lisa Duggan, "Queering the State," *Social Text* 39 (1994): 4, https://www.jstor.org/stable/466361.

[8] Lisa Duggan, "Making It Perfectly Queer," *Socialist Review* 22.1 (1992): 23.

[9] Duggan, "Perfectly Queer," 23.

[10] Segdwick, *Epistemology*, 11. Sedgwick is a particularly complicated case. I find it difficult to pin her down on the question of whether it was possible to think outside of the epistemology of the closet. In her later writing, she rejects the paranoid thread in her work which sees the workings of power and oppression everywhere (citation), but even in *Epistemology* she already acknowledged that a wide array of sexualities existed outside of the homo/hetero binary.

to the coming of modern homosexual identity."[11] In analyzing the works of Walter Pater, Willa Cather, Radclyffe Hall, and Sylvia Townsend Warner, Love demonstrates the existence of "non-modern" sexualities under the regime of "modern sexuality." We might think that the existence of these authors and Love's ability to constitute them as a "tradition of backwardness" are proof that "modern homosexual identity" was precisely not hegemonic. They demonstrate that, as Eve Sedgwick writes, "At the same time that this process of sexual specification or species-formation was going on, […] less stable and identity-bound understandings of sexual choice also persisted and developed, often among the same people or interwoven into the same systems of thought."[12] And yet this is not the conclusion that Love draws. Texts that manifestly appear to challenge the assumption of the hegemony of modern sexuality in Love's telling actually come to *reinforce* that hegemony. First, Love tactically delays the point at which "modern sexuality" is said to fully "arrive," by which she means the point at which it becomes fully hegemonic to the point that thinking outside of it becomes impossible. Sure, from the 1870s to the 1930s, modern sexuality was "coming," but hadn't yet fully arrived. These authors were able to speak against or outside of it because its hegemony was not yet fully installed, but at some later point, such "backwardness" became impossible. Love doesn't specify *when* exactly, but it is before the moment at which she is writing, since Love takes the hegemony of modern sexuality for granted in her own time. There is supposedly an incommensurable gap between Love's authors, able to speak and conceptualize outside of a homo/hetero binary, and a "we" situated in 2007 (the year of the book's publication), fully subject to the hegemony of modern sexuality. The texts "do not welcome contemporary critics," we are told; they "turn away from us" and have thus proved "difficult to integrate into a queer literary genealogy."[13] Love writes,

> as queer readers, we tend to see ourselves as reaching back toward isolated figures in the queer past in order to rescue or save them. It is hard to know what to do with texts that resist our advances. Texts or figures that refuse to be redeemed disrupt not only the progress narrative of queer history but also our sense of queer identity in the present. We find ourselves deeply unsettled by our identifications with these figures: the history of queer damage retains its capacity to do harm in the present.[14]

"We" are literally interpellated by Love's text into the hegemony of modern sexuality, a regime in which our sexuality must be incommensurate with premodern, backward-

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[11] Heather Love, *Feeling Backward: Loss and the Politics of Queer History* (Cambridge, MA: Harvard UP, 2007), 8.

[12] Sedgwick, *Epistemology*, 9.

[13] Love, 8.

[14] Love, 8–9.

looking sexualities like those of Love's authors. By a kind of sleight of hand, we now find ourselves alienated from these backwards queers and discover that we need the queer theorist's assistance to accomplish the Herculean task of hearing this dissenting voice. In a perverse way, Love has ended up producing and reifying the very structure she is seeking to dismantle.

My assertion is not that we should stop looking for texts, past or present, that don't fit neatly within the "modern" conception of sexual identity, or that we should naively affirm our similarity to individuals who engaged in same-sex sex in the past. Indeed, in highlighting the implicit normativities of gay politics, works like Love's *Touching Feeling* have been hugely influential in my own thinking. The problem, however, is the shadowy and undertheorized conception of power that underlies Love's assumptions about the gap between 1930 and 2007. Grounding the study of sexuality in the binary rubric of hegemonic modern sexuality has the effect in some ways of reifying the power and dominance of that model. In fact, an insistence on the dominance of modern sexuality, the notion that the homo/hetero binary is fundamental to modern selfhood, masks the ongoing struggles that produce the power of that model. There is in fact no moment at which modern sexuality "arrived," at which it became completely hegemonic, so that thinking outside of it became impossible. This conception of sexuality has always existed within a differentiated field of power; it has always coexisted and competed with other ways of thinking about sexuality and other sexual practices. Michel Foucault writes, "L'analyse, en termes de pouvoir, ne doit pas postuler, comme données initiales, la souveraineté de l'État, la forme de la loi ou l'unité globale d'une domination ; celles-ci n'en sont plutôt que les formes terminales."[15] Power is not static, and the discursive structures it produces are not determinative. Resistance is not rare, needing the specialized aesthetic sense of the queer theorist to make it visible and legible. It is a fundamental fact of the always-ongoing struggle for power: "là où il y a pouvoir, il y a résistance," writes Foucault, "et celle-ci n'est jamais en position d'extériorité par rapport au pouvoir."[16] For the "modern" sexual regime to impose itself as "dominant," then, requires a constant confrontation with modes of being and speaking about sex that have nothing to do with it. There is no moment at which "modern" sexuality fully "arrives." Far from being a hegemonic, all-seeing, all-knowing kind of power that creeps into our minds and makes it almost impossible to conceive of anything outside of it, "modern" sexuality is simply one quite successful mode of understanding the phenomenon of same-sex sex, one which always coexists with other modes of understanding, some of which come to be in an oppositional position with "modern" sexuality, some of which simply coexist alongside it. Importantly, this is not to say that the homo/hetero binary has not been a powerful force across much of the last century. To the

[15] Foucault, *Volonté*, 121.

[16] Focault, *Volonté*, 125–26.

contrary, to say that this model was powerful is precisely to say that it always existed in a differential relationship with other models over which it constantly needed to establish that power.

I want to highlight that I am not opposing "theory" and historicization here. We don't need a transhistorical theory of state power that would do away with the need to historicize sexual identity. In my thinking, a more nuanced theorization of power is rooted in a much more radical historicization of sexual identity. In this light, I would like to look at sexuality, both past and present, in a more descriptive way. Rather than framing any approach to same-sex sexuality within the hegemony of "modern" sexual understandings, what would it be like to simply notice and describe the sexual formations that exist in any given period first? In this dissertation, I want to begin to elaborate just such a descriptive understanding of same-sex sexuality in prisons in July Monarchy France, outside of the hegemony of the modern/premodern binary. The advantage of a thematic approach, tied to the institution of the prison, is that it sidesteps the traditional boundaries of modern sexual historiography. In France, attempts to modernize and centralize the penal system by imposing a cellular system on the Philadelphian model began in earnest under the liberal monarchy of Louis Phillippe, which came to power after the revolution of 1830, although these efforts would not be successful until half a century later under the Third Republic. Central to these projects of reform was the question of same-sex sex in prisons: in the non-cellular prisons of nineteenth century France, men were housed in large dormitories together. One of the key advantages of the cellular model, its proponents argued, was that it would discourage such behavior, which led relatively innocent prisoners to become enmeshed within a network of hardened, urban criminals, often linked to prostitution. I will turn to this historical context more fully in chapter two; for now, we might simply notice that during this period before the invention of the "modern" concept of same-sex sexuality people were writing and thinking quite a lot about same-sex sex. How did they do so? And how did same-sex sex relate to power in this period?

I will begin to answer these questions by confronting an interpretative problem that has arisen around Victor Hugo's 1834 novella *Claude Gueux*. I will first examine the critical controversy around the text, showing how its apparently ambiguous central relationship has been understood by "modern" critics and interpreters since the 1950s. I will then look carefully at a critical response to the text published just months after *Claude Gueux*. Far from being ambiguous, we will see that Hugo's contemporaries quite obviously understood the text to representing same-sex sex. In understanding the ways in which same-sex sex could be conveyed without denotation, we will begin to get a picture from the ground up, independent of an oppositional relationship to "modern" homosexuality, of how same-sex sex was talked about and thought about in the July Monarchy, at the same time developing a descriptive mode of writing about same-sex sex that enables the construction of such a ground-up view.

"Ce qui ne pouvait être abordé évidemment à l'époque"

The question of same-sex sex in *Claude Gueux* is one that has consistently confounded Hugo's critics since it reemerged in the 1950s, to the point that we might think that Hugo's pre-modern understanding of same-sex sex was simply incompatible with modern modes of understanding same-sex sexuality. And yet, I will argue in the section that follows that this is not quite the case. My argument is not the old identitarian line that Claude Gueux was simply gay.[17] Of course, Hugo does not use the term "homosexual" to refer to his characters, since that term had not been invented, and Hugo does not conceive of same-sex sex in exactly the same way that his post-1950 critics do. And yet, in the section that follows, I hope to demonstrate that thinking about sexuality across both periods is in fact quite amorphous and ambiguous: there is not a simple projection of a stable homosexual identity back onto an unstable, non-identitarian pre-modern sexuality, but rather the confrontation of two complex systems of understanding sexuality, which are distinct but nonetheless overlapping. Far from clarifying Hugo's original, critical interventions in the text since 1950 have tended to reproduce and amplify the ambiguity of *Claude Gueux* as it appeared in 1834.

Hugo's novella tells of the eventual execution of its eponymous character. Although he is originally imprisoned for stealing bread to feed his girlfriend and their child, Claude Gueux is ultimately condemned to death for a murder he commits while he is incarcerated. Gueux kills the prison warden Monsieur D…, angered over the fact that he has been unjustly separated from Albin, his "ami" (an ambiguous term for male companion that could have a sexual connotation). Hugo describes Gueux as a large, vigorous man for whom the meager prison diet of bread and thin soup is insufficient.[18] One day, Albin comes to him and offers to share his portion of bread. After this moment, the two are linked by what Hugo calls an "étroite amitié": "Ils travaillaient dans le même atelier, ils couchaient sous la même clef de voûte, ils se promenaient dans le même préau, ils mordaient au même pain.

[17] Peyton Thomas articulates the power of such naming practices in his discussion of Lou(isa) May Alcott's gender identity, which he understands to be trans in "Did The Mother Of Young Adult Literature Identify as a Man?" *New York Times*, December 24, 2022, https://www.nytimes.com/2022/12/24/opinion/did-the-mother-of-young-adult-literature-identify-as-a-man.html. The queer critique of such a position is that it perpetuates some kind of pernicious sexological ideology, but I think we can acknowledge the polemical power of such anachronistic identification in the public sphere even as we give a more nuanced account of the historical gap in more theoretically rigorous forms of writing.

[18] Hugo specifies that prisoners were allowed one pound and a half of bread per day. This is true, as attested by the laws dictating how prisoners should be fed. *Analyse*, 136.

Chacun des deux amis était l'univers pour l'autre. Il paraît qu'ils étaient heureux."[19] The exact nature of this "close friendship," however, has been difficult to pin down.

It's no wonder to see why Hugo's critics have been left fumbling with sexuality in *Claude Gueux*. The passage cited here is probably the most explicit in the entire text, and yet only the idea that the two men slept in the same alcove comes close to suggesting that there is a sexual relationship between them.[20] (The verb "coucher" is particularly ambiguous: it can simply mean "to lay down" in a nonsexual sense, but it can also have a sexual connotation, especially when it refers to two people. Think of the term "to sleep with someone" in English.) Rather than portray their intimacy directly, Hugo slips into parataxis, giving us a series of descriptions of Gueux and Albin's relationship without connecting these descriptions causally. Their close physical proximity, the emotional closeness of their friendship, and their happiness are all noted, but any connection between these observations is left to the reader to supply. Indeed, the logic of parataxis might be said to apply to the text's potential invocation of a sexual relationship between the two characters more broadly. We are presented with a series of facts (they sleep near each other; Gueux is driven to murder because he was separated from Albin; Gueux leaves Albin, and not his wife, his only belonging after he dies), but with no indication from the text of how to make sense of them together.

Much of the question about Gueux and Albin's relationship centers on one particular and strange detail (figure? metaphor? allegory?) that indexes their intimacy: the sharing of bread. The idea that the friendship between Claude and Albin is based on sharing bread, found nowhere in the historical source material for the text, is a curious invention that simultaneously demands ostentatiously to be interpreted and resists any figurative or allegorical interpretation. The narrator explains how Claude, who has finished his ration before all the other prisoners and returned to work, "croyant tromper la faim par le travail," is interrupted by Albin:

> Un jeune homme, pâle, blond, faible, vint se placer près de lui. Il tenait à la main sa ration, à laquelle il n'avait pas encore touché, et un couteau. Il restait là debout près de Claude, ayant l'air de vouloir parler et de ne pas oser. Cet homme, et son pain, et sa viande, importunaient Claude. —Que veux tu ? dit-il enfin brusquement. —Que tu

[19] Victor Hugo, *Claude Gueux*, in *Roman I*, ed. Jacques Seebacher (Paris: Editions Robert Laffont [Bouquins], 2002), 866.

[20] The passage I cite here is preceded by a description of Gueux and Albin as father and son: "Une étroite amitié se noua entre ces deux hommes, amitié de père à fils plutôt que de frère à frère" (866). Since Hugo's time, many have seen this description as an alibi that Hugo places in the text to deny a sexual reading, especially because the real Claude and Albin were quite close in age. For my part, I'm not so sure that Hugo's exaggeration of the age difference between the two characters diminishes the sexual nature of the relationship. Quite the contrary: even as a literal reading of the passage provides an alibi for the curiously strong connection between the two men, insisting on their age difference also adds another layer of potentially same-sex meaning to the text in invoking the Ancient Greek pederastic model of same-sex love.

me rendes un service, dit timidement le jeune-homme. —Quoi ? reprit Claude. —Que tu m'aides à manger cela. J'en ai trop. Une larme roula dans l'œil hautain de Claude. Il prit le couteau, partagea la ration du jeune en deux parts égales, en prit une, et se mit à manger. Merci, dit le jeune homme. Si tu veux, nous partagerons comme cela tous les jours.[21]

On the one hand, Hugo's description couldn't be more literal and straightforward. Claude is hungry; Albin doesn't need to eat much; so, Albin shares his portion with Claude. And yet several aspects of the text lead us to think that the sharing of bread is a figure that needs to be interpreted. Albin, for his part, doesn't put his proposition to Claude in literal language at all. Instead of offering his help to Claude directly, he asks Claude to "do him a favor." We can only understand his claim to have too much bread to be a kind of ironic understatement, since in the previous paragraph we learned that the ration of bread in prison was less than half a regular meal outside the prison walls. But it also preserves an implicitly gendered and aged hierarchy between the two men: needing help from the feminine, younger Albin could be a threat to Claude's masculinity and status, so Albin attempts to help his friend while respecting the power differential between them. And indeed, it seems that Claude too understands Albin not to be saying exactly what he means here. The single tear that falls from our hero's eye shows that he understands this offer to be a supreme act of kindness and care, a glimmer of humanity within a carceral system that does not provide for the basic needs of its charges.

The narrator announces at the beginning of the text that we are in a regime of realism, of strict adherence to the "real facts." "Je dis les choses comme elles sont," he writes in the novella's third sentence. And yet here we seem to be very patently removed from the world of facts. We are in the world of melodrama, with the single tear dripping down Claude's cheek at Albin's kind gesture. We are perhaps even in the world of medieval allegory with the text's sparse but detailed set of facts, the flattening out of the characters' internal psychology into emblematic outward gestures, and with the obvious Christological symbolism of the bread.[22] And yet while these gestures obviously have some kind of poetic import, their exact symbolic referent seems unclear. It would be difficult to say that there is any *sexual* meaning to the sharing of the bread, and yet in its ostentatious break with realism and its place at the foundation of the intimacy between Claude and Albin, there has always been something about this passage that has raised critics' eyebrows.

Making sense of Claude and Albin since 1950

[21] Hugo, *Claude Gueux* [2002], 865.

[22] "Partager le pain" is the equivalent of the English expression "break bread," to celebrate the Eucharist or more loosely to convene in fellowship over a meal.

The suggestive ambiguity of Hugo's original text has left same-sex sexuality in *Claude Gueux* a question whose insistent openness has troubled critics ever since. The question first emerged in professional criticism of the text with Pierre Savey-Casard's archaically worded suggestion that the two were "liés par des mœurs contre nature" in his 1956 critical edition of the text.[23] Part of the complication derives from the fact that Hugo's Gueux was based more or less on a real historical person, whose story Hugo had read in the *Gazette des tribunaux*. Critics have tended to maintain a distinction between these real historical figures, whose sexual relationship was apparently undeniable, and the characters of Hugo's text, whose sexuality remains ambiguous. Georges Piroué, in the 1967 edition of Hugo's complete works, notes somewhat clinically that the historical Gueux and Albin "entretenaient probablement des rapports homosexuels."[24] In his 1985 edition, Jacques Seebacher claims that Hugo attempts to "sidestep" the possibility of a homosexual relationship between the two in order to make Gueux into a more sympathetic *porte-parole* for Hugo's cause: the abolition of the death penalty.[25] One of the most recent editorial treatments of the question, in Étienne Kern's 2010 Garnier-Flammarion edition, sums up the state of critical ambivalence since Savey-Casard's explicit suggestion of a possible homosexual relationship between Gueux and Albin. In his introduction, Kern mentions homosexuality only in his account of the historical Gueux: "leurs relations prirent vraisemblablement un tour homosexuel."[26] In his annotations of the text, however, Kern insists that sexuality is pointedly absent from Hugo's text: "Le texte souligne la dimension amoureuse des relations d'Albin et de Claude, tout en gommant, non sans insistance, le caractère homosexuel de ces mêmes relations."[27] The dizzying series of Kern's qualifications is ultimately more confusing and ambiguous than Hugo's original parataxis. The text highlights the "loving" dimension of the relationship even as it effaces its "homosexual character," which is nevertheless presumed to be evident in the "real"

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[23] Pierre Savey-Casard, introduction to *Claude Gueux*, by Victor Hugo (Paris: Presses Universitaires de France, 1956), 22.

[24] Victor Hugo, *Claude Gueux*, in *Œuvres complètes* vol. 5, ed. Georges Piroué (Paris: Le Club Français du Livre, 1967), 228. Both Savey-Casard and Piroué recover the latent sexual content of Hugo's novella in a profoundly homophobic way. They argue that Gueux's homosexuality is a part of the grotesque psychological portrait Hugo paints of this monstrous murderer. Piroué, in particular, offers a fairly idiosyncratic (and, I would argue, anachronistic in the relatively liberal atmosphere of post-Restoration France) reading of the text which sees its primary political aim not as the abolition of the death penalty but as an experiment with the limits of censorship. Piroué argues that Hugo seeks to represent "les pires monstres" and escape censorship because of the fictional status of his text (231), so for Piroué Gueux's homosexuality is a key element of the character's monstrosity.

[25] Hugo, *Claude Gueux* [2002], 951, n. 8.

[26] Victor Hugo, *Claude Gueux*, ed. Étienne Kern (Paris: Flammarion, 2010), 9.

[27] Hugo, *Claude Gueux* [2010], 33

relationship between Gueux and Albin, as if a homosexual relationship could never include a loving dimension. In fact, I will demonstrate at the end of this chapter that blending the sexual and affective dimensions of the relationship is key to Hugo's political project in *Claude Gueux*. Kern ties himself in knots with a double negative, "non sans insistance," which symptomatically reproduces the very ambiguity of Hugo's original text, pointing to the sexual nature of Gueux and Albin's relationship even as it refuses to name it as such. In any case, it is not clear to me what this phrase even means. Is this pointed erasure supposed to insist on the non-homosexual character of the relationship, or is it intended to point back to a potentially gay reading in marking the erasure of homosexuality in a way that can't be ignored? In fact, we might argue that Kern's description fits the modern editor's gloss of the potentially sexual relationship between Gueux and Albin better than it does the text itself. These editorial interventions have a kind of supplementary quality, pointing not to the concrete reality of same-sex sex in Hugo's original text but rather revealing the constant shuttling between the "real" and "fictional" texts that ultimately leaves the question of same-sex sex unresolved.

A good queer theorist with a well-trained historicist reflex would be able to explain this difference easily: the post-1950 critics are trying to project a modern conception of "homosexual" identity back onto a text that was produced under a pre-modern epistemology in which same-sex sex was only understood as an act. Of course, the attempt to reconcile these incommensurable ways of understanding sexuality would only produce nonsense. And yet, look carefully. Not one of these discussions of same-sex sex, all produced within the period in which the regime of modern sexuality is supposed to be unquestionably hegemonic, evinces an identitarian understanding of homosexuality. Although they were writing well within the period in which the term would have been available to them, both Savey-Casard (1956) and Seebacher (1985) avoid the word "homosexual" completely. Savey-Casard uses an expression that was commonly used in the 19th century, "des mœurs contre nature." Seebacher also alludes to this expression elliptically but ultimately avoids any direct denotation of same-sex sexuality in his footnote: "Effort pathétique de Hugo pour « écarter » le plus possible deux personnages réels que l'âge, les mœurs et la délinquance rapprochaient bien autrement que père et fils." (951, n. 8). Both Piroué (1967) and Kern (2010) use the word "homosexual," but only in its adjectival form: "des rapports homosexuels" (Piroué) and "[des] relations qui prirent […] un tour homosexuel" (Kern). In fact, all four of these critics emphasize same-sex sex as an *act* or *behavior* rather than as an identity, precisely the pre-modern conception of homosexuality that is supposed to be impossible after the invention of that word.[28] Half of them opt for a decidedly "archaic" or "pre-modern" mode of denoting same-sex sex, while

[28] The concept of *les moeurs* is notoriously difficult to translate into English, but its use by Savey-Casard and Seebacher is closely related to this idea of sexuality as a behavior. It can refer to the culture of a group of people, or the repeated behaviors of an individual.

those who do use the term "homosexual" employ it in reference to actions rather than individuals. And these divisions don't even fall evenly into a clean, developmental narrative in which "homosexual" (even if it's only adjectival) replaces more archaic forms. "Homosexual" appears as early as the 1960s, the prudish ellipsis and the archaic expression "les moeurs" as late as the 1980s.

How do we account for such a mishmash? The word homosexual appears, but it seems to denote same-sex sex as an act rather than as an identity. Archaic forms persist more than a century after they are supposed to have become defunct. And the promised "coming" of modern sexual understanding, tied to identity and the homo/hetero binary, never arrives. If the incomprehensibility of the exact nature of the relationship in *Claude Gueux* isn't down to the misguided projection of an identitarian concept of same-sex sexuality onto a period in which it was understood only as an act, how do we account for it? One way to answer to this question is to situate these sexual conceptualizations more rigorously in their time and place. The refusal of homosexuality as an identity is more broadly a characteristic of French discourse on same-sex sexuality throughout the so-called "modern sexual" period, especially by conservative forces opposed to gay rights. The rise of a gay rights movement in France, which around 1980 came to be explicitly modeled on the US gay rights movement, was viewed with suspicion by a conservative cadre of homo- and heterosexuals who longed nostalgically for the period in which homosexuals proudly affirmed their outsider status. Gay identity was seen as a dangerous "Anglo-Saxon" import, a decidedly anti-French imposition on a Republican society that *of course* already treated homosexuals just like any other citizen. I will discuss this context in more detail in chapter six, but for now, I would like to insist on a more fundamental point. All of these critics in their own way assume that there is *an* answer to the question of sexuality in *Claude Gueux*, rooted in Hugo's intentions. And yet, just as these post-1950 responses to Hugo's text are conditioned by their historical situatedness, Hugo's text too was embedded within a complex social context. Certainly, Hugo had his own understanding of the sexuality of these two men and meant to convey that understanding in his text. But this intention was not determinative for the meaning of the text even in 1834. If we could survey readers of *Claude Gueux* at that time, it is likely that we would receive a range of answers about the exact nature of the relationship between Claude and Albin. Certain readers, for whatever reason, would be sensitive to the possibility of same-sex sex between the two prisoners, even sure of it, while such a reading would simply never occur to others.[29]

[29] Here I am reminded of an example from a completely different context. In the final season of TLC's hit reality series *What Not To Wear*, there was a "behind the scenes" episode in which the hosts, Stacy London and Clinton Kelly, answered fan questions throughout the episode. One of the questions, teased at every commercial break and answered only at the very end of the program, was whether Stacy and Clinton were dating. My mom and I had been fans of the show since its beginnings, and we were shocked that such a question could even occur seriously to a viewer. For us, it had always been clear that Clinton, with his slightly effeminate demeanor and his floral-patterned shirts, was gay. Throughout my time in high school, my best

The wide variety of interpretations of sexuality in Hugo's text can be explained by the fact that the meaning of the text, whether Claude and Albin had a sexual relationship, is not inherent in the text itself, but is the product of a complex social interaction between the text and its reader. The text is not the arbiter of ultimate truth but a kind of input into the social matrix of the reader, whose own conceptions of same-sex sexuality or lack thereof will dictate how they read the raw data of *Claude Gueux*. (For the conservative Hugoliens, the idea that Hugo could have written a text whose hero engaged in gay sex is unimaginable. For the queer theorist, on the other hand, it is the idea that this pre-modern text could clearly convey same-sex sex without recourse to gay identity that is impossible to accept. And so on and so forth.) The footnotes I analyzed above are indexes of precisely this kind of interactive meaning production. Working within an exegetical tradition that was rooted in the "truth" of the text, all of the editors I cite above sought to find "ce que ce texte dit *véritablement* au-dessous de ce qu'il dit *réellement*." The phrase is Michel Foucualt's, in an interview he gave in 1967 in which he described an outdated exegetical tradition which, in his view, was starting to crumble under the pressure of the structuralist revolution:

> Peut-être est-on en train de se défaire peu à peu, mais non sans mal, de la grande méfiance allégorique. J'entends par là l'idée simple qui consiste, devant un texte, à ne se demander rien d'autre que ce que ce texte dit *véritablement* au-dessous de ce qu'il dit *réellement*. Sans doute est-ce là l'héritage d'une ancienne tradition exégétique : devant toute chose dite, nous soupçonnons qu'autre chose se dit. La version laïque de cette méfiance allégorique a eu pour effet d'assigner à tout

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friend and I were compared to, and in some ways aspired to be, this fashionable and worldly gay male/woman best friend duo. Even my dad, a retired pro-football player who was decidedly less comfortable with my sexuality than my mom, understood Kelly to be obviously gay. Before he could say to me explicitly that he accepted me for being gay, he would communicate his acceptance to me by ostentatiously saying, "That Clinton guy, he's really cool, man."

It was true, though, that Kelly had never explicitly "come out" on the show. My mom and I tried to imagine the social profile of someone who could interpret Kelly and London's close bond as being heterosexual when it was obviously a kind of gay best friend relationship. Who could possibly be so sheltered that gayness simply wouldn't occur to them as a possible explanation, in spite of the manifest *gayness* of Clinton Kelly? A conservative Christian housewife from Iowa? And why would the show play in to such a view by making the truth of Stacy and Clinton's relationship the central question from commercial break to commercial break? It could only be ironic, right? We felt alienated from the show that had bonded us, that had given us a language to talk about my own gayness as I was coming out. (In fact, we would learn later that Stacy was also queer, and that the two didn't actually get along behind the scenes at all—our interpretation of what we saw on TV was just as socially conditioned and removed from reality as the Iowan housewife's, with its own blind spots to London's queerness.) At its root, we were expressing the same bewilderment that I expressed when, in high school, I learned who Liberace was, and that his sexuality was a surprise to the majority of his fans. "How could they not know he was gay?" I asked my mom.

> commentateur de retrouver partout la pensée véritable de l'auteur, ce qu'il avait dit sans le dire, voulu dire sans y parvenir, voulu cacher et pourtant laissé apparaitre.[30]

If the tradition of Hugolien criticism is any example, Foucault's measured optimism was still overly hopeful. His description "vouloir cacher et pourtant lassier apparaitre" almost perfectly foretells the move that Kern, forty-three years later, would make in his footnote to *Claude Gueux*.[31]

And yet, it is precisely because of the persistence of the old exegetical tradition that Foucault's essay bears repeating today. Although he situates it within a particular historical development, I think Foucault here expresses a truth about the way that texts come to mean things to their readers more generally. He continues,

> On s'aperçoit qu'il y a aujourd'hui bien d'autres possibilités de traiter le langage. Ainsi la critique contemporaine – et c'est ce qui la distingue de ce qui s'est fait tout récemment encore – est-elle en train de formuler sur les textes divers qu'elle étudie, ses textes-objets, une sorte de combinatoire nouvelle. Au lieu d'en reconstituer le secret immanent, elle se saisit du texte comme d'un ensemble d'éléments (mots, métaphores, formes littéraires, ensemble de récits) entre lesquels on peut faire apparaitre des rapports absolument nouveaux dans la mesure où ils n'ont pas été maitrisés par le projet de l'écrivain et ne sont rendus possibles que par l'œuvre elle-même en tant que telle. Les relations formelles qu'on découvre ainsi n'ont été présentes dans l'esprit de personne, elles ne constituent pas le contenu latent des énoncés, leur secret indiscret.[32]

To apply these words to the footnotes I have been analyzing in this chapter seems like a contradiction, since they are representatives of the exegetical tradition that Foucault is critiquing. But if we shift from thinking of Foucault's words in their historical context to thinking of them as expressing a truth about the way texts mean things, we can see that Hugo's editors are examples of just such interactions. Although they believed they were

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[30] Michel Foucualt, "Sur les façons d'écrire l'histoire," in *Dits et ecrits I*, ed. Daniel Defert and François Ewald (Paris: Gallimard [Quarto], 2001), 619–20. I became aware of this passage in reading Michael Lucey's brilliant and underread essay, "When? Where? What?" in *After Sex: On Writing Since Queer Theory*, ed. Janet Halley and Andrew Parker (Durham, NC: Duke UP, 2010), to which I will return below. (I only describe it as underread because I believe it to be the ur-text of a new way of understanding sexuality beyond queer theory, a tradition in which I understand myself to be working here.)

[31] While Foucault described the cutting edge of literary criticism in France in the late 1960s, the machine of literary criticism moved much more slowly. The market for the production of critical editions still valued the exegetical skills Foucault disparaged, and the community of scholars working on supposedly pre-modernist authors like Hugo was even more insulated from the structuralist revolution.

It is also worth noting the similarities between the mediating role of the critic in Foucault's description of this exegetical tradition and the mediating role played by the queer theorist in revealing the truly *queer* subtext of what was understood as simply a gay or lesbian text.

[32] Foucault, "Sur les façons," 620.

simply glossing the text, telling the truth of what the text said, of what Hugo meant, in fact these editors were producing an entirely new sexual combinatorics, the product of an encounter between raw textual material and the sexual contexts of 1956, or 1967, or 1985, or 2010.

What *Claude* Meant

So far, our analysis has been largely diachronic. We have been looking at the way a text from 1834 was interpreted in the 20th and 21st centuries. However, Foucault's analysis of how a text comes to mean something holds synchronically as well. Certainly, an early nineteenth century reader's sexual context might be more closely aligned to Hugo's own, but each individual has to some extent an idiolectal set of sexual experiences and forms, based on a host of factors (class, gender, race, political orientation, etc.). Just as the editors all index different sexual contexts in the post-1950 period, there was no one monolithic "sexual context" in 1834, one way that same-sex sex was understood and conceptualized. Indeed, queer theory's insistence on the diachronic incommensurability of sexual conceptualizations across the modern and pre-modern divide has tended to reify each and thus deemphasize the synchronic complexity of sexual understandings in both the past and the present.[33] In section two, I will give evidence of this diversity by looking more carefully at responses to *Claude Gueux* in 1834. Here, though, I would like to turn to a synchronic analysis of a much more recent interpretation of Hugo's text that will help bring out some of the complexity of communicating about sex within a given period.

Soon after Kern published his edition of *Claude Gueux* in 2010, the *Opéra de Lyon* mounted an operatic interpretation of Hugo's novella. Directed by Olivier Py and with music by Thierry Escaich, *Claude* (2013) was based on a libretto by Robert Badinter, a socialist politician and deep admirer of Hugo. It was Badinter who, as Minister of Justice in the government of François Mitterrand, finally achieved Hugo's goal of abolishing the death penalty, claiming to have been guided by a speech Hugo gave against it in 1848 throughout the legislative process.[34] (Coincidentally, at almost exactly the same moment he also oversaw the abrogation of prejudicial laws that helped the police to prosecute gay men for

[33] In some ways, I think we could see Michael Lucey's recently theorization of misfit sexuality across a trilogy of books (*The Misfit in the Family*, *Never Say I*, and *Someone*) as an attempt to refocus our interest on the complexity of sexual communication and knowledge within a particular period while also working diachronically.

[34] In an interview, Badinter describes himself as a "Hugolâtre," and talks about the direct influence Hugo had over his political and legal advocacy against the death penalty. Interview by Jacques Drillon, "Robert Badinter librettiste d'opéra: 'Je suis un hugolâtre…,'" *Le Nouvel Observateur*, March 26, 2013, https://bibliobs.nouvelobs.com/actualites/20130326.OBS3123/robert-badinter-librettiste-d-opera-je-suis-un-hugolatre.html. Since the death of his predecessor Michel Butor in 2016, Badinter has also served as the honorary president of the *Société des amis de Victor Hugo*.

their sexuality, even though homosexuality had not been technically illegal in France since the French Revolution.) In their interpretation, Py, Escaich, and Badinter do not shy away from the potential same-sex sexual interpretations of Hugo's text. Their staging of the scene in which Albin offers his ration of bread to Claude makes clear that this exchange is the beginning of a close affective and physical intimacy between the two men. Albin enters Claude's cell, and the latter's initial hostility gives way to a caring embrace. Standing behind a kneeling Claude (Jean-Sébastien Bou), Albin (Rodrigo Ferreira) offers the latter his bread while gently caressing his head. "Grâce à ce pain, nous serons amis," he sings (fig. 7–8). (The images below are taken from a recording of the performance made for Arté and released on DVD in 2014.[35])

Figure 7. Albin offers Claude his bread.

[35] *Claude*, DVD, directed by Vincent Massip (Lyon: Opéra de Lyon, 2015).

Figure 8. Albin caresses Claude's head.

Their relationship takes on a sexual dimension in a later scene in which Albin is comforting Claude, who is expressing his longing to see his partner and child again. Albin promises to write a letter in Claude's name, to communicate his feelings to his family. "Mais parle-leur de nous aussi, de ce pain que l'on partage, le pain de la douleur!" Claude sings, as Albin's comforting touch takes on a more urgent valence. The two men end up in a frenetic embrace, undressing each other and kissing for a time before hanging up a curtain on their cell, clearly indicating that they will pass to even more intimate acts (fig. 9–10). In an interview he gave in 2014, Badinter spoke about his desire to make explicit that which he said could not be spoken of openly in Hugo's text: "j'y inscrivais ce qui ne pouvait être abordé évidemment à l'époque, c'est-à-dire la question de l'homosexualité en prison."[36] For Badinter, homosexuality was "obviously" unspeakable at the time that Hugo wrote his text, and part of his project in providing a 21st-century interpretation of *Claude Gueux* was to recover that hidden meaning that Hugo could only hint at.

[36] Robert Badinter, interview by Laura El Makki, "S'engager: Robert Badinter et Victor Hugo," July 12, 2014, in *Les beaux esprits se rencontrent*, France Inter, podcast, 38:20, https://www.franceinter.fr/emissions/les-beaux-esprits-se-rencontrent/les-beaux-esprits-se-rencontrent-12-juillet-2014.

Figure 9. Claude and Albin kiss.

Figure 10. Claude and Albin undress.

And yet, like Kern's supposedly expository note, Badinter's text actually does little to clarify the ambiguity of Hugo's original. Certainly, given that we see the actors kiss on stage, we could say that Badinter, Escaich, and Py's *Claude* represents same-sex sexuality

more explicitly than Hugo's *Claude Gueux*. But in facgtthe text does little more than Hugo's original to connect the intimacy it represents to any kind of model of sexual identity or understanding. Although Badinter claims to make "the question of homosexuality in prison" more explicit, if we were to simply read the sung text of Badinter's libretto, we would have no clear indication that the two had a sexual or even romantic relationship. In fact, the text of the most explicit scene, the one described above, centers entirely on Claude's *heterosexual* attachments, his affection for his partner "Jeanne" (a name completely of Badinter's invention) and for his child, "un ange tout blond, que l'on croirait descendu du ciel." Albin makes the promise not of a lover but of a fellow heterosexual man: he promises to help Claude find Jeanne and his child when he leaves prison, and to write a letter in which he expresses Claude's love to the two women. (Again, the idea that Albin was literate is Badinter's invention.) As the two men kiss, of course, they stop singing; the text is taken up both by the chorus, who recount Claude's first sexual encounter with Jeanne, and a new instance of the recurring *voix off* of a young girl, which reminds Claude of his daughter.[37] Ironically, the most explicit reference in this scene in fact brings us back to the Hugo's ambiguous image: "Mais parle-leur de nous aussi, de ce pain que l'on partage." As this reading demonstrates, *Claude* is itself ambiguous on the question of its protagonists' sexuality, so it is difficult to know what purpose this juxtaposition serves. Is it intended to reassure us of Claude's fundamental heterosexuality, proof that his temporary dalliance with Albin is merely a kind of circumstantial homosexuality? Or is it intended to draw an equivalency between Claude's more socially acceptable role as husband and father and his role as Albin's lover, filling in the depth of the connection between the two men through a heterosexual analogy? In either case, *Claude* does no more than Kern's convoluted footnote to resolve the originary ambiguity of Hugo's text; as with Kern, Badinter's attempt to clarify Hugo's text ends up reproducing the ambiguity it tires to describe.

Of course, in the case of *Claude*, there are a whole host of other factors beyond the text that form part of the requisite context for understanding the opera: the music, the mise-en-scène, the blocking, the choreography, the actors' expressions and posture as they perform certain lines. This reading of *Claude* opens up a gap between the way sexuality is denoted in language and the way it is apprehended through the rich lens of lived experience. How does any viewer of the opera understand the juxtaposition between the heterosexual text and the homosexual behavior of the actors? Badinter may understand the relationship between Claude and Albin to be a "homosexual" one, as he indicates in the interview cited above, but the way any particular viewer of the opera will understand that relationship is not determined by the text itself. It depends on a wealth of cultural

[37] This motif of the singing girl is actually taken from *Le Dernier Jour d'un condamné*. Although the main thrust of the text is taken from *Claude Gueux*, in some ways it would be appropriate to think of *Claude* as a mélange of *Claude Gueux*, *Le Dernier Jour*, and *Les Misérables*, since Badinter fleshes out Hugo's sparse narrative with details drawn from all three texts.

knowledge—associations, past experiences (both of "real life" and of other texts), concepts—that that individual brings to the performance. Such an individual would bring a range of conceptual frameworks to such a representation. To what extent does engaging in gay sex make an individual "homosexual?" Does sex in prison "count," or is it just situational, the only option available to men deprived of their preferred object choice? Is the role a man plays in gay sex important in understanding his sexuality? (The choreography communicates that Claude is the "top" in the relationship. This fact, combined with the text's insistence on his heterosexual entanglements outside of prison, might come to bear on how some viewers understand the two men's sexualities.) Is there an ethical imperative to recognize and instances of homosexuality in the past, or in the texts that we view, in order to legitimate it in the present and in the "real world?" All of these different frameworks produce a kind of "combinatoire nouvelle," to return to Foucault's language, a unique sexual formation that is a complex interaction between text and interpreter.[38]

It is important to keep in mind too that in the experience of simply watching *Claude*, a viewer might not need to put this complex combinatorics into words. Imagine that you wanted to understand the audience's understanding of Gueux and Albin's sexuality. You might conduct a survey after the show. No matter how you phrased the survey, the audience members would be doing a certain violence to the complexity of their experience. Maybe you ask them to categorize Claude and Albin's sexuality: gay, straight, or bi. How would they relate the complex combination of conceptual frameworks they used to apprehend and understand what they saw to specific identity categories? Even if you gave them the freedom to describe their understanding in any words they wanted, their response would necessarily be only a translation of what they experienced. In his essay "When? Where? What?" Michael Lucey attempts to offer a theoretical vocabulary to talk about this gap between experience and language, those aspects of cultural knowledge which, although they have important and measurable effects on the way people understand and act in the world, exist "beyond lexicalization."[39] In fact, Lucey argues, much of what falls under the aegis of "sexuality" may in fact occur through these "nonlexizable concepts."[40] In other words, we often "know more about sexuality than we can say."[41]

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[38] Foucault, "Sur les façons," 620.

[39] Lucey, "When?" 237.

[40] Lucey, "When?" 237.

[41] Lucey, "When?" 240. For Lucey, these concepts don't exist on the level of the individual, and an individual may not be able to give an account of them. Nevertheless, we can detect indices of the existence of these broader social understandings of sexuality within particular instances of their pragmatic deployment. (Say, when we have to draw on them in order to make sense of a complex and contradictory sexual interaction like the one depicted in Claude. As another example, fictional but nevertheless conceptually

Here, we can start to glimpse a mode of understanding sexuality from a different historical period synchronically that avoids anachronism without recourse to the diachronic modern/pre-modern distinction. The gap that this reading of *Claude* opens up between experience and language enables us to understand something profound about sexuality in Hugo's original text. Of course, *Claude Gueux* as Hugo wrote it wasn't literally a play (although an unauthorized theatrical adaptation of the text was mounted several times later in the 19th century), so the interplay between the text itself and the reader's conceptualization of the text as they read it is not equivalent to the gap between what the viewer of *Claude* hears and what they see. Nevertheless, the reader's experience of the text shares many features in common with the viewer's experience of the raw material of the opera. Let's look again at Hugo's most condensed summary of Claude and Albin's intimacy which I cited at the beginning of this chapter:

> Ils travaillaient dans le même atelier, ils couchaient sous la même clef de voûte, ils se promenaient dans le même préau, ils mordaient au même pain. Chacun des deux amis était l'univers pour l'autre. Il paraît qu'ils étaient heureux.[42]

Hugo's narration, usually invasive and bombastic, almost bullying the reader to take the same point of view, here renounces its omniscience, suddenly zooming out and giving us a purely exterior view of the characters and their psychology. We are only given a description of what the men do together. After the description, the text slips from a declarative statement to a more measured comment on the appearance of the relationship: "it seems that they were happy." The narrator has renounced his privileged position and put himself in the same position as the reader, deducing the characters' psychological state from their behavior and actions. In a text that otherwise takes strong positions on what it represents, in this moment it passes to a more descriptive mode, a kind of *mise-en-scène* of their relationship without any further textual commentary.

Just as we imagined the act of viewing *Claude*, then, we might also imagine how a contemporary reader might have understood this passage. What would a reader in 1834 "see" when they read that Claude and Albin "slept under the same keystone," that they "bit of the same bread?" How did they understand that word *ami*, especially in a sentence like, "Each of the two friends were the universe for the other?" How would they interpret the narration's sudden zooming out, the narrator's sudden distance from the two men, and his coy statement that "it seems like they were happy?" Certainly, their answer wouldn't have been that the two men were "gay" or "homosexual," for these terms didn't yet exist, but this doesn't mean that they wouldn't understand *something* about the relationship between Claude and Albin, and something about their sexuality too. Lucey's description of the

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useful, think of the rich pragmatic knowledge required for Albin to proposition Claude. What kinds of knowledge might he have drawn on to communicate his desire to Claude?

[42] Victor Hugo, *Claude Gueux* [2002], 866.

nonlexicalizable aspects of knowledge about sexuality help us understand that people often know more about same-sex sexuality that they can say, that the absence of a concrete term or concept through which to understand a sexual phenomenon doesn't mean the absence of knowledge. Indeed, Lucey reminds us that such terms and concepts are constantly being tested and corrected against instances of their deployment, and that individuals are constantly developing new terms and concepts to help make sense of the world around them. He also reminds us that what someone experiences of sexuality and knows about sexuality may be slightly different from what that person *says* about sexuality, and that what they say might be different depending on whether they're discussing *Claude Gueux* in a bar or writing about it in print under a censorship regime. The question at hand, then, is precisely not "la question de l'homosexualité en prison," as Badinter puts it; nor can we say that the question cannot be "broached" in Hugo's society. Rather, we need to ask, what did readers in 1834 *know* about Claude and Albin's sexuality, even if they couldn't necessarily put that knowledge into words? What did Hugo convey of that sexuality within his text as he wrote it?

"Claude avait fait un *ami*": Understanding *Claude Gueux* in 1834

These are not rhetorical questions without answers, or abstract questions about which we can merely hypothesize. While we can never perfectly reconstruct the discursive context in which Hugo wrote his original text, we can nevertheless do so imperfectly both by reading other texts produced within the same universe and, if we are lucky enough, to read responses to the original text which in some ways index that discursive universe. Our view into how Hugo's contemporaries understood his text is of course a limited one. Fascinating though it would be, we cannot know how readers would have *talked* about *Claude Gueux* in the relatively free space of a bar or private home. It is also difficult to get a sense of those people (like the Iowan housewife watching *What Not To Wear* in footnote 29 above) for whom the question of same-sex sexuality was simply unthinkable. What we know is restricted to published texts, to those few textual artefacts in which readers give an account of their response to Hugo's novella and in which they reference same-sex sex. We have to use the historian's care in understanding that these texts are not innocent representations of pure fact; they are both constrained by the same kinds of generic and legal codes to which Hugo's text is itself subject and shaded by the ideological and political beliefs and goals of the particular agents who wrote them. And yet these textual artefacts of readers' encounters with *Claude Gueux* do exist. And they do evince an understanding of Claude and Albin's sexuality. They demonstrate an awareness of the reality of same-sex sex in prison, and they say something about same-sex sexuality even in the absence of the terms and concepts through which we frame those questions today.

Far from being a subject that was unbroachable, we find evidence in these texts that the question of same-sex sex in prisons was in fact quite a prominent one at the time *Claude Gueux* was written. (The next chapter will demonstrate the existence of this social "question" in much more detail and give important sociocultural background on the readings I analyze here. Suffice it to say for now that same-sex sex was in fact intimately associated with prisoners. To speak of prisoners in 1834 was, in some ways, to evoke or speak of same-sex sex.) In this section, I will analyze one such artefact which contains two responses to the text: a narrative review of *Claude Gueux* published anonymously in the *Journal des artistes* two months after the original publication of Hugo's text in the *Revue de Paris*. This text gives a small glimpse into how Hugo's contemporaries understood *Claude Gueux*. The reading of the text it describes indexes the complex web of sociolinguistic processes that were active behind the text, ways in which readers of Hugo's time could understand the same-sex sexual subtext of *Claude Gueux* even without having a single word for it exactly, perhaps even as clearly and as richly as we might understand it today watching *Claude*.

The *Journal des artistes* was founded in 1827. It was primarily concerned with the visual arts, although it also contained a section which dealt with literary and theatrical productions. The journal was decidedly classicist and anti-Romantic in its orientation. In its prospectus, its editors state that one of their goals is to "maintain the sacred fire" of "the traditions of the *grands maîtres*."[43] One early article titled "Des Beaux Arts en général" and signed simply F. evinced an extremely elitist conception of art. F. writes that the faculty of aesthetic appreciation was "le partage d'un petit nombre d'êtres privilégiés," bemoaning "la foule" that "saw only marble in the *Apollo Belvedere*, in the *Germanicus*" and "heard only rimes in *Phèdre* and *Britannicus*."[44] As the reference to "la foule" here indicates, the contributors to the *Journal* thought of art as a rarified and idealized realm devoted to the production of beauty that needed to be kept distinct from the messy world of politics. Indeed, part of the justification for the *Journal* in the prospectus was to separate out a discussion of art from the messy assortment of topics treated in generalist periodicals: "A la vérité, la plupart des journaux traitent, de tems [sic] à autre, des Beaux-Arts, mais […] ils en parlent parce qu'ils parlent de tout ; et, dans ce conflit de matières politiques, judiciaires, scientifiques, commerciales, les Muses ne peuvent se montrer qu'à la dérobée, à l'improviste."[45]

[43] "Prospectus," *Journal des Artistes* 1, no. 1 (1827): 2.

[44] F., "Des Beaux Arts en général," *Journal des Artistes* 1, no. 1 (1827): 5.

[45] "Prospectus," 2.

It is no surprise, then, that the *Journal* would be critical of an author who, in 1827, wrote, "[La nouvelle poésie] se mettra à faire comme la nature, à mêler dans ses créations, sans pourtant les confondre, l'ombre à la lumière, le grotesque au sublime, en d'autres termes, le corps à l'âme, la bête à l'esprit."[46] *Claude Gueux* especially was a work that blended literature and politics, that incorporated judicial and political texts into the work of art. Unlike the elitist contributors of the *Journal*, supposedly born with an aesthetic sensibility,[47] Hugo argued that intelligence and sensitivity were a matter of education. "Tournez vos soins de ce côté. Une bonne éducation au peuple," Hugo implores the members of the *Chambre* at the end of the text. "Développez de votre mieux ces malheureuses têtes afin que l'intelligence qui est dedans puisse grandir."[48] Indeed, although it seems strange at first that *Claude Gueux* would enter into the purview of a journal dedicated to the visual arts, in contrasting Hugo's texts with the founding documents of the *Journal* we can see that Hugo's work represented a threat to the fundamental tenets of the classicist periodical.

The *Journal*'s original article on *Claude Gueux*, "M. Victor Hugo: dramatiste, artiste, et moraliste," was published on September 14, 1834, two months after Hugo's original text appeared in the *Revue de Paris* on July 6. The anonymous author takes a highly ironical approach to the text and its author, mimicking the laudatory language of Hugo's admirers. "Admirable de pensée et de style!" writes the author, "merveilleuse *moralisation*, qui fait d'un voleur et d'un assassin une noble et intelligente tête, et qui mène à conclure que ce n'est pas la société qui devait mettre Claude Gueux en prison, mais bien Claude Gueux qui devait mettre en prison la société."[49] The author finds Hugo's story "par trop Romantique, par trop *moyen-âge,*" a dangerous attempt to rehabilitate a dangerous man.[50] The ostensible occasion of the article is the recent publication of a response to *Claude Gueux* written by Jean-Antoine de Mongis, whom the author assumes correctly participated in the trial against the historical Gueux.[51] The anonymous author quotes de Mongis at length as the latter refutes point by point the details of Hugo's supposedly "true" story. (For example, Hugo says that Claude was an "honnête ouvrier de Paris;" the real Claude, according to de

[46] Victor Hugo, *Cromwell* (Paris: Dupont, 1828), xii.

[47] "Prospectus," 5

[48] Hugo, *Claude Gueux* [2002], 878.

[49] "M. Victor Hugo: dramatiste, artiste, moraliste," *Journal des artistes* 8, no. 2.11 (Sept. 14, 1834): 168–9.

[50] "M. Victor Hugo," 169.

[51] A reprinting of the original text can be found in Jean-Antoine de Mongis, *Proverbes en vers, fables, poésies diverses, réquisitoires, discours, etc.*, 2nd ed. (Paris: Delagrave, 1876). I have not yet been able to ascertain in which periodical the text was originally published.

Mongis, was a shepherd from the department of "la Côde-d'Or" [sic]. Hugo's Claude was a first-time offender; Mongis affirms that Claude had been arrested many times before, and even attempted to murder M. Delacelle once before in 1827.[52])

We thus get two accounts of Hugo's text in this article. The first is a fairly detailed but annotated and ironized paraphrase of Hugo's original story written by the anonymous author. The second is de Mongis's refutation. The question of same-sex sexuality, far from being a taboo subject repressed under the moral and legal censorship of the July Monarchy, is treated in both of these accounts. In analyzing these two discussions and triangulating them with Hugo's original text, we can begin to get a sense of how contemporary readers may have understood the question of same-sex sexuality in *Claude Gueux*.

The more explicit of the two references to same-sex sexuality comes in de Mongis's text. I will quote it here at length because it bears close analysis:

> [Delacelle] poussait la tyrannie jusqu'à vouloir que son prisonnier acquît dans la prison des habitudes de travail, qui conduisent toujours à des habitudes d'honnêteté. Il voulait former son cœur, éclairer son esprit ; car dans les prisons si mal faites, il y a une Bible et un alphabet. Il osa, dans son infâme sollicitude, tourner la gourmandise de Gueux au profit de sa moralité. Delacelle, un jour alla plus loin encore : il surprit entre Gueux et Albin (son ami) le secret d'une abominable débauche. Albin fut éloigné. N'était-ce pas là un système de provocation, combiné avec un raffinement inouï de barbarie ?[53]

Suspending for a moment what de Mongis's response says about Hugo, I would like to analyze it first as a data point that adds to our understanding of how same-sex sexuality could be written about in 1834 and that will help us situate Hugo's text. Clearly, this text disproves the notion that same-sex sexuality was a repressed, unspeakable topic at this time. Although he never points to same-sex sexuality with a term specific to that phenomenon, De Mongis conveys quite clearly that the two men had a sexual and romantic relationship.

Good readers of Foucault's *History of Sexuality* know that the term we should be looking for here is not "homosexual" but "sodomy," yet my research on this period has found that the religious and legal concept of sodomy was not commonly used in non-specialist literature to refer to same-sex sex. Foucault's larger point was that the conception of same-sex sex in the period before the invention of homosexuality was act based, not identarian, and yet the opposition his text introduced between "homosexuality" and "sodomy" has served as a comfortable conceptual substitute for historians of sexuality working within the homosexual paradigm. *What we call homosexuality they called sodomy.* This substitution is fallacious, and a way in which the binary of pre-modern and modern

[52] "M. Victor Hugo," 169–70.

[53] "M. Victor Hugo," 169–70.

persists in queer theoretical thought. Rather than imposing our own epistemology of sexuality onto the text, we need to open ourselves to the radical difference of the past, what Laura Doan calls the "disturbing" experience of the past through the practices of critical history. Following Lucey, we can listen for the ways in which de Mongis refers to a sexual culture and practice (same-sex sex in prison) without having the exact word or phrase to describe it.

Without a single word to define it, de Mongis instead deploys an accumulative signifying strategy. We can start our analysis with what seems like the most "explicit" term de Mongis uses to refer to Claude and Albin's sexual relationship, the idea of an "abominable débauche."[54] And yet "explicit" isn't exactly the right word here if we understand an explicit reference to be one that closes off potential non-same-sex-sexual interpretations. The concept of "débauche" does sometimes have a sexual connotation (which, it's important to note, is not the same as a *same-sex* sexual connotation), but it is not a term that is specific to sexual activity. In fact, it is more closely associated with an excess of eating and drinking. The sixth edition of the *Dictionnaire de l'Académie française*, published in 1835, defines it, "Déréglement, excès dans le boire et dans le manger; et quelquefois, L'habitude, le goût de ce genre d'excès." This specific meaning is the basis for a figurative sense, which does have a more specifically sexual implication: "Il se prend aussi pour Incontinence outrée. *C'est un homme plongé dans la débauche. C'est un homme perdu de débauches. Honteuse débauche. Sale débauche. Porter, entraîner à la débauche. Se jeter dans la débauche. Fuir les occasions de débauche. Faire quelque chose par débauche, par esprit de débauche*." What is interesting here is that "débauche" signifies sexual excess without any specification of the gender of the individual. Of course, same-sex sex could be understood as a kind of sexual excess within a masculinist, heterosexist framework in which virtually all sexual activity outside of marriage was understood to be superfluous. (Although it is important to note that this was not always the case: within such a framework, the excesses of homosex would certainly be understood differently than those of heterosex, especially for men and women, but not in any way that was pre-determined or obvious. Excess heterosex might reinforce a man's masculinity, while for a woman it would be seen as an abomination. Similarly, any homosex might be seen as excessive for a man, while for a young woman it might be tolerated as an idle dalliance that helps keep her virginal before marriage.) Same-sex sex could be construed as an excess, then, but so would a host of other kinds of sexual activity—heterosexual prostitution (brothels were frequently referred to euphemistically as "lieux de débauche"), extra-marital affairs, group

[54] The answer of the director of the prison of Poissy to a survey question about dormitories in 1834 is indicative of the semantic richness of the concept of *débauche*: "Ce qui amène le plus de prévenus dans les maisons centrales, c'est la débauche ; or, les dortoirs communs la favorisent : les ombres de la nuit et l'absence de toute surveillance cachent mais n'empêchent pas leurs turpitudes" (*Analyse*, 31). "La débauche" here refers both to the various petty crimes (prostitution, gambling, theft) that brings the inmates to prison and to their immoral sexual practices in the communal dormitories.

sex, and masturbation, just to name a few. This doesn't include the wide range of non-sexual activities that took place in the same milieux that the term might be understood to refer to, either, like gambling and drunkenness. Imagine the sentence, "Claude Gueux était un homme plongé dans la débauche." It would be impossible to understand the exact nature of this "débauche," or even whether it had a sexual meaning at all, without further context.

If the phrase "abominable débauche" is not in itself sufficient to designate same-sex sex, how does de Mongis express the exact nature of Claude and Albin's relationship? Another way of summarizing the previous paragraph is to say that, in 1834, the representation of same-sex sexuality was not fundamentally *lexical*. What mattered was not any one particular word, but the accumulation of words, and the way those words were deployed in a specific syntactical, textual, and social context. In the case of de Mongis's response to *Claude Gueux*, these three contexts work hand in hand to produce an undeniable same-sex sexual meaning without de Mongis ever actually referring to same-sex sexuality explicitly. De Mongis writes, "[Delacelle] surprit entre Gueux et Albin (son ami) le secret d'une abominable débauche." Since "abominable débauche" is ambiguous on its own, de Mongis here is obligated to motivate it in a certain way within the context of his sentence. It is not just an "abominable débauche," but one that is *secret*, one that is *between* Gueux and Albin, who are *caught* (surpris) by Delacelle. The phrase also exists in a textual context in which de Mongis accumulates a series of syntagms and lexemes that, while ambivalent on their own, work together to reinforce a same-sex sexual meaning. "Ami" and "débauche" are both ambivalent terms. (Syntactically, by the way, "*son* ami" is less ambivalent than "un ami.") Placed closely together, however, each serves to narrow the meaning of the other. And these terms don't exist in a vacuum. There is the implicit reference early on to the other "habits" that Gueux might "acquire" in prison, the description of Delacelle's attempt to reform Gueux's "heart," the implication that Gueux's "morality" was lacking. Finally, the reference takes place within a specific historical and social context. Gueux and Albin are not any two men, but prisoners. As I will demonstrate in the next chapter, there was a strong association in this period between prisoners and same-sex sexuality. Representations abounded of men who had sex with men in prison. (Balzac's escaped *forçat* Vautrin actually first appeared in print in the same year and the same publication as *Claude Gueux*, the *Revue de Paris*.) Within such a context, de Mongis's reference to an "abominable débauche" between two prisoners took on a particular meaning, one which while it nevertheless remains unformulated is exact.

Now that we have a better understanding of the types of structures of signification through which same-sex sex might be represented in 1834 in de Mongis's account, we can look at the other reference to same-sex sexuality in the article. Like de Mongis, the anonymous author makes no explicit reference to same-sex sexuality with a specifying lexeme. Instead, he uses irony. In his retelling of Hugo's story, the anonymous author maintains Hugo's original tone while using italics to show that he is taking up that tone

ironically. “Claude Gueux était un *honnête* ouvrier de Paris,” the paraphrase begins. Later the author writes, “Claude fut condamné à cinq ans de prison, car il avait empêché sa *femme* et son enfant de mourir : il avait volé.”[55] The italics continue throughout the text, with at least one word in each sentence marked out. Clearly, the typographical choices here allow the author of the text to deploy irony even as he is ostensibly only reproducing Hugo’s original text. (This portion of the article is in fact “entre guillemets,” even though it is a paraphrase rather than a direct citation.) Claude is not in fact making an honest living, we are clearly to understand. Nor is he actually married to his “wife.” The italics serve almost as a way for the anonymous author to annotate Hugo’s *Claude Gueux*, to highlight and distance the reader from Hugo’s self-serious tone.

The author uses the text’s dual tonality and layers of irony to indicate same-sex sexuality to his reader. “Claude avait un fort appétit, M. D… lui refusa du pain. Claude avait fait un *ami*, M. D… le lui enleva. Claude supplia longtemps, M. D… fut sans pitié ; c’était un crime.”[56] As with the reference to “sa *femme*” earlier, here the italics serve to highlight the distance between the elevated language the author understands Hugo to use and the sordid reality of Claude’s life. Unlike in the case of *femme* and *maitresse*, with the word *ami* there is not any lexical distinction between the two interpretations. And here, unlike in the case of de Mongis, the sexual sense of *ami* is not highlighted syntactically with a possessive pronoun. The word “ami” itself could lead the reader either to an innocent interpretation (“friend”) or to a sexually charged one (“lover,” “boyfriend”). As with de Mongis, we see that the representation of same-sex sex is not a lexical question but one of tone and context. By simply italicizing a word that Hugo uses in his text to describe the relationship, the author resignifies it, rendering it less ambiguous and leading the reader in a more specific direction.

In the case of both the article’s author and de Mongis, it is difficult to tell exactly what they understand Hugo’s text to mean. The general thrust of the article is that Hugo made several alterations to the “true” story of Gueux, and that the details of the real story would make any kind of recuperation of this recidivist and murderer impossible to any sensible or respectable author. And yet same-sex sexuality is not called out explicitly as an *alteration* that Hugo has made to the text. I would argue that it should be understood not exactly as a factual error but a mistake of moral positioning. While the article does point out factual errors, it also makes another type of critical intervention: this second type accepts the facts of Hugo’s version but challenges the *attitude* that the author takes toward these facts. Take this sentence from the anonymous author’s paraphrase: “Claude l’avait tué

[55] “M. Victor Hugo,” 167.

[56] “M. Victor Hugo,” 168.

en état de *légitime défense*."[57] The fact that Gueux killed Delacelle is not up for debate; rather, it is Hugo's characterization of these actions as a legitimate response to Delacelle's provocations that the author calls into question. We see something similar in the way that de Mongis mockingly hyperbolizes Hugo's attitude toward Delacelle. "N'était-ce pas là un système de provocation, combiné avec un raffinement inouï de barbarie ?"[58] It's not the facts that are wrong, but Hugo's moral interpretation of them. The discussion of same-sex sex seems to fall more in this latter category. Hugo's text uses the same word as the anonymous author, but he does not appropriately contextualize this "friendship" as a having a noxious effect on Gueux's morals. Of course, it's difficult to extricate moral positioning from the question of factuality. Precisely because its representation depends on contextual factors like tone, the fact of same-sex sex is tied up in the attitudes the text takes toward it. The term "abominable débauche" is not morally neutral, and this condemnatory tone helps communicate to the reader that same-sex sex was at play here (a kind of moral infraction that you would or should have this kind of attitude towards). (And indeed, it is precisely this same kind of morally charged ellipsis that both Savey-Casard and Seebacher use to communicate the sexual nature of Gueux and Albin's relationship in the 20th century!) In fact, as I will show in the next and final section of this chapter, it is precisely this incorrect attitude toward the ambiguous friendship between Gueux and Albin, rather than the representation of same-sex sexuality, that is problematic for Hugo's contemporaries.

"L'amitié sensuelle"

As we've seen, both de Mongis and the anonymous author demonstrate that same-sex sex could indeed be represented in print in 1834.[59] But maybe this isn't really the question at hand. Although Hugo's 20th and 21st century critics, editors, and interpreters have tended to view same-sex sex as a binary question, present in the sources, effaced in Hugo's text, Hugo's contemporaries saw it more as a question of degrees, somewhere in the slippage from "ami" to "*ami*." It seems that for Hugo's contemporaries the question of same-sex sex was less isolated from the question of same-sex intimacy. The best analogy for this way of thinking about same-sex relationality is in fact the one laid out in Hugo's original text and subsequently taken up by both the anonymous author and de Mongis: Claude's hunger. To

[57] "M. Victor Hugo," 168.

[58] "M. Victor Hugo," 170.

[59] This is not to say that there was total freedom to represent sexuality in this period. Of course, what makes de Mongis's representation much less troubling than Hugo's is that it situates same-sex sex within a clear moral framework.

be hungry is not a crime or moral failing, but *gourmandise* and *débauche*, to take too much sensual pleasure in eating, is a sin. In the same way, friendship between two male prisoners is not in and of itself a sin. But a kind of excess of affection, one that comes into conflict with an individual's other responsibilities and affiliations, well that might become what was sometimes called "une amitié coupable" or "sensuelle." The 16th century religious thinker Saint François de Sales, whose *Introduction à la vie dévôte* was frequently republished throughout the 1830s, called friendship "le plus dangereux amour de tout."[60] In part, he says, this is because of the way it necessitates an intense "communication of hearts" which leads to a sharing of "qualities" that makes it difficult to distinguish between virtuous and sinful friendship.[61] Indeed, navigating the murky waters of friendship was an important part of leading a devout life in the July Monarchy, especially in sex-segregated spaces.

L'abbé Leguay, a church official who had been the director of several religious communities, published a guide for women novitiates in 1842 with the blessing of his superiors the cardinal of Paris and the bishop of Bayeux. Leguay begins chapter five of part three, "Comment la novice doit s'éprouver relativement à la vertu de chasteté," distinguishing between the natural sensibility and affection that god gave "man" so that he could be loved, and the base and sensual passion that that faculty produced when man was separated from god through sin.[62] For the novitiate, separated from men, the challenge is to distinguish between the proper and virtuous friendship of her peers that will lead her to a more devout life and the sensuality (which I don't think we should understand as a simple

[60] Saint François de Sales, *Introduction à la vie dévôte* (Lyon: Perisse Frères, 1830), 235. That de Sales's philosophy was *d'actualité* in the July Monarchy will be made evident by the echoes between his thinking about friendship and that of the Abbot Leguay, cited below, whose text for young women novitiates was also published by the Perisse brothers (who, by the way, had been so successful with their republications of de Sales that they had opened offices in Paris by 1842 when they published Leguay's text).

[61] De Sales, 235. He writes elsewhere, "Il faut donc être sur ses gardes pour n'être point trompé en amitié, car bien souvent Satan donne le change. On commence par l'amitié vertueuse ; mais bientôt, si on n'est prudent, l'amitié frivole s'y mêle, puis l'amitié fausse, puis l'amitié coupable. Oui, même dans l'amitié spirituelle, il y a du danger, si on n'est fort sur ses gardes, bien qu'il soit plus difficile d'y prendre le change, à cause de sa pureté et de sa blancheur, qui rendent plus reconnoissables les souillures que Satan veut y mêler. C'est pourquoi quand le démon veut en venir là, il s'y prend plus finement, et tache de glisser le poisson presque sans qu'on s'en aperçoive" (250). It is important to note that it is precisely a non-binary understanding of friendship that makes it dangerous for de Sales.

[62] Abbé Leguay, *La postulante et la novice éclairées sur leur vocation, ou la vraie et la fausse vocation mises en evidence par un prudent examen et par les épreuves du noviciat* (Paris: Perisse Frères, 1842), 175. The full citation reads: "Le cœur de l'homme est sensible et affectueux ; Dieu le forma ainsi dans le principe pour en être aimé ; mais le péché ayant séparé l'homme de Dieu, l'homme tourna les affections de son cœur vers la créature, et la créature ne pouvant remplir et satisfaire son cœur, son besoin d'aimer se transforma en passion et devint pour lui une espèce de bourreau. Cette passion est la plus dangereuse de toutes, parce que son germe, qui est dans tous les cœurs, tend toujours à se développer, parce que tout autour de nous tend à le développer ; parce que ce germe une fois développé, la passion se transforme rapidement en habitude et devient extrêmement difficile à dompter" (175).

euphemism for sexuality, although it certainly included sexuality) that might subtly creep into these friendships:

> Une novice épanchera son cœur dans le sein d'une maîtresse, lui confiera ses peines, en recevra des consolations, de sages conseils, d'utiles encouragements ; et par suite, elle sera reconnaissante : rien de plus louable ; mais qu'elle soit sur ses gardes: de la reconnaissance, son cœur, s'il est sensible, tendra à passer à l'amitié sensuelle, et l'ennemi du salut l'y poussera. Et comment reconnaitra-t-elle le danger ? Aux pensées multipliées qui lui rappelleront trop souvent sa maîtresse, jusque dans ses exercices ; au désir de la voir et de lui parler souvent et sans motif ; à certaine émotion de cœur qu'elle éprouvera en approchant d'elle. La novice ne doit point s'effrayer outre mesure de ces dispositions qui, dans le principe, ne dépendent point d'elle ; mais elle doit y résister et les combattre ; elle doit se désoccuper, autant que possible, de l'objet qui la poursuit, en mettant Dieu à la place, au moyen des oraisons jaculatoires que nous lui avons suggérées plus haut : *Vous seul, ô mon Dieu, etc*. Elle doit surtout éviter toute espèce de démonstration extérieure d'amitié envers sa maitresse, telle que de l'embrasser, de lui prendre les mains, etc.[63]

Leguay's description of sensual friendship in the convent helps us understand the range of possibilities captured by the concept of "friendship" in the July Monarchy. Friendship was, in its virtuous form, a natural expression of a person's sensibility; however, the unpredictable *mélange* of hearts that friendship entailed made it a dangerous gateway to passion. Like the fine distinction between the natural impulse of hunger and the sinful and sensuous pleasures of gluttony, however, the line between virtuous and sinful friendship was hard to pinpoint.

Hugo uses precisely such a non-binary understanding of friendship as a central part of the political message of his text. And indeed, the notion of friendship is connected with hunger within the text. Companionship is another need, like the need to eat, that is not being met by the prison, and what seems in some tellings of the Gueux story like an excess of desire comes to appear in Hugo's story as a fundamental necessity: "J'ai besoin d'Albin pour vivre," Claude implores M. D. after the two men have been separated, collapsing the food Albin provides with the emotional support the relationship offers in the dangerous and alienating world of the prison.[64] It is clear that, for Hugo, *amitié* is a kind of basic physiological need like hunger. He casts the relationship between Claude and Albin not in terms of *l'esprit* but in terms of physical proximity, inverting the hierarchy of friendship laid out by Leguay: "Ils travaillaient dans le même atelier, ils couchaient sous la même clef de voûte, ils se promenaient dans le même préau, ils mordaient au même pain. Chacun des

[63] Leguay, 178. Note that these relationships, like the one between Claude and Albin, are presented as hierarchical.

[64] Hugo, *Claude Gueux* [2002], 867.

deux amis était l'univers pour l'autre. Il paraît qu'ils étaient heureux."[65] Such a friendship would, by the standards laid out by Leguay, certainly constitute a kind of *amitié sensuelle*. It is not an *amitié spirituelle* in either sense of the word, neither turned toward god and devotion, nor a purely immaterial friendship. It is dictated by the embodied experience and physical closeness of the two men. On the most fundamental level, the two men's affection is built on the mutual fulfillment of biological needs: explicitly, Claude's hunger, but that hunger seems to stand in for a whole host of other kinds of biological needs (companionship, sympathy, perhaps even sex) that Hugo implies are just as important.

What made Hugo's text problematic for readers like de Mongis and the anonymous author of the *Journal* article is not that it referred to or represented same-sex sex. As we saw, both authors, one of them an agent of state power, were happy to do that themselves. Rather, it was in valorizing an *amitié sensuelle*, in the full ambiguity of that term, that Hugo's text was troubling to his contemporaries. The question of the potentially sexual nature of the friendship between Claude and Albin seems ultimately to be resolved: it is precisely because Hugo's text did evoke a sensuous, potentially sexual, relationship between the two men that Hugo's readers could be outraged at the implication that such a friendship was a basic biological need like food. Indeed, in some ways, the representation and valorization of the slippery, polyvalent *friendship* between the two men is more disturbing than a straightforward representation of a sexual relationship between them. It is important to note too that while it was possible to talk about same-sex sex in print in this period, Hugo's text was nevertheless much more ambiguous than either of the authors in the *Journal*. This is not because Hugo simply lacked the conceptual vocabulary provided by "modern" sexual definition; nor is it because same-sex sexuality was repressed by a strict censorship regime. This ambiguity is not a bug of Hugo's text, hiding what he meant *véritablement* behind what he said *réellement*. Rather, it is an aesthetic and political choice.

At the basis of the struggle between Hugo and his critics is a tension that has surrounded same-sex sexuality across the nineteenth, twentieth, and twenty-first centuries in France. The question is not, as some of the editors cited at the beginning of this chapter framed it, whether Gueux and Albin were just friends or homosexuals. Rather, the line between friendship and a sexual relationship has been a contested point in understandings of same-sex relationships from De Sales in the 16th century through to the present. Speaking to *Le Gai Pied* in 1981, Michel Foucault argued that the promulgation of representations of homosexuality as existing only "sous la forme d'un plaisir immédiat" was a "concession," an ironically "tidy" image of homosexuality. The real threat of homosexuality was not gay sex, Foucault contended, but gay friendship. The sex-centered image, Foucault said,

[65] Hugo, *Claude Gueux* [2002], 866.

> annule tout ce qu'il peut y avoir d'inquiétant dans l'affection, la tendresse, l'amitié, la fidélité, la camaraderie, le compagnonnage, auxquels une société un peu ratissée ne peut pas donner de place sans craindre que ne se forment des alliances, que ne se nouent des lignes de force imprévues. […] Imaginer un acte sexuel qui n'est pas conforme à la loi ou à la nature, ce n'est pas ça qui inquiète les gens. Mais que des individus commencent à s'aimer, voilà le problème. L'institution est prise à contre-pied ; des intensités affectives la traversent.[66]

Viewed through this lens, the central question of *Claude Gueux* is not one of sexuality per se. Rather, it is a struggle over what kinds of affective bonds—emotional, physical, sexual, fraternal, fatherly, spousal—that men in prison could form with each other. We will find in the next chapter that sex between prisoners was a more or less accepted fact of prison life for prison administrators during this time. Certainly such relationships were against the official rules, although different administrators had different opinions about whether it was possible or worth the effort and expense to try to prevent them, and if such relationships were discovered, administrators did sometimes try to stop them or punish the individuals involved. In the case of *Claude Gueux*, however, I don't think we need to attempt to read between the lines or make same-sex sex some kind of hidden motive for M. D., as both de Mongis and some of the contemporary editors do. When we "just read" the text, we find indeed that the reason M. D. separates Gueux from Albin is because of the relationships that have formed between Gueux and the other prisoners.[67] Gueux, we are told, is beloved by all of the prisoners, "l'âme, la loi, et l'ordre de l'atelier."[68] Other prisoners would come to Gueux for advice, we're told, and the director often had to depend on Gueux to help stop a rebellion or a fight. Hugo writes,

> En effet, pour contenir les prisonniers, dix paroles de Claude valaient dix gendarmes. Claude avait maintes fois rendu ce service au directeur. Aussi le directeur le détestait-il cordialement. Il était jaloux de ce voleur. Il avait au fond du cœur une haine secrete, envieuse, implacable, contre Claude, une haine de souverain de droit à souverain de fait, de pouvoir temporel à pouvoir spirituel.[69]

What is at stake is precisely the official power of M. D. and the unofficial power of Claude Gueux. The description of Claude's relationship with Albin comes precisely in the middle of the discussion of his power over the other prisoners. Same-sex sex is not separated out as its own issue. Rather, for Hugo, his characters, and many in his time, same-sex sex in prison was part of a larger question of the power that the state had over prisoners, and the kinds

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[66] Foucault, "De l'amitié," 983.

[67] I will return to Sharon Marcus's concept of "just reading" in greater detail in the following chapter.

[68] Hugo, *Claude Gueux* [2002], 865.

[69] Hugo, *Claude Gueux* [2002], 866.

of illicit social and sexual forms that thrived in cities and in prisons. The institution of the prison is "prise à contre-pied" by the "intensités affectives" that form within it. Hugo cultivated the ambiguity of this *amitié* precisely to highlight the extreme deprivation of prison life. As Gueux was literally starved, so too was he starved for affection, connection, security in the society of others.

Chapter 2.
What Is Now Unheard Of: Sex in Prison in the July Monarchy

In the previous chapter, I demonstrated the need to think synchronically about same-sex sexuality in *Claude Gueux*. How would readers in Hugo's time have understood the relationship between Claude and Albin, and how might we go about reconstructing the various contexts and social forms that those readers might bring to bear on his text? I explored one such context, "l'amitié sensuelle," and showed how it brought a new meaning to Claude's hunger and the meaning of the shared bread in the text. In this chapter, I want to look more broadly at the context of same-sex sex in prison in the July Monarchy. I will start with a careful reading of a text written by the doctor of the *bagne* of Toulon, Hubert Lauvergne, before expanding to look at an archive of texts by prison officials and popular representations.

"Les êtres homologues de Frédéric"

Published in 1841, Lauvergne's *Les Forçats considérés sous le rapport physiologique, moral et intellectuel* is a scientific study of the prisoners at the *bagne de Toulon*, a prison camp where "forçats" were sentenced for life to hard labor in the service of the royal navy. Lauvergne, a navy physician, was head doctor at the hospital of the *bagne*. He was a member of the Phrenological Society of Paris, and his work was an attempt to think about the biological basis of criminality and the implications of these phrenological insights for social reform. Lauvergne's text is sometimes contradictory. He participates in the project of inventing race as a biological category and positing the racial superiority of white Europeans, although he finds Algerians to be superior to whites in some ways.[1] His theories

[1] In fact, Lauvergne participated quite directly in France's colonial project. As a member of the navy, he was involved in combat in the invasion of Algeria in 1830. See Hubert Lauvergne, *Histoire de l'expédition*

justified the continued imprisonment of the *forçats*, even as he argued that prisons contributed to the corruption of fundamentally good people and urged the government to find an alternative method of punishment. One of the key elements of that corruption was same-sex sex. In this chapter, I'm going to analyze one particular case study at length, so I will cite it in full here:

> Il y avait dans un bagne un beau jeune homme, bien né, élevé parmi des femmes coquettes et molles ; et ! bien, lui était tout cela.[2] Il avait volé des bijoux et aurait voulu empoisonner lentement une tante dont il avait hâte d'hériter. C'était si peu de chose, selon lui, pour un vieux corps que deux années de plus sur cette terre, et c'était tant de bonheur que de pouvoir dépenser largement la vie pour un jeune homme volcanisé de désirs ! Ce méchant garçon, incapable de manier un fusil, fut contraint à supporter aux pieds la chaîne de sept kilogrammes au bagne de Toulon : c'est là que ses infâmes privautés, au vu et su de tout le monde, furent un objet de scandale.
>
> Ce jeune homme s'appelait Frédéric : un nom de demoiselle lui eût mieux convenu. Il aurait voulu plaire par ses minauderies à quiconque approchait de lui [sic] ; il tenait à considération de correspondre par petits billets avec plusieurs forçats, entres lesquels et lui il existait des rapports de naissance et d'éducation, … j'allais dire autre chose. Il montait souvent à l'hôpital ; il y était supporté, parce qu'il s'y rendait utile comme écrivain, sa petite main réussissait à merveille pour écrire en caractères moulés d'énormes pages d'*in-folio* ; seulement il lui fallait le temps et on le lui donnait.
>
> Toute sa journée était remplie comme celle d'une femme coquette. Frédéric, à son lever, commençait par s'asseoir mollement sur son lit ; il faisait sa toilette de tête ; il crêpait, lissait et parfumait ses cheveux, lavait sa figure et nettoyait ses dents, blanchissait ses mains et réparait ses ongles. Aimiez-vous l'eau de Cologne ? il en avait mis partout, et quelquefois on voyait encore le malencontreux rouleau montrant sa tête sous le traversin de son grabat.
>
> Quand cette première et importante affaire de femme était terminée, Frédéric aimait beaucoup à se mirer dans un fragment de glace brisée : c'était chose extraordinaire au bagne, car jamais un forçat ne regarde un miroir : on dirait qu'il s'y fait peur. Cet homme avait tous les vices et toutes les faiblesses des femmes corrompues, coquettes et menteuses. Il parlait bien, faisait des vers, ambitionnait la

d'Afrique en 1830, ou Mémoires historiques sur tous les événemens qui ont signalé la marche de notre armée depuis son départ de Toulon jusqu'à l'occpation d'Alger (Paris: Mme Béchet, 1831), Gallica.

[2] Lauvergne's syntax is a bit convoluted here and could lead the reader to think that there's been an error in transcription. Lauvergne means that Frédéric had all of the qualities of the women that raised him.

> mode de faire du *pailleté* Dorat, entendait la messe avec onction, parlait amour dans ses lettres comme d'une chose sainte….
>
> Nous craignons d'être accusé de nous complaire à décrire cette hideuse enveloppe d'homme douteux, mais accoutumé que nous sommes à voir le genre humain, nous avouons l'erreur de la nature dans les êtres homologues de Frédéric… Dans une société rétrograde des sentiments généreux et libres, ils sont communs : ces sexes douteux ont l'art d'usurper ce qui se gagne, la fortune ; de flétrir ce qu'on tient de Dieu, la conscience et l'honneur.[3]

How exactly do we, as readers in 2022, understand the social category referred to by the phrase "les êtres homologues de Frédéric?" To what extent would such an understanding be commensurate with what Lauvergne understood when he wrote this passage, and with the understanding of any of his readers in 1841 (or indeed in any other time)? Would it be possible to reconstruct exactly what Lauvergne meant by "les êtres homologues de Frédéric?" These questions are in many ways the central questions of this dissertation. What we hear when we hear such a phrase depends on social processes, and the various categories that might occur to any given reader upon reading the expression "les êtres homologues de Frédéric" depend on power struggles about the authority to designate what constitutes the reality of the world. These struggles take place within a field shaped by the institutions and power networks of modern states, and it is the goal of this dissertation ultimately to untangle these different layers of determination. Ultimately, I will show that the connection between those categories that might occur to us and state power is simultaneously more concrete and more attenuated than it might appear in accounts of the rejection of queer ways of being by a "heteronormative state."

How any given reader understands this text depends on the way in which the general categories of sexual identification available at any given moment intersect with that reader's particular social history or *habitus*. It may seem obvious to some readers today that Lauvergne means *gay men*. To a smaller group, trained in the idea that homosexuality wasn't invented until several decades after this text was written, it may seem equally obvious that Frédéric is an example of the phenomenon of *queerness*, or, with some slippage, simply identify Frédéric as *queer*. Lauvergne, this analysis would go, was writing at a time when same-sex acts were not related to a deeper psychological profile, and thus we need to avoid the trap of identifying him as gay. But it nevertheless represents a proto-taxonomical impulse on the part of an agent of the biopolitical state. The category of "les êtres homologues de Frédéric" is a provisional category, one in which the state's attempts to taxonomically categorize ultimately break down in the face of Frédéric's queer irreducibility. The hidden lipstick would undoubtedly become a symbol for Frédéric's

[3] Lauvergne, *Forçats*, 292–3.

repressed sexuality within the prison, the pleasure that this queer figure is able to sustain even in an oppressive milieu.

For many years, I think, investigations of same-sex sex in the past have been framed around this same fault line, a fact that has robbed understandings of sexual formations in the past of much of their richness. What do we miss when we orient our inquiry around a dialectics of gay identity and its rejection, and frame identity narrowly as a particularly modern, taxonomical phenomenon associated with the regulation of deviant sexualities? In this case, I believe such an approach has two important drawbacks. First, it frames identity too narrowly. It understands identity only as a taxonomic category, one that is closely associated with repressive state power and a modern conception of sexuality that can only be anachronistic when projected back onto the past. Such an approach ignores the complex role that identity plays in this passage, not as a matter of our projection from 2023, but as an open question in 1841. It misses the way in which identity is not a fixed category but a dynamic social process, one which of course unfolds within a field of state power but is nonetheless not reducible to or entirely controlled by the state. Secondly, insisting on a debate around *sexual* identity masks the complicated questions that the passage raises about gender, class, race, and disability; it gives sexual intimacy a place of privilege it does not have in Lauvergne's account, and renders invisible the other forms of intimacy the text describes; ultimately it produces an incorrect image of the way that same-sex sexuality relates to power.

In her book *Disturbing Practices*, Laura Doan attempts to theorize a methodology of historical inquiry that would "embark with an unknowingness about the past to discover what is now 'unheard of.'"[4] Doan's injunction might seem simply to reiterate the old admonition not to anachronistically project modern gay identity back into the past. And yet, the strength of Doan's work is that it does not simply reduce modern sexual epistemology to identity; rather, she argues, in a way that is not unique to investigations of sexuality, our way of seeing the world is fundamentally different from those in the past. To "embark with an unknowingness about the past" is not simply to acknowledge the historical nature of modern gay identity but to recognize that our very understanding of our object of study, *sexuality*, is conditioned in important ways by deep epistemological structures and assumptions. Of course, to some extent, it is impossible to completely step outside of our own embeddedness in the social structures that have shaped our view of the world, but I think that through careful archival work, we can also train ourselves to hear that which is now unheard of, at least in a limited way. My goal in this chapter, then, is to reconstruct part of what a reader in the July Monarchy might have "heard" when they read that two prisoners like Claude and Albin had an "étroite amitié," what they might have understood when they read a phrase like "les êtres homologues de Frédric." Ultimately, we

[4] Doan, *Disturbing Practices*, 4.

find that to speak of relationships between prisoners is, in a way, to speak quite clearly and directly of same-sex sex, but not to speak *only* of same-sex sex. It was, more specifically, to speak of a larger constellation of behaviors and characteristics which included same-sex sex.

Later in this chapter, I will turn to a wide range of archival and literary sources to think more broadly about this construction, but first, let's return to Lauvergne's category of "les êtres homologues de Frédéric." In reconstructing the broader field of meaning that Lauvergne associates with the *petit voleur* and situating same-sex sex and Frédéric within it, we will start to get a sense of how people in the July Monarchy may have understood prisoners and their sexuality. One technique that can help in discovering what is now unheard of is what Sharon Marcus calls "just reading." In her book *Between Women: Friendship, Desire, and Marriage in Nineteenth Century England*, Marcus finds, as I did in the last chapter, that nineteenth century discourses about friendship and same-sex intimacy were much richer and more fluid than they have often been understood by critics working in the 20th and 21st centuries, in large part because those critics "project[ed] contemporary sexual structures onto the past."[5] Importantly for Marcus, this contemporary structure was not simply identity, but an assumption about the relationship between sexuality, aesthetics, and power: "Critics have assumed not only that novels articulate a relationship between desire and social norms, but also that they make heterosexuality the only acceptable mode of desire; that novelists have always defined heterosexuality as the active suppression or implicit negation of homosexuality; and that friendship is best understood as congruent with sexual bonds rather than distinct from them." The assumption that same-sex sex and sensual friendship would be repressed in Victorian society led them develop elaborate symptomatic readings of the way in which same-sex desire was hidden and occulted in the text, readings which ironically suppressed the clear representations of same-sex sex and sensual friendship in the text. As an alternative, Marcus develops the practice of "just reading," attending to "the inert givens and materials of a particular text."[6]

Let's "just read," then, the sentence that seems like the clearest indication that the relationship between Frédéric and the other prisoners is sexual. Lauvergne writes, "Il tenait à considération de correspondre par petits billets avec plusieurs forçats, entres lesquels et lui il existait des rapports de naissance et d'éducation, … j'allais dire autre chose."[7] A symptomatic reading rooted in the outlaw thesis might argue that such an omission must refer to same-sex sex: since of course it was impossible to refer to same-sex

[5] Sharon Marcus, *Between Women: Friendship, Desire, and Marriage in Nineteenth Century England* (Princeton: Princeton UP, 2007), 75.

[6] Marcus, 75. The phrase "inert givens…," originally deployed in a negative way, is actually Jameson's, in *The Political Unconscious* (London: Methuen, 1981), 75.

[7] Lauvergne, *Forçats*, 292.

sex directly during this period, such an argument would assume, Lauvergne could only refer to it elliptically. (And such an ellipsis could only refer to same-sex sexuality.) However, this argument is based on false premises. While Lauvergne does negatively connote same-sex sexuality, we can hardly say that it is repressed in his text. He refers to it quite explicitly throughout this chapter, both with specific words that could have no other meaning and, in a practice of signification similar to the one we saw in the *Journal des artistes* article in chapter one, through an accumulative logic, placing several words that *could* refer to same-sex sex near each other in a way that makes the meaning clear. Many petty thieves in the *bagne*, Lauvergne tells us, "ont servi de gitons," using a word that refers explicitly to male prostitutes, and he speaks of "la prostitution entre pareils" in prison. He even tells us explicitly of the punishment for prisoners who are caught in the act: the passive partner is put in a dress and forced to exhibit themselves in front of the other prisoners, who laugh at them, while the active partner is usually not punished at all.[8] The text does not need the queer theorist's intervention to render visible the same-sex sexuality that was supposedly repressed and invisibilized by state agents like Lauvergne. Rather than assuming we know more than Lauvergne or his readers about same-sex sex because we are sexually liberated and enlightened subjects, we should first "just read" the text in order to understand how Lauvergne conceptualized and spoke about same-sex sex.[9]

If Lauvergne could speak quite explicitly about same-sex sex, then why does he choose not to do so when speaking of Frédéric's relationships with the other prisoners? One possibility is that the interdiction to speak about same-sex sex during this period is not binary: there are rules about what can be said, about *how much* can be said, and about what kinds of speech about same-sex sex are permissible in different contexts. (Certainly, this is true, and while I argue generally that it was possible to speak about same-sex sex during the July Monarchy, I don't want to impose an alternative binary view. There were of course all kinds of limits on when and where people could speak about sexuality, limits produced out of a dynamic social interaction, which only exist in their instantiation in any particular interaction, and that constantly changed based on new inputs.[10]) However, it is also

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[8] Lauvergne, *Forçats*, 263, 287, and 297–8.

[9] A popular misconception of ideas like "just reading" and "surface reading" is that they insist on flattening out the formal complexity of the text. As I demonstrate here, a different way of thinking about might be the move away from *psychological* depth and symptomaticity (the text signifies something about the speaker's unconscious) toward a *social* understanding of the work particular speech can do. As I hope my work demonstrates, such a form of reading is no less complex, no less attuned to form and polysemy.

[10] Think for example in French of how any speaker knows when to use "tu" or "vous" in an interaction with a new person: there is a complex set of social rules, not written down and constantly changing, which a speaker draws upon in making their choice. Although these rules guide behavior, they can also be broken intentionally, say when a student calls a teacher "tu" out of disrespect, or unintentionally, say when an American exchange student who has not yet internalized the system calls a professor "tu." Such transgressions may lead to a punishment, as in the case of the French student, or a simple correction, in the

possible that Lauvergne was quite intentionally *not* choosing a word that referred explicitly and exclusively to same-sex sex because he was either not referring to same-sex sex at all or because he was referring to a complex set of practices which may have included same-sex sex but were not defined by it. "Just reading," we find that this is indeed the case. For one thing, it is not clear whether Frédéric actually sees these correspondents in person, or that he sees them in a context in which he could have sex with them. He is exchanging letters with them. These letters could have been sexually explicit, but it seems just as likely that they contained a range of other forms of intimacy—camaraderie, friendship, romance, *entretenance*, prostitution, "marriage."[11] What I am advocating for, in other words, is an understanding of the text which both acknowledges that Lauvergne could speak explicitly about same-sex sex and that resists projecting the primacy of *sex* in understandings of same-sex intimacy back onto texts from this period.

Thus, while the text does refer to sex between prisoners, it is important that we not give this reference to sex and intimacy between prisoners more weight than it is given in Lauvergne's text. Lauvergne begins this passage by talking not about Frédéric's sexuality but about his class identity. Lauvergne offers a liberal, bourgeois critique of Frédéric's decadent background: "un beau jeune homme, bien né, élevé parmi des femmes coquettes et molles."[12] When Lauvergne communicates that Frédéric does have lovers, Lauvergne describes these as relationships of "birth and education." His ostentatious ellipsis of course points to a potential a sexual meaning, but we should not for that discount that these were also relationships among class equals. Moreover, there are a whole host of other qualities and characteristics, some seemingly random, that appear when we see the fact that Frédéric had sex with men as one part in a much bigger constellation: "il parlait bien, faisait des vers, ambitionnait la mode de faire du *pailleté* Dorat, entendait la messe avec onction, parlait amour dans ses lettres comme d'une chose sainte…." He wears perfume. He has good handwriting, which enables him to serve as an assistant in the hospital, and unlike the vast majority of other prisoners, he frequently looks at himself in the mirror. (In chapter three, we will see that some of these apparently random characteristics seem in fact to be important to Lauvergne's understanding of this character type.) Many of these characteristics, too, relate to his gender identity rather than to his sexuality. Indeed, it's not clear that we should think of these as "same-sex" relationships, precisely since Frédéric is

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case of the exchange student. Not mastering the code may also make the person lose status in the eyes of others (what Goffman calls "face"). In no case, however, does the code totally constrain individual action.

[11] The practice of "marriages" among prisoners is widely attested. Jean Genet's description of such a ceremony in *Notre-Dame-Des-Fleurs* is one of the most famous, but the practice has a long history. Eugène François Vidocq speaks of it in *Les Voleurs, physiologie de leurs mœurs et de leur langage* , vol. 2, 2nd ed. (Paris: printed by the author, 1837), 162–3, Google Books.

[12] This critique is all the more interesting since Lauvergne was a legitimist Catholic. It seems like he could take up this kind of critique of a decadent aristocracy even though it was in opposition to his politics.

so persistently portrayed as being a woman.[13] Again, my claim is not that these are characteristics of some proto-identitarian homosexuality or transness in Lauvergne's period. Rather, they are characteristics, often associated with gender and class that, that constitute the category of "les êtres homologues de Frédéric," a particular construction of prisoner identity during the July Monarchy. In fact, for Lauvergne, same-sex sex and effeminacy are just two of an assortment of characteristics that define the profile not of the homosexual but of the *petit voleur*, or petty thief. Looking at how Lauvergne describes this broader category, the *petit voleur*, can thus help us reconstruct the broader category that someone like Claude Gueux, who was after all originally arrested for petty theft, might have been understood to belong to, and how sexuality might have fit within that picture.

Most of the chapters in Lauvergne's text are organized by the type of criminal. The most obvious place to find a discussion of same-sex sexuality, the chapter on rape and sexual crimes, does contain some case studies of sodomites who have been condemned for having sex with underage men and boys (the age of consent for same-sex sex at this time was 21). But same-sex sexuality in these case studies is in fact deemphasized so that Lauvergne can highlight the similarities between them and the other sex criminals in the chapter, most of whom were accused of different-sex rape and abuse. The fullest account of same-sex sexuality, and its theorization according to scientific and phrenological principles, actually occurs in the chapter that was our object in the previous section, "Chapitre V. Du vol, des grands et des petits voleurs, mœurs au bagne." Why does the issue of same-sex sexuality come up in this chapter, rather than in the chapter that concerns sexual crime directly? Ultimately, Lauvergne's text demonstrates the way in which same-sex sexuality was taken up, not as an object of interest in and of itself as part of some grand strategy of the "biopolitical state" that promoted reproduction, but (with discourses about disability, gender, and race) tactically, as a tool that allowed Lauvergne to cast the prisoners as congenitally disabled, gender dysphoric, and racially inferior, and thus subject to his power as a doctor.

In fact, for Lauvergne, the defining factor of the petty thief is not his sexual immorality but his laziness. Let's look at how Lauvergne first characterizes the *petits voleurs*, whom he says are so numerous in the prison that they largely determine the *mœurs du bagne*:

> Cette classe au bagne est dépourvue d'énergie au physique et au moral : elle est composée d'êtres faibles de tempérament et vicieux par caractère, qui ont filouté ou abusé de la confiance de leurs patrons ; les uns séduits par l'espoir de l'impunité et pour satisfaire un vice acquis, tels que le jeu, la gourmandise, la paresse ou la

[13] A prison warden from a few years earlier attests to a culture of what we might think of as kind of trans practices in prisons during this time: "Cependant chez les hommes, quelques-uns portent si loin le cynisme qu'ils affectent toutes les manières d'une femme et ne sont même connus que sous des noms de femmes parmi leurs compagnons de captivité." (*Analyse*, 34)

débauche ; les autres, pour obéir à une tendance vicieuse, à une fatale prédisposition que l'éducation n'a point vaincu.[14]

Already here, we can see that the idea of the *petit voleur* is linked to a particular social class; since the archetypical act of petty theft is apparently stealing from one's employer, the archetypical petty thief must be an employee. And indeed, Lauvergne participates in a larger process of associating criminality with the lower classes, typified by Honoré-Antoine Frégier in his 1838 work *Des classes dangereuses de la population dans les grandes villes et des moyens de les rendre meilleurs*, published by the same publisher as Lauvergne's book and which Lauvergne cites.[15] Importantly too, the conception of the *petit voleur* contains a variety of vices, both "innate" and "acquired," which are not mutually exclusive. Same-sex sex may appear obliquely as one of these possible vices, under the heading of "débauche." As we will see in the following chapter, this term could be used to describe same-sex sex, but it referred more generally to excesses of eating, drink, gambling, or sex. Here, I think the most obvious meaning is sex with prostitutes, since the other senses of the word are already listed explicitly, and prostitutes require money, but it may also be related to excessive sex with men or women, or excessive masturbation, any of which were thought to lead to laziness and physical weakness.

As we have already seen, Lauvergne sometimes does name same-sex sex explicitly, as when he speaks of petty thieves having to prostitute themselves out as "gitons," but generally his portrait of the petty thief continues much in the manner of this first description, with a constellation of markers concentrated around weakness, laziness, and excess, using language that could refer to or include same-sex sex without denoting it explicitly. While we can't ignore the sexual meaning, if we focus only on it we miss important ways in which same-sex sex fits within a broader portrait of the petty thief. Another example: the *petit voleurs*' subservient position seems to echo the model of pederasty and underscores the fundamental passivity of this category of prisoners. Lauvergne writes, "Ils vivent au bagne dans une espèce de servage sous l'ascendant de leurs aînés."[16] Indeed we learn later that these generally young men are often pimped out

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[14] Lauvergne, *Forçats*, 255–6.

[15] Lauvergne, *Forçats*, 2, 199, 232, and 326.

[16] Lauvergne, *Forçats*, 258. Such a conception of same-sex relationships in prisons could easily describe the relationship between Claud and Albin; remember that Hugo insists on their age difference. Again, something described by state agents as a negative, with a potential sexual reading, is positively coded by Hugo.

When Lauvergne speaks explicitly about prostitution among the prisoners later, he returns to the theme of servitude: "L'esclavage a cela d'immoral, qu'il détruit toute puissance d'association avouable par la vertu et l'honneur" (298). The reference to the prisoner's strongly hierarchical relationships, then, seems to have a metonymic rather than a metaphorical relationship to same-sex sex. "Servage" does not stand in for passive same-sex sex, but that may indeed be a part of what such "servage" entails. That Lauvergne uses anti-

both outside and inside of the prison.[17] When Lauvergne speaks explicitly about prostitution among the prisoners later, he returns to the theme of servitude: "L'esclavage a cela d'immoral, qu'il détruit toute puissance d'association avouable par la vertu et l'honneur."[18] The reference to the prisoner's strongly hierarchical relationships, then, seems to have a metonymic rather than a metaphorical relationship to same-sex sex. "Servage" does not stand in for passive same-sex sex, but that may indeed be a part of what such "servage" entails. Interestingly, too, same-sex sex comes up in an argument for the evil of prisons: in reducing men to such a state of slavery, the structure of the *bagne* makes it easier for them to become prostitutes.

The *petit voleur*'s lack of energy, moreover, relates to the larger racial project of *Les Forçats*. While Lauvergne argues that *le vol* is "an acquired evil," he nonetheless also provides an elaborate racial argument for the supposed susceptibility of the *petits voleurs*. In a long passage in the middle of the chapter, Lauvergne moves between three modes: first, he sketches out his theory of generation and racial difference; second, he sketches out an almost novelistic biography of the *petit voleur*, which illustrates his theory of generation; finally, he paints the picture of the *petit voleur* in prison, and it is in this last section that same-sex sex and masturbation both come into the frame. Lauvergne uses a botanical analogy which he nonetheless seems to take quite seriously as scientific fact: he calls generation "la plantation d'un arbre nerveux." The sperm is a "souche," which is "implanted" into fertile soil.[19] Concisely put, Lauvergne's argument was that sperm contain in miniature the nervous system of the embryo. Thus, if either the root or the soil is degenerate, then the offspring will be too. Importantly, Lauvergne understands sperm to be a part of a man's "life."[20] He implicitly states that excessive sex or masturbation will deplete that force and produce degeneration.

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slavery rhetoric to critique the prison, in a text in which he also establishes racialized hierarchies based on physiology, is a fascinating glimpse into the contradictions and incoherencies of liberal reformist positions during the July Monarchy.

[17] Lauvergne, *Forçats*, 263 & 287.

[18] Lauvergne, *Forçats*, 298. It is interesting to note that Lauvergne seems to be a kind of prison abolitionist. His politics were a curious mix of liberal reformism and legitimism (the far right of the July Monarchy political landscape—the belief that France should return to an absolute monarchy under Bourbon rule, effectively undoing the 1830 Revolution). He also used phrenology to promote profoundly racist beliefs of the kind that contemporaries in the US were using to justify slavery, as we will see below. For more on Lauvergne's politics, see Martin S. Staum, *Labeling People: French Scholars on Society, Race, and Empire, 1815–1848* (Montreal: McGill-Queen's UP), 76–78.

[19] Lauvergne, *Les Forçats*, 279–80.

[20] Lauvergne, *Les Forçats*, 280.

Such a theory of generation, argues Lauvergne, is important precisely because of the "déductions logiques qu'on peut en retirer pour l'amélioration des races, au physique et au moral."[21] Phrenology was famously used in the United States as the basis of a racialized system that justified slavery and the oppression of black people. Although French polemicists today try to argue that "la race" in French is a purely class-based category, distinct from the ethnic system of the Anglo-American world, Lauvergne's text demonstrates precisely that these two ideas were linked in the history of French phrenology, too. Earlier in his text, Lauvergne affirms, "Preuves anatomiques en main, il y a plus de points de contact et de ressemblance entre la tête de certains nègres et celle des grands singes, qu'avec celle d'un Européen à front large et élevé, à contours latéraux et postérieurs affaissés et unis, à cavités des sens dans de convenables limites."[22] Lauvergne expresses a proto-social Darwinian worldview in which different national groups (often construed as ethnic groups) are competing for supremacy.

It is with the concept of racial generation that the sexual practices of the *petits voleurs* themselves come into the frame. Ultimately, Lauvergne argues that the *petit voleur*, often the child of a prostitute, represents a dangerous degeneration of the French national race that could in the long term have negative impacts on France's competitiveness on the world stage.[23] After describing at length the "souche impure" from which these thieves are said to have derived, Lauvergne turns to painting a picture of them in prison:

> La manie solitaire avec toutes ses métamorphoses ne les abandonne point ; même sous les verroux [sic] des bagnes, elle mine encore leur constitution qu'une nourriture lourde et grossière tend à vicier. Ils restent flasques, pâles, et étoilés. Il faut les voir sortant des bagnes au point du jour, jaunis comme des prisonniers qui ont respiré dans une geôle profonde et humide. Quand ils ont parcouru le chemin du bagne au travail, et qu'ils ont disparu, l'odorat retrouve l'émanation animale et nauséeuse qu'ils ont déposée en passant.
>
> Il n'est donc pas extraordinaire que les jeunes voleurs, qui déjà se suicident lentement sous l'aiguillon de leurs désirs dépravés, subissent encore l'effet des détériorations inévitables de l'entassement des hommes. C'est dans la classe des

[21] Lauvergne, *Les Forçats*, 281.

[22] Lauvergne, *Les Forçats*, 43. For more on the centrality of French and francophone Belgian phrenology in the history of the use of that "science" to produce racial hierarchies and justify European colonialism and American slavery, see Angus McLaren, "A Prehistory of the Social Sciences: Phrenology in France," *Comparative Studies in Society and History* 23, no. 1 (January 1981): 17, https://www.jstor.org/stable/178380; and, Staum, *Labeling People*.

[23] Lauvergne, *Les Forçats*, 283–5.

> petits voleurs que les hommes possédés de luxure, et ils sont en grand nombre, cherchent et trouvent les victimes de leurs prouesses.[24]

The lassitude of the prisoners, the defining characteristic with which Lauvergne begins his account of the *petit voleur*, finds another explanation here in their "manie solitaire," or masturbation. The spilling of their vital energy literally leaves the men "flaccid" or "flabby," and reduces them to an animal state not unlike that of the "Negroes" Lauvergne mentions earlier in his text. These men are struck with what Lauvergne, causally linking their sexual depravity with their inverted gender characteristics, calls a "virilité abortive,"[25] and their weakened state ultimately makes them prey for "hommes possédés de luxure," who it is made clear in the paragraph that follows are men who prey on and pimp out other prisoners. Lauvergne's logic is, in a way, circular: the men's sexual excesses end up being the cause of further excess, since the "deteriorations" associated with men living in space together are, it is also clear from the following paragraph, sexual. Ultimately, Lauvergne constructs the prisoners as a racial threat to French society, whose failed gender and intellectual disability are marks of the degeneracy of the French nation. These prisoners are not just ill in their own right but producing a kind of contagion, a *noxious emanation* that could cause further degeneration.[26]

It is precisely in this way, then, that Lauvergne ultimately constructs the prisoner as a problem which requires the intervention of the phrenologist to fix. "Les législateurs et les moralistes ont beau faire, tous les enseignemens de la sagesse, les meilleurs exemples ne peuvent changer ces faibles têtes une fois qu'elles ont été façonnées par une pratique d'immoralité de quelques années."[27] He transforms their social and moral behavior into a matter of medical science, an "infirmité morale" that "tient à l'âme comme une dartre à la peau."[28] Same-sex sex is of course a part of this construction, a tool that Lauvergne uses to construct the prisoners as degenerate, but it is intimately bound up with the gendered, intellectual, class, and racial aspects of the *petit voleur* identity to the extent that it cannot be separated out.

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[24] Lauvergne, *Les Forçats*, 286–7.

[25] Lauvergne, *Les Forçats*, 286.

[26] The links between imprisonment and medicine are not accidental. Before the advent of modern prisons in the late 18th century, "hospitals" were one of the main modalities of incarceration. In the 19th century, prisons were seen as sources of disease. In fact, Lauvergne wrote an earlier treatise on the cholera epidemic in Toulon in 1835, which detailed the links between disease and the bagne by giving a street-by-street account of the spread of the disease. Hubert Lauvergne, *Choléra-Morbus en Provence* (Toulon: Auguste Aurel, 1836).

[27] Lauvergne, *Les Forçats*, 277.

[28] Lauvergne, *Les Forçats*, 277.

Sexuality and the Criminal in July Monarchy France

My reading of Lauvergne's text has trained us to think about the complex ways in which same-sex sex was entangled with a broader signifying nexus around criminality. With this insight in mind, we can now look to a broader archive to start to reconstruct this unique social form and see how sexuality was situated within it. The question of same-sex sex and criminality was particularly acute during this period ironically because of the liberalizing tendencies of the July Monarchy government. After the fall of Napoleon, the Bourbon line of kings that was thrown out of power during the French Revolution was reinstated in a nominally constitutional monarchy, a fifteen-year period called the Bourbon Restoration. As the 1820s wore on, however, tensions between an increasingly authoritarian Charles X and a growing liberal opposition in the chamber of deputies led to another revolution in July 1830. The subsequent form of government lasted until 1848, when another revolution established the Second Republic. Named the July Monarchy, the government established in 1830 was ultimately a compromise between conservatives and republicans, a more liberal constitutional monarchy with more limits on the king's power. Importantly for our purposes, the change in government also meant a change in the fortunes of a group of liberal reformers who had been censored and excluded from positions in state institutions in the 1830s. A growing international movement to "reform" and "modernize" prisons in the 1820s finally found full expression in France after 1830, and Charles Lucas, who had risen to prominence after winning prizes for treatises against the death penalty, was appointed inspector general of prisons just days after the revolution.[29] The modernization of the prison system and criminal justice reform more generally were seen as key ways to distinguish the July Monarchy from the Bourbon Restoration, a break with the arbitrary

[29] Michel Foucault and Angela Davis have both noted that the invention of prison and prison reform go hand in hand. Davis writes, "It is ironic that the prison itself was a product of concerted efforts by reformers to create a better system of punishment. If the words 'prison reform' so easily slip from our lips, it is because 'prison' and 'reform' have been inextricably linked since the beginning of the use of imprisonment as the main means of punishing those who violate social norms." *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 40.

The fact that Lucas would hold the position until 1865, across the liberal constitutional monarchy of the July Revolution (1830–1848), the democratic Second Republic (1848–1852), and the authoritarian Second Empire (1852–1870) demonstrates the remarkable continuity of prison policy across different regimes, and the growing independence of an administrative state from the particular governments that these functionaries ostensibly served.

and cruel justice of the *Anicen régime* and its restoration.[30] There was a flurry of books published on the topic by Lucas and others like Benjamin Appert, Alexis de Tocqueville, and Gustave de Beaumont. (It was in fact to study the cellular model of Pennsylvanian prisons, not democracy in general, that Tocqueville was sent to the United States. His report on American prisons, much less well known today than *De la démocratie en Amérique*, was also widely read during the 1830s.) These reformers implemented important changes, like ending the practice of *flétrissure* in 1832 (*forçats* would be branded with the letters *T* for *travaux* and others which described the length of their sentence or their crime) and restricting the abuse of the justice system to punish political dissenters in the early 1830s. However, they would ultimately be unsuccessful in their main project, instituting a cellular model of imprisonment along the US model.[31]

Indeed, isolation into an individual cell was the exception rather than the rule in prisons in France in the first two thirds of the nineteenth century. Very few prisons had been built expressly for a carceral purpose: hospitals that served as containment facilities for a wide variety of the mentally ill and criminally out of work in earlier periods had somewhat organically become prisons (this was the case for Bicêtre, where *Le Dernier Jour d'un condamné* is set), and a large number of prisons had been former religious institutions, which the state seized during the Revolution (this was the case for Clairvaux, where *Claude Gueux* takes place).[32] The idea that criminals should be held long-term in specialized buildings, isolated from the rest of society, was in fact a relatively new idea at this time. Most jails before the Revolution (and I would argue precisely that we should call them jails, not prisons) held only a few people. They were often rooms in existing hotels or municipal buildings. For the most part, they served not as facilities of long-term incarceration but as

[30] See Jacques-Guy Petit, Claude Faugeron, and Michel Pierre, "Politiques, modèles, et imaginaire de la prison," in *Histoire des Prisons en France, 1789–2000* (Toulouse: Privat, 2002), 23–60; and André Zysberg, "Politiques du bagne (1820–1850)," *Annales historiques de la Révolution française* 228 (1977): 269–305.

[31] For a summary of this debate, which includes a hypothesis as to why anti-Americanism led to the eventual failure of these efforts, see Catherine Dahussy, "La réforme pénitentiaire sous la monarchie de Juillet ou l'indépassable «génie national» français," *Romantisme* 126 (2004): 7-16, https://doi:10.3406/roman.2004.1267. We can see the evidence of this debate in other questions in the *Analyse*, for example a question in the punishment section about the psychological effects of solitary confinement (with and without work) in those institutions where it is used as a punishment. Particularly interesting is question 5 in the section "Punitions," which asks if the prison directors see confinement merely as a punishment or rather as something that could lead to the moral reform of the prisoners (as the proponents of the American model claimed) (43). The skeptical director of the prison at Ensisheim makes direct reference to "des chambres particulières, ainsi que cela se pratique dans quelques états d'Amérique" (78).

[32] The director of the prison of Ensisheim notes that the *maisons centrales* "ne sont pour la plupart que d'anciens couvents" (*Analyse*, 78). See also Christian Carlier, "Histoire des prisons et de l'administration pénitentiaire française de l'Ancien Régime à nos jours," *Criminocorpus* (2009): 11, https://doi.org/10.4000/criminocorpus.246.

holding cells for prisoners awaiting judgment or execution, along with those that might disturb the public order (delinquent minors, prostitutes, beggars, and vagabonds).[33] At the end of the Ancien Régime and especially after the Revolution, however, incarceration came to be seen as a humane alternative to corporal punishment and torture and was more and more frequently prescribed. There was no wholesale reform (or we might say invention) of the prison system during the Revolutionary period, though, and it was Napoleon who instituted the system of national prisons, called "maisons centrales," that largely subsists up to today. But even this more rationalized system grew organically out of the need to control populations in conquered territories: the *maisons centrales* started as military facilities, and their structure and rules varied based on the individual beliefs of the prefect of each region. These prisons were not designed on the rational model of American or British prisons but were centered around manufacturies, the prisoners serving as cheap labor for a growing cadre of industrialists.[34] Indeed, quite the opposite was true: officials at the prison of Melun for example complained that the architects had taken so much space for the manufactories that there was no space to actually house the prisoners, and the manufactories themselves were designed for efficient production in a way that made surveillance of the prisoners impossible.[35]

By the time of the July Monarchy, this ad-hoc system seemed to some ministers to be producing more trouble than it was worth. Christian Carlier sums up the attitude of the July Monarchy ministers in this way: "la prison coûte cher et elle n'a que des effets négatifs: elle produit ces trois fléaux que sont l'épidémie, l'homosexualité, et la récidive."[36] The question of the architectural layout of the prison and the ideology underpinning the prison were thus intimately bound up with the question of same-sex sex, which came into focus not in its own right but as the *biproduct of the novel state policy of incarceration itself*. The question of prison "reform," then, was one of minimizing the harm done by prisons. The goal was, on the one hand, to prevent prisons becoming the supposed loci of epidemics by monitoring prisoner hygiene and ensuring access to food and water; and, on the other, to prevent the creation of ties between prisoners, both sexual and social, which were thought to turn opportunistic petty thieves into hardened recidivists.

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[33] Certain "prisons" like the Bastille where political prisoners were held became infamous as symbols of the king's arbitrary power, but these were specialized facilities where high-status prisoners were kept in good conditions (Carlier, 2–3). Remember that the Bastille only held seven prisoners when it was stormed.

[34] Carlier, 8–9.

[35] See Françoise Banat-Lacombe, "La réalité pénitentiaire perçue au tarvers de trois maisons centrales (Melun-Poissy-Eysses) durant la première moitié du XIXe siècle," (thesis, École nationale de Chartres, 1987).

[36] Carlier, 10.

Thus, the question of how to arrange and manage the prison was also one of how to arrange and manage the sexual and affective lives of the prisoners. In a questionnaire circulated in 1834 by the Minister of Commerce and Public works to all of the directors of the "maisons centrales," for example, the section on dormitories was entirely devoted to the question of "relations vicieuses." Here are the six questions asked by the Minister of the Interior:

> 1re question. On reproche aux Dortoirs communs de favoriser des relations vicieuses, de les rendre en quelque sorte inévitables : jusqu'à quel point ce reproche est-il fondé ?
>
> 2e question. Avez-vous remarqué qu'il se passât plus de désordres dans les grands Dortoirs que dans ceux qui ne reçoivent qu'un petit nombre de détenus, 8 ou 10, par exemple ?
>
> 3e question. La corruption des mœurs est-elle plus fréquente parmi les condamnés des villes que parmi les autres, parmi les hommes que parmi les femmes ?
>
> 4e question. Pensez-vous que l'établissement de cellules pour le coucher rendît la corruption moins grande et fût une amélioration réelle, importante, alors que les réunions dans les ateliers, les réfectoires et les préaux seraient maintenus ?
>
> 5e question. Des mesures ont-elles été prises pour séparer, pendant la nuit, les hommes et les femmes évidemment corrompus ou dangereux des autres condamnés, et quelles sont ces mesures ?[37]

It is clear from their responses that the directors understand "les relations vicieuses" to refer at least in part to sex. This is not so much because "les relations vicieuses" refers only to same-sex sex, but because of the context of the discussion of dormitories. The director of the *maison centrale* in Melun, for instance, responds to question one, "Il est bien difficile que deux individus corrompus couchant l'un à côté de l'autre ne commettent point de ces actes honteux qui échappent à toute surveillance et à toute punition, par le secret et les ombres qui les environnent."[38] The meaning of the broad term "relations vicieuses," within the context of "two corrupt individuals sleeping next to each other," seems indisputable. (This statement sheds new light on how we might at least a certain set of readers would have understood Hugo's claim that Claude and Albin "couchaient sous la même clef de voûte.") The director of Clairvaux, where Claude Gueux was held, even goes so far as to give the exact number of prisoners "notés par la corruption de leurs mœurs," 148, and the number of prisoners incarcerated for "atteinte aux mœurs," 18.[39] Although the general

[37] *Analyse*, 29–38.

[38] *Analyse*, 31.

[39] *Analyse*, 32.

category of "corruption de mœurs" could refer to a range of behaviors, in this context it clearly refers to prisoners who have sex with each other: it comes in a discussion of dormitories, and is compared to a category of prisoners who were arrested for "atteinte aux mœurs," the legal category used to prosecute certain forms of same-sex sex after its decriminalization during the Revolution. The fact that this group was countable, and that the director of Clairvaux prison could easily call up this number, indicates the degree to which the phenomenon of same-sex sex was a concern for prison administrators in the 1830s.

However, it is important not view "les relations vicieuses" only as a synonym or euphemism for same-sex sex. The phenomenon of sex between prisoners was caught up in a larger discourse of the contagion both of what today we would think of as communicable diseases and of moral conditions and "corruption."[40] For prison reformers, the prison was supposed to restore and reform criminals convicted of minor crimes; housing these prisoners in the same dorms as hardened "recidivists" who could potentially corrupt them was seen as one of the great dangers of the prison as it currently existed, what one prison director called "la contagion du vice."[41] Another explained the danger of these communal dorms: "La réunion dans les dortoirs est l'école mutuelle du vice. C'est là que se projettent pour l'avenir les délits et les crimes."[42] Part of this generalized corruption, of course, was an initiation into prisoner sex practices and prostitution, but this last citation demonstrates the slippage that existed during this period between criminality in general and same-sex sex in particular. There was a continuity between different kinds of vice in a way that confounds any neat division between homo- and heterosexual: gambling, prostitution, drunkenness, same-sex sex, and laziness were all important characteristics.[43] The presence of vice was also a question not just of the action itself but of excess.[44] Liberal reformers

[40] It is not clear the extent to which these categories would have been thought of as literal and metaphorical in a world before the existence of germ theory. Reformers in this time often spoke of moral contagion as a similar danger to, say, the spread of cholera.

[41] *Analyse*, 33.

[42] *Analyse*, 36.

[43] The heterosexual, as much as the homosexual, was a category that had yet to be invented in this period. It is for this reason that I find accounts of the relationship between Gueux and Albin in *Claude Gueux* that depend on the idea of "situational homosexuality" or the presumed heterosexuality of Hugo's hero to be anachronistic. This is my reservation with regards to Maxime Foerster, "La Bromance dans la littérature française du XIXe siècle," in "Écrire les homosexualités au XIXe siècle." Special issue of *Littératures* 81 (2019): 89–101, https://journals.openedition.org/litteratures/2442.

[44] This was a class defined by excess. In the article of *Les Français peints par eux-mêmes* on "Les Détenus," Moreau-Christophe writes, "La classe des gens du crime se compose donc du sédiment, du résidu, des égoutures de toutes les classes placées au-dessus d'elle, et qui y versent le trop-plein de leurs

suggested that well-regulated prostitution, partaken in judiciously by respectable young men, could have a positive impact on society broadly, protecting the honor of unmarried women by channeling the young men's natural sexual urges in a less destructive direction.[45] These vices together formed a kind of signifying nexus around criminality during the July Monarchy (and, to a lesser extent, even during the Restoration), one which authors could draw on to signify same-sex sex through the discussion of this broader set of vices.

Let's look, for example, at this passage from Parisian police chief Honoré-Antoine Frégier's 1840 *Des Classes dangereuses de la population des grandes villes et des moyens de les rendre meilleurs* (published by the same publishers as Lauvergne's book, and Parent-Duchâtelet's on the regulation of prostitution). Frégier is describing the vice that was rampant in prisons before a reform which meant that prisoners could not access the money they made while working in prison until they were released. As you read, try to define exactly where Frégier begins to talk about same-sex sex:

> Avant la mise à exécution, dans les maisons centrales, du réglement [sic] conçu par M. Gasparin, les détenus ayant droit à un denier de poche, dont ils pouvaient disposer librement, l'esprit de philanthropie et d'industrie qui planait sur toutes les maisons de correction, y tolérait des fournitures qui excitaient **les passions les plus grossières** et donnaient lieu souvent à **de condamnables excès et à de sales orgies**. Les habitués des prisons, qui forment la majeure partie de leurs habitans, s'apercevant que la pénalité inscrite dans les lois du pays, n'entraînait d'autre privation que celle de la liberté ; qu'à l'aide du travail il leur était loisible de se procurer, malgré leur captivité, **les jouissances sensuelles** auxquelles ils pourvoyaient, avant leur emprisonnement, par la rapine et par le vol, avaient fini par faire violence à leur paresse pour se livrer au travail, et ils avaient arrangé leur vie de manière à subir leur incarcération le plus doucement possible. C'est avec le denier de poche qu'ils ajoutaient à la nourriture peu savoureuse de la maison, des alimens agréables, et même recherchés ; que, dans certains établissemens, ils buvaient du vin jusqu'à l'ivresse, sauf dans ce cas, à payer leur intempérance de quelques jours de cachot, punition que, d'ailleurs, ils paraissaient peu redouter. C'est avec les mêmes ressources qu'ils parvenaient à satisfaire leur passion frénétique pour le jeu et **de détestables ardeurs**. Il est affligeant de penser que, parmi les employés des prisons, il en est plusieurs, qui préparaient par leur entremise, ces

immoralités." Moreau-Christophe, "Les Détenus," in *Les Français peints par eux-mêmes*, vol. 4 (Paris: L. Curmer, 1841), 2.

[45] See Ross, *Public City*.

> intimités révoltantes, et que des sommes considérables étaient absorbées par cet infâme négoce.[46]

Certainly, Frégier makes it clear at the end of this passage that "intimités révoltantes" between prisoners represent part of the "jouissances sensuelles" he refers to earlier, and yet we can't say that any of the various general terms he uses which I have highlighted above is a kind of euphemism for same-sex sex. Frégier uses general terms not to hide the unspeakable reality of same-sex sex; he succeeds in communicating not just that prisoners had sex, but that guards sometimes served as their pimps. Rather, he uses a broad term precisely *because his meaning is broad*. The "condemnable excesses and dirty orgies" of the prisoners, who form part of the larger group of the *classe dangereuse*, include same-sex sex, laziness, gambling, drunkenness, and eating too much or too well. (The frequency of the idea of *gourmandise* and *debauche* highlights the degree to which Hugo was also drawing on this signifying nexus in writing *Claude Gueux*, although he significantly recast the moral framing of this need for food.) Same-sex sex was part of a larger signifying nexus around criminality and imprisonment in this period, an aspect of a larger phenomenon that seemed to be well understood by readers of the time.[47]

Thanks in part to the efforts of some of these liberalizers to bring a greater consciousness on the part of the public to some of these conditions, the association between same-sex sex and prisons was not limited to the world of prison reformers. As Nicholas Dobelbower has shown, there was a real fascination in French culture during the July Monarchy with sensationalized representations of prisoners, and part of the sensationalist appeal of such representations was the representation of same-sex sex.[48] (This phenomenon has a long history, and stretches in to the present: TV shows *Oz* and *Orange is the New Black*, films like *The Shawshank Redemption* and *Un prophète*.)[49] The

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[46] Honoré-Antoine Frégier, *Des classes dangereuses de la population dans les grandes villes, et des moyens de les rendre meilleurs*, vol. 2. (Paris: J.-B. Baillière, 1840), 268–9.

[47] Another example can be found in Louis Canler's memoirs. Canler, a police inspector during the July Monarchy and later the chief of police during the Second Republic. In discussing the arrest of the criminal Lacenaire, Canler delimits four types of "tantes." The first is the "persilleuse," which he describes in terms similar to Frégier's: "La première catégorie est entièrement composée de jeunes gens appartenant pour la plupart à la classe ouvrière, et qui ont été amenés à ce degré d'abjection par le désir du luxe, du plaisir, par la gourmandise ou la fainéantise, cette cause première de la dépravation du plus grand nombre. D'un tempérament apathique, ils ont fui le labeur de l'atelier et demandé à la débauche les moyens d'une existence souvent précaire, toujours misérables." Louis Canler, *Mémoires de Canler, ancien chef du Service de sûreté* (Paris: Hetzel, 1862), 266.

[48] Nicholas Dobelbower, "*Les Chevaliers de la Guirlande*: Cellmates in Restoration France," *Journal of Homosexuality* 41, no. 3–4 (2002): 131–47, https://doi.org/10.1300/j082v41n03_10.

[49] These similarities with the contemporary help underscore the potential ways in which the July Monarchy obsession with crime might be related to the larger project of making the new "criminal justice"

figure with the most enduring presence today is Balzac's Vautrin, an escaped *forçat* who first appears in *Le Père Goriot* (1835), and then again in a series of texts published between 1837 and 1847 which were eventually collected as the novels *Illusions perdues* and *Splendeurs et misères des courtisanes*.[50] Balzac also wrote a play centering on the character, which ran for only one night before it was shut down by censors. In all of these texts, Vautrin seeks a handsome young protégé to make into a powerful, rich man, in a relationship that echoes but also complicates the hierarchical model of *servage* and comradeship that we see for example in Lauvergne.[51] In the last two sections of *Splendeurs et misères des courtisanes*, Balzac also shows Vautrin in prison, saving a former lover from execution.

But Vautrin was far from an outlier; in fact, the society of July Monarchy France was full of representations of prisoners and criminals who happened also to have same-sex attachments. As we have already seen, the case between Claude and Albin was one prominent example. (The *dénouement* of this saga was also covered in the press—Albin was executed a year after Claude, apparently for murdering a fellow prisoner who didn't want to be in a relationship with him.) The real criminals Lacenaire and Avril, executed for murdering a *tante*, or effeminate gay man, were some of the most well-known figures in the period. Lacenaire became famous during his trial, and between his condemnation and his execution, he wrote his *Memoirs* from prison. The affair was associated with the criminal underworld of the *tantes*. Louis Canler, the police inspector responsible for investigating, wrote in his memoirs, "Le fils Chardon, généralement surnommé *la tante*, était bien connu pour ses goûts *antiphysiques*, et ce fut naturellement sur les êtres abjects dont il faisait partie que l'accusation publique tomba tout d'abord."[52] (I return more fully to Lacenaire's

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regime part of the public's common sense. Angela Davis writes, "The prison is one of the most important features of our image environment. This has caused us to take the existence of the prison for granted. The pirson has become a key ingredient of our common sense. It is there, all around us. We do not question whether it should exist. I has become so much a part of our lives that it requires a great feat of the imagination to envision life beyond the prison" (*Obsolete*, 18–19). We might think of the obsession in July Monarchy media with criminality, the police, and prisons as a very early example of the way in which media served to justify and normalize this new form of regulating society.

[50] See Lucey, *Misfit*, 172–5 for a concise summary of the complicated publication history of these texts.

[51] See Michael Lucey, "*Ami ou protégé*: Balzac, Proust, and the Variability of Friendship," *Romanic Review* 110, no. 1–4 (2019): 187–202, https://doi.org/10.1215/26885220-110.1-4.187 for more on the model of the *protégé*.

[52] Canler, 95. Canler denied, however, that Lacenaire was himself a *tante*. He writes, "Lacenaire, qu'on s'est plu à représenter comme une *tante*, était à peine sorti de la prison de Poissy qu'il s'empressa d'avoir une maîtresse. Dans les longues conversations que nous eûmes ensemble à la Conciergerie, j'attaquai plusieurs fois ce sujet, et chaque fois il m'avoua que ce goût ne lui était venu en prison que par la force de la privation, mais que du jour où il s'était vu libre, ses penchants naturels avaient repris sur lui leur premier empire" (270). It is important to note that Canler's memoirs were published in 1862, but this early articulation of the

case in chapters four and five.) The popular characters Robert Macaire and his *ami* Bertrand were escaped *forçats* whose crimes formed the basis of all kinds of vaudevillian comedy. Originated by the actor Frédérick Lemaître in *L'Auberge des Adrets* (1823), Macaire became a stock character of stage and print media, later described by the Goncourt brothers as 'one of the most important "types" of the century, comparable even to Goethe's Werther.'[53] Lemaître, who would also go on to play the role of Vautrin in Balzac's play, reinterpreted the character for a sequel to *L'Auberge des Adrets* titled simply *Robert Macaire* (1835). The famous caricaturist Honoré Daumier, whom Baudelaire would later celebrate as a foundational modern artist, repeatedly represented Macaire in works like *Les Cent et un Robert-Macaire* and *Physiologie du Robert-Macaire*, in which Macaire took on various professions. (The figure of Macaire reappears in chapter five, as well.)

These figures are also associated with a broader criminal identity that included but was not limited to same-sex sex. To talk about prisoners and their *amis* from this period was highly suggestive of a strong emotional, sexual, and political bond, and this fact would've been clear to most educated readers of the time even if there was no specific reference to a sex act. The ubiquity of this criminal identity accounts for some of the interpretive problems faced by critics today working on same-sex sexuality in this period, who have argued endlessly over whether Lacenaire, Hugo's Claude Gueux, and Balzac's Lucien de Rubempré could be considered "gay" or "queer." Writing of the latter, Michael Lucey notes astutely, "Male same-sex sexuality circles endlessly but elusively around Lucien."[54] What Lucey names is close to the process of sexual signification I have been arguing is at work around the figure of the criminal, although same-sex sex appears much less elusive when we take the context of discussions of prisoners as a whole.

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idea of what we might now call today "situational homosexuality," before the invention of homosexual identity, is important to note.

Situating Lacenaire more broadly within the nexus of criminality that I'm describing here also challenges the claims of Anne-Emmanuelle Demartini, author of the most recent history of the *affaire Lacenaire*, who claims that homosexuality was not an important part of the case. After citing several sources which mention the sexual aspects of the case, Demartini nevertheless writes, "Cette censure de la part des magistrats, comme le silence de nos sources en ce domaine, traduit sans doute la grande discrétion qui à l'époque entoure l'homosexualité, d'ailleurs assez tolérée dans les prisons en tant qu'homosexualité de situation, avant que l'affirmation de la parole médicale, à partir de 1860, ne fasse entre de plain-pied l'homosexualité dans le champ des représentations." *L'affaire Lacenaire* (Paris: Aubier, 2001), 370–371, n. 140. Demartini's rejection of the centrality of sexuality in Lacenaire's case is a perfect example of the way in which the repressive hypothesis and the outlaw thesis continue to render invisible references to same-sex sexuality which are clearly in the record. In any case, I will return in chapters four and five to the centrality of same-sex sexuality in Lacenaire's case.

[53] Dobelbower, 147. *L'Auberge des adrets* was originally a tragedy. It played to boos the first night, so for the second night, Lemaître improvised the play as a comedy to the horror of the authors and the delight of the audience. (This scene is dramatized in Marcel Carné's *Les Enfants du Paradis*.)

[54] Lucey, *Misfit*, 185.

Figure 11. Honoré Daumier, "Les Cent et un Robert Macaire." In an episode in which Macaire (second from left) is running a scam as a matrimonial agent, Bertrand (far right) is dressed as a young woman's "tante," a play on the double meaning of that word. Paris Musées/Musée Carnavalet.

In this chapter, I have attempted to reconstruct the signifying nexus that informed discussions prisoner sexuality during the July Monarchy. Far from being repressed or hidden, we find that accounts of sex in prison abound, and were in fact intimately tied up with the invention of the modern prison. In attending to "what is now unheard of," a particular sexual form that existed in the July Monarchy, we are able to better understand how authors from this period may have conceptualized same-sex sex.

Chapter 3.
Infinitesimal Materialities: Sex and Power in Prison

In the previous chapter, we attempted to train our ears to hear that which is now unheard of, a sexual form that came about in the July Monarchy that linked same-sex sex with a host of other features under the heading of criminality and prisoners. When we "just read" texts from this period, we find that references to same-sex sex in prison abound. Analyzing the discursive construction of the prisoner sexual form we discovered helps us understand how references to prisoner friendship and intimacy may have been "heard" by a reader in the July Monarchy. But what does it tell us of the practice of sex in prison itself? Now that we too can perceive sex in prison, what can we learn about the relationship between sex and power during the July Monarchy?

"Le poids de la coutume"

The first problem in discovering the conditions and actions of prisoners during the July Monarchy is of course that we have very few accounts written by the prisoners themselves. In the next chapter, we will turn to the case of Pierre-François Lacenaire, one of the exceptions who did write about his own experiences. In this chapter, however, I want to think through how we can read the texts produced by state agents in a way that resituates prisoner sex in a dynamic field of power, where state power is the object of struggle rather than a *fait accompli*, before returning to Hugo's *Claude Gueux* to show how Hugo is sensitive to many of the dynamics of power in prison that I describe here. As Jyoti Puri reminds us, the regulation of sexuality is a key tool used within states to naturalize the existence of the state: "governing sexuality helps sustain the illusion that states are a normal feature of social life, unified and rational entities, intrinsically distinct from society, and indispensable

to maintaining social order."[1] State agents have a vested interest in producing a static view of power, in which it is wielded by some over others. Foucault offers an alternative analytics of power in *La Volonté de savoir*. He writes that power is never "held" by one individual or institution but is rather "omnipresent," that what we perceive as "the" power is in fact the cumulative effect of a multiplicity of local, unstable power differentials:

> La condition de possibilité de pouvoir, […] il ne faut pas la chercher dans l'existence première d'un point central, dans un foyer unique de souveraineté d'où rayonnerait des formes dérivées et descendantes ; c'est le socle mouvant des rapports de force qui induisent sans cesse, par leur inégalité, des états de pouvoir, mais toujours locaux et instables. Omniprésence du pouvoir : non point parce qu'il aurait le privilège de tout regrouper sous son invincible unité, mais parce qu'il se produit à chaque instant, en tout point, ou plutôt dans toute relation d'un point à un autre.[2]

Our task as readers of texts about prisons produced by state agents is thus to discover not the power of the state, but "des états de pouvoir, toujours locaux et instables." We need to read them in a way that allows us to reconstruct the conditions of possibility of the power that these agents claim to exert over the prisoners, to see it in its "production à chaque instant, en tout point."

To do so doesn't require some great feat of exegesis, either, some new queer mode of reading that would uncover the hidden power of the prisoners in spite of the prison officials. All we have to do is pay attention to what the officials themselves say. Even as the texts we read in the previous chapter give us the sense of the power of prison officials, they also give us a sense of state power's limits, of its incoherencies, of the different forms of resistance and survival exhibited by the prisoners. Take this response from the director of the prison of Melun from the *Analyse des réponses*, responding to the question of what measures the officials have taken to prevent corruption in the dormitories:

> Quand on s'aperçoit qu'une intimité trop grande s'établit entre deux détenus, on les sépare ; on les met, le jour, sous la surveillance d'un gardien, et, la nuit, sous celle d'un prévôt dont on soit à peu près sûr.
>
> Pour combattre ce vice, on a rasé les individus notoirement convaincus ; le lendemain, 30 détenus s'étaient coupé les cheveux.
>
> Sur le rapport du prévôt d'un acte immoral commis dans le dortoir, la punition est d'un mois de cachot ; mais toutes les mesures sévères échoueront devant la fougue de l'âge et les habitudes du vice. Le seul moyen vraiment efficace sera la cellule solitaire.[3]

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[1] Jyoti Puri, *Sexual States: Governance and the Struggle over the Antisodomy Law in India* (Durham: Duke UP, 2016), 5.

[2] Foucault, *Volonté*, 122.

[3] *Analyse*, 38.

The prison officials seem to exert complete control over the prisoners. They are able to identify the "initimité trop grande" and surveil the prisoner in order to prevent the behavior. The official also reports that they have taken other measures to punish individuals who have been proven guilty of this "vice," shaving the heads of noted prisoners who have sex with other prisoners, or giving them a month of confinement in the dungeons. And yet, when we read the text carefully, we find evidence of the limits of the officials' power. (And indeed, we don't even have to read that carefully: the director states it quite clearly if we "just read.") We might note that the prisoners are only subject to the surveillance of guards during the day, while at night they are watched by "prévôts," other prisoners who were given a kind of leadership role. The exact way that guards are employed in Melun is unfortunately not described elsewhere in the *Analyse*, but we can piece together from this statement and from the answers of the other directors that guards often did not enter the dormitories at night. (This is particularly true of the women's quarters, because the guards were only men and it was thought to be an impropriety.) For this reason, surveillance must be left to those of whom the officials can be "more or less sure."

It might seem at first, too, that the directors have complete control over the bodily autonomy of the prisoners, but we find this to be fallacious as well. The punishment of shaving the heads of certain prisoners to single them out and shame them among their other prisoners seems to have failed completely, since during the night, presumably without surveillance, thirty other prisoners also shave their heads. The other measure, sending prisoners to the dungeon for a month when a *prévôt* rats them out, seems at first to be quite effective. At least the prisoners would be separated from each other, right? But in fact in the section of the *Analyse* on punishments, the director of Melun describes the conditions of the *cachot* and other cells. When asked about the regime of the "quartier de punition" in the prison, the director of Melun replies curtly, "Il n'y a point encore de quartier de punition. Le plan en est arrêté."[4] In fact, out of the 19 *maisons centrales*, 14 have no *quartier de punition* at all. (One of the five remaining has a single cell. In the prison of Clermont, a quartier de punition had been established and was eliminated because it was actually "nuisible à l'ordre."[5]) There are nine *cachots* in Melun, not a modern space with isolated cells but in fact holding areas in the building's courtyard, but the director notes that the threat of being relocated there hardly seems to be intimidating to the prisoners, except perhaps in winter: "Les détenus sont seuls dans leurs cachots ; mais étant les uns à côté des autres, ils ont la facilité de converser continuellement ensemble, et c'est ce qui rend cette punition illusoire, à moins qu'elle ne soit longue. L'hiver, ils craignent un peu plus les cachots ; mais l'été, ils en plaisent les premiers, en disant qu'ils vont à leur maison

[4] *Analyse*, 40.

[5] *Analyse*, 39.

de campagne."[6] The director's phrase "punition illusoire" seems apt more generally for his possible responses to prisoner intimacy. Like the joyous *forçats* Hugo describes in the scene of the *départ de la chaine* in *Le Dernier Jour d'un condamné*, the prisoners in Melun who are sent to the cachot made jokes about their punishment, "et de ce châtiment horrible faisait une fête de famille."[7]

These texts by prison administrators often seek to produce a static image of power. They project the habitual present tense: "quand on s'aperçoit qu'une intimité trop grande s'établit entre deux détenus, on les sépare." And yet, in the surfeit of detail they provide, they ultimately end up giving a sense of the particular, the "infimes matérialités" of prison life that are the grounds of the struggle between administrators and prisoners.[8] As administrators seek increasingly to control prisoners in the materiality of their daily life, they produce a record of that life, one which demonstrates the extent but also the limit of their power. Sometimes that record is produced in spite of their efforts to hide it; sometimes it is merely a byproduct of bureaucracy. In other cases, as with the Melun director's interventions in the *Analyse*, prison administrators intentionally demonstrate the ineffectualness of their own power in order to advocate for receiving more power and funding—in this case, the director is seeking money to build a *quartier de punition* with isolated cells. In any case, we can find in these texts evidence of the struggle between prisoners and prison officials, and reconstruct the conditions of the possibility of power that enabled both sex and intimacy between prisoners and its repression.

Let's return for a moment to Lauvergne's description of Frédéric, and see what it reveals about the struggle for power around Frédéric's sexuality. To what degree was Frédéric himself subject to discipline and repression for his actions. If his behavior, his sexuality, his gender were "queer," after all, wouldn't there be evidence that they were stigmatized and repressed? There is no indication in the text that Frédéric faced any disciplinary action for his behavior. Of course, the fact that Lauvergne doesn't report it isn't proof that Frédéric *didn't* face any kind of punishment after all, although Lauvergne does describe the disciplinary system of the *bagne* in great detail in other cases. We do have a positive indication that Frédéric's behavior didn't preclude him from having the privilege of spending time in the hospital instead of doing hard labor: "Il montait souvent à l'hôpital ; il y était supporté, parce qu'il s'y rendait utile comme écrivain, sa petite main réussissait à merveille pour écrire en caractères moulés d'énormes pages d'*in-folio* ; seulement il lui fallait le temps et on le lui donnait." What's more, this sentence literally follows Lauvergne's ironic wink to Frédéric's relationships with other prisoners. (Who knows,

[6] *Analyse*, 46. On the layout of the *cachots*, see Banat-Lacombe, 63 & 76.

[7] Hugo, *Dernier Jour*, 445.

[8] Foucault, *Surveiller et punir*, 39.

maybe it was precisely these relationships that *enabled* the privilege: perhaps it was the letter writing that signaled Frédéric's literacy to Lauvergne; perhaps it was in reading Frédéric's love letters that Lauvergne learned that he could write "en caractères moulés."[9])

How do we make sense of this baffling, surprising fact? The officials of the *bagne* were by no means lacking in options for disciplining Frédéric. Lauvergne recounts elsewhere in his text how all the prisoners were gathered to watch the execution of a fellow prisoner who had broken a relatively minor prison rule.[10] In fact, the binarism of the outlaw thesis masks over an important fact of the exercise of disciplinary power: its frequent indifference. Same-sex sex and romantic same-sex intimacy have not always been the object of active suppression in European societies. Although sodomy (which included non-procreative opposite-sex acts as well) was a crime punishable by death in France until its decriminalization in 1791, prosecution very rarely led to execution, and almost never in the absence of other serious crimes (rape, witchcraft, or sedition). As we have seen, after decriminalization, same-sex sex in France was necessarily only subject to discipline if another crime was committed (most often, public debauchery, unregulated prostitution, or blackmail).[11] We should take seriously the possibility, then, that the administrators and guards in the *bagne* in Toulon were simply indifferent to Frédéric's performance. Although they were ostensibly morally outraged by Frédéric's actions, according to Lauvergne's account ("ses infâmes privautés, au vu et su de tout le monde, furent un objet de scandale"), that disgust did not apparently translate into action.

There is another possibility. The state could often be hostile or indifferent to the phenomenon, but at other moments certain state institutions could actually *promote* same-intimacy and sex. Brian Joseph Martin has suggested that, far from simply turning a blind eye to intimate sexual friendships between soldiers, the institution of the army often promoted intimacy between soldiers in order to offset the horrors of modern warfare and

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[9] Of course, such an assertion cannot be proven. Here I follow the methodology of Saidiya Hartman: "*Wayward Lives* elaborates, augments, transposes, and breaks open archival documents so they might yield a richer picture of the social upheaval that transformed black social life in the twentieth century. The goal is to understand and experience the world as these young women did, to learn from what they know. I prefer to think of this book as the fugitive text of the wayward, and it is marked by the errantry that it describes. In this spirit, I have pressed at the limits of the case file and the document, speculated about what might have been, imagined the things whispered in dark bedrooms, and amplified moments of withholding, escape and possibility, moments when the vision and dreams of the wayward seemed possible." *Wayward Lives, Beautiful Experiments: Intimate Histories of Riotous Black Girls, Troublesome Women, and Queer Radicals* (New York: Norton, 2019), xiv–xv. I would perhaps place less emphasis on the "fugitivity" of these characters, which for Hartman is associated with the queer. But I would nonetheless insist on a kind of speculative historical method grounded in deep archival research that enables us to better see the social world through the perspective of the marginalized.

[10] Lauvergne, *Forçats*, 107.

[11] Julian Jackson, *Living in Arcadia: Homosexuality, Politics, and Morality in France from the Liberation to AIDS* (Chicago: University of Chicago Press, 2009), 20–36.

boost morale.[12] It is worth noting that Lauvergne was in fact a military doctor and the *bagne* a military institution, so Martin's insights are relevant to our case more than just by analogy. (Lauvergne was the doctor at the *bagne* in his capacity as a doctor of the navy, since the *bagnes* were run by the navy, a holdover from the days in which *forçats* would literally man the king's galleys; even in the 1840s, long after the galleys had been replaced by more modern ships that didn't need oarsmen, the *forçats*' primary job was to build and maintain ships for the navy.) As with Martin's soldiers, the *forçats* were in an extreme, abject position, largely isolated from society and subject to horrible conditions; although the richest members apparently had access to prostitutes outside of the *bagne*,[13] the vast majority of prisoners would be in a state of permanent sexual privation if they did not have sex with each other.[14] A prisoner who presented as feminine might well have been an attractive partner for an inmate who was attracted to women. Perhaps, like the relationships between soldiers, individual relationships between prisoners were tolerated by officials because they provided a kind of outlet for the prisoners' sexual energies that decreased the likelihood of revolt.

There is no direct evidence for this fact in the 19th century archive that I have uncovered. Indeed, because it is largely produced by top-level management, it is sometimes difficult to get a sense of the *practice* of prison regulations, and the quotidian indulgences of low-level prison guards.[15] However, we might be able to understand how these dynamics played out by looking comparatively at prisons in France today. Sex between prisoners is still ostensibly forbidden, even though the administration also makes condoms available to prisoners who want them, tacitly acknowledging that prisons have sex with each other. More broadly, the current prison administration is quite up front about the gap between the rules that are supposed to govern prisoner behavior and their application in practice. A report produced by an investigative commission on the situation in France's prisons, given to the National Assembly in 2000, notes that the primary goal of a prison director is to

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[12] Martin, *Napoleonic Friendship*.

[13] Lauvergne, *Forçats*, 290–91.

[14] Because of France's remarkably backward restrictions on so-called "conjugal visits," this is still largely true today. ("Unités de visites familiales," where prisoners can meet with their family without being watched, were only established in 2009, but they only exist in a minority of prisons and are difficult to access.) The sexual privation of prisoners has been the subject of well-intenioned but nonetheless deeply heteronormative activism around "le droit à l'intimité," which has a tendency to equate same-sex sex in prison with rape and deny the possibility that people could enjoy it or find comfort in intimacy with other prisoners. See, for example, Jacques Lesage de La Haye, *La Guillotine du sexe: La vie affective et sexuelle des prisonniers* (Paris: Les Éditions de l'Atelier, 1998).

[15] Anna Lvovsky demonstrates the multiple nodes of power and the possibilities for indulgence that characterized the regulation of same-sex sex in the mid-twentieth century US in *Vice Patrol: Cops, Courts, and the Struggle over Urban Gay Life Before Stonewall* (Chicago: University of Chicago Press, 2021). My thinking here parallels hers.

enforce the law: “La sécurité est donc la première des préoccupations des directeurs ; concrètement, le rôle du chef d'établissement est d'abord une fonction de contrôle et de vérification afin de s'assurer que les textes et les consignes sont bien appliqués.”[16] Nevertheless, it notes that there is a great variety between prisons in how the laws are applied. The report writes,

> En l'absence de règles claires sur le sujet, les pratiques, là encore, diffèrent ; il semblerait ainsi que les relations sexuelles soient tolérées dans un établissement comme Clairvaux[17] ; elles sont signalées et stoppées au centre de détention de Caen ; elles sont sanctionnées à Val-de-Reuil. **Là encore, la solution choisie procède plus du poids de la coutume, d'une politique du directeur, que d'une véritable réflexion sur la sexualité en prison.** (emphasis in the original)

Ultimately, the actions of state agents within the prison are caught between strategic directives and tactical necessities, and thus not always coherent or predictable.

We shouldn’t be surprised, then, that in the bagne of Toulon, Frédéric seemed to be able to get around the rules and live in such a shocking way. Lauvergne’s text doesn’t give us the exact details of Frédéric’s case. Perhaps providing a sexual outlet for the other prisoners was ultimately deemed a more valuable contribution to the order of the *bagne* than whatever disorder Frédéric’s gender performance and sexual practices were perceived to cause. Perhaps the guards had tried to punish Frédéric and he simply refused to change his behavior, so they had given up. Perhaps there were simply too many other demands on the guards’ limited resources, and gender and sexual deviance, a begrudgingly accepted fact among many of the prison administrators in the *Analyse*, was seen as low-priority. (Remember the response of the guard in Saint-Lazare prison when the warden asked her to erase a certain graffito that we saw in the introduction: “Ben, j’en finirais plus ! Je m’y userais les pattes. Avec ces femelles-là, ce serait chaque jour à recommencer.”) In any case, we know that the rules were apparently not enforced in this case, and that the reasons for this lack of enforcement were complicated, deriving from the tension between rules in the abstract and the ability of particular prison officials to enforce them.

The challenge for thinking about Frédéric’s sexuality is to situate it within such a dynamic field of power rather than assuming *a priori* some kind of relationship between Frédéric’s gender and sexual practices and state power as it was expressed in the *bagne*. Rather than simply describing Frédéric’s sexuality as “queer,” presuming that it must have been outlawed by state officials, we need to understand how the possibilities of sexual and gender practices in the space of the prison were conditioned by, both limited and enabled

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[16] French National Assembly, *Rapport fait au nom de la commission d’enquête sur la situation dans les prisons françaises* (Paris, June 28, 2000), https://www.assemblee-nationale.fr/rap-enq/r2521-1.asp#P849_130872.

[17] This is the same prison described in *Claude Gueux*.

by, the prisoner's situation within a complex and variegated field of state power. The normative assumptions, beliefs, and rules of state agents within this field of course had an impact, but they were not for that determinative in any way, and ultimately Lauvergne's text is evidence that Frédéric was able to accommodate their own gender performance and sexual desires within the constraining world of the prison.

"Une saillie pour une prise"

In the previous section, I focused largely on the side of prison officials, showing how their exercise of power was uneven and incoherent. They did not hold a static power over the prisoners but rather had to constantly exert their power in a dynamic interaction with the prisoners, who attempted to exert their own power. This fight did not take place in the discursive realm, formulated in terms of an identity. Rather it took place on the level of what Foucault has called the *infimes matérialités* of prison life. Foucault writes that it is this level of materiality that was the basis of the prison revolts in the 1970s:

> Que les punitions en général et que la prison relèvent d'une technologie politique du corps, c'est peut-être moins l'histoire qui me l'a enseigné que le présent. Au cours de ces dernières années, des révoltes de prions se sont produites un peu partout dans le monde. Leurs objectifs, leurs mots d'ordre, leur déroulement avaient à coup sûr quelque chose de paradoxal. C'étaient des révoltes contre toute une misère physique qui date de plus d'un siècle : contre le froid, contre l'étouffement et l'entassement, contre des murs vétustes, contre la faim, contre les coups. Mais c'étaient aussi des révoltes contre les prisons modèles, contre les tranquillisants, contre l'isolement, contre le service médical ou éducatif. Révoltes contradictoires, contre la déchéance, mais contre le confort, contre les gardiens, mais contre les psychiatres ? En fait c'était bien des corps et de choses matérielles qu'il était question dans tous ces mouvements, comme il en est question dans ces innombrables discours que la prison a produits depuis le début du xix^e^ siècle. Ce qui a porté ces discours et ces révoltes, ces souvenirs et ces invectives, ce sont bien ces petites, ces infimes matérialités.[18]

Frédéric's gender performance is not what we might categorize as a revolt in line with those in the 1970s (although later in this chapter we will return to *Claude Gueux*, whose murder of a prison official could be put in such a lineage).[19] But the fight over what their

[18] Foucault, *Surveiller et punir*, 38.

[19] I am mindful not to characterize all prisoner actions as "resistance" in part because of the totalizing implications of such a construction—to characterize acts of same-sex sex and gender nonconformity as "resistant" already implies that there is a cis-heteronormative regime in which those acts would necessarily

life would look like in the *bagne* certainly centered around "ces petites, ces infimes matérialités." In an article about contemporary trans women in men's prisons in Mexico, Chloé Constant notes that objects of femininity can be a key locus of struggle between prisoners and prison officials.[20] Similarly, Frédéric's stick of roll-on cologne, their fragment of broken mirror, these objects help them constitute their life in the *bagne* in spite of the restrictions on their autonomy.

In fact, we find that the objects of everyday life constitute important tools in the field of struggle between prisoners and guards. Let's turn to another case study from Lauvergne. Again, I will cite it in its entirety here and then bring out different elements of the text through an extended reading. This is the case of Amalou:

> Amalou, 28,390, âgé de 24 ans ; cultivateur ; condamné à 10 ans de travaux forcés pour plusieurs vols effectués pendant la nuit avec effraction intérieur et extérieur dans des maisons habitées. Amalou a déjà subi avant son entrée au bagne et pour cause de vol, trois mois de prison.
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> Cet homme a un genre d'idiotisme qui a dû paraître insaisissable à un jury non prévenu et qui s'est bien dessiné sous la contrainte des gardiens du bagne. Il porte la protubérance des grandeurs et cela sans aucun indice de l'intelligence qui seule peut y conduire. Il sait un peu lire et écrire, et passe son temps à contrefaire des signatures qu'il a vues ou à dicter des ordres écrits comme ministre ou comme roi. Son idiotisme s'était transformé en manie par suite de traitemens rigoureux. Admis à l'hôpital, nous l'avons calmé et ramené à son état normal, en le forçant d'imiter des figures et des paysages. Il porte en excès l'organe de l'imitation. Ce forçat idiot s'élève toutefois à certaines perceptions raisonnées ; il présente aussi la bosse de l'estime de soi-même. Ce fait expliquerait sa manie des grandeurs et celle des ordres qu'il trace d'un style énergique. Son talent d'imitation n'exclut pas les travaux manuels ; il a réussi en un jour d'étude, à tresser des bourses avec le fil d'aloès. Enfin s'étant procuré ma signature, il me l'a rendue le lendemain parfaitement contrefaite.
>
> Amalou dans le monde sans guide eût nécessairement marché aux galères par la voie des faux… Enfin un dernier trait d'Amalou vous le montrera saisissant les formes physiques et les comparant avec son miroir. Un visiteur à mes côtés fixe son

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be outlawed. Ashley T. Rubin offers the concepts of "friction" and "micro-resistance" to help distinguish between everyday actions and outright revolt. See "The Consequences of Prisoners' Micro-Resistance," *Law & Social Inquiry* 42, no. 1 (December 2018): 138–162, https://www.jstor.org/stable/26630864; and, "Resistance or friction: Understanding the significance of prisoners' secondary adjustments," *Theoretical Criminology* 19, no. 1 (2015): 23–42, https://doi.org/10.1177/1362480614543320.

[20] Chloé Constant, "Corps, désirs et plaisirs: expériences de résistance de femmes trans* incarcérées dans une prison pour hommes à Mexico," *Champ penal* 21 (2020): 1–19, https://doi.org/10.4000/champpenal.12122.

attention : ses yeux l'absorbent et le poursuivent encore quand il s'éloigne de lui. Je reviens sur mes pas et m'adressant à mon idiot imitateur : -- « Pourquoi regardez vous si curieusement ce monsieur, l'avez-vous déjà vu ? » Alors prenant son écuelle polie et s'en servant pour s'y mirer : « Cet homme, dit-il avec conviction, je le vois la nuit et le jour…quand je veux…il me ressemble… » Et mon pauvre idiot, parlant ainsi, avait raison. Le visiteur aurait pu se dire son frère.

First, what does this text teach us of the way prison administrators exerted power over the prisoners? Lauvergne begins his discussion of Amalou's case with an air of mastery, setting his own medical expertise (with the support of the "gardiens du bagne") against the untrained eye of the "jury non prévenu." Remember that Lauvergne is a phrenologist, and he uses the scientific grounding of his discourse to establish himself as an expert who can speak with authority on the biological, psychological, and moral nature of the men in his care. (We will return to these structures of authority in more detail in the following chapter.) Amalou is, in Lauvergne's professional opinion, an "idiot" who is suffering from some kind of "mania," although this "idiotism" is only perceptible to the carefully trained eye of the phrenologist.

The trauma at the unspoken center of the case study, however, and the violence of the *bagne* that it indexes, undercuts his premise: "manie par suite de traitemens rigoureux." The passive voice here *imitates* the language of science. What is this "treatment?" Was it a confrontation with the prison guards? The standard punishment for any infraction was to be beaten with a bat. Executions without trial were also commonplace. The bagne had its own guillotine, operated by one of its prisoners (perhaps this was Amalou's job; even if it wasn't, all of the prisoners were forced to view the bloody spectacle each time it took place). As we saw in the previous chapter, the punishments imagined by the guards could also be psychologically damaging: sometimes prisoners were forced to dress up like women and put on display in front of their jeering peers as they returned from work. We could easily imagine such a punishment, within the precarious environment of the *bagne*, to provoke a mental breakdown. Was it a confrontation with another prisoner? (Here another absence makes itself felt: the fundamental insecurity of the prisoners due, ironically, to the *underpolicing* of the *bagne*. Prisoners' livers were deemed not to matter, and thus violence between them was not regulated. Thus one reformer wrote, "La mort d'un forçat est bien moins à regretter que celle de tout autre individu."[21]) The prisoners' social world was incredibly hierarchized and violent. Certain powerful men prostituted others. Of course there was violence between the prisoners themselves, and indeed this was the strategy of the prison's architects. (The architect of the *bagne* in Brest wrote, for

[21] Louis René Villermé, "Note sur la mortalité parmi les forçats du bagne de Rochefort, sur la fréquence de leurs maladies, et sur la grande tendance que celles-ci ont à se terminer par la mort," *Annales d'hygiène publique et de médecine légale* 1, n° 6 (1831): 121, https://gallica.bnf.fr/ark:/12148/bpt6k81419c.

instance, "Les forçats étant en grand nombre, on doit surtout redouter qu'ils ne s'accordent entre eux pour se procurer la liberté. Le premier objet doit être par conséquent à les diviser et subdiviser de façon qu'ils ne puissent pas se donner des secours mutuels ni comploter entre eux."[22]) Often, the guards did not even exercise force directly over the prisoners themselves, but instigated trusted prisoners to threaten violence and denunciation to each other to achieve the prison administrators' ends.[23] Or perhaps the mere fact of the *bagne*, a forced labor camp located far from Amalou's home, in which mortality rates were estimated just a decade earlier to be 1 in 11.51,[24] was traumatic enough in itself. In any case, the sudden appearance of Amalou's *idiotisme*/*manie* undercuts the power that Lauvergne claims on Amalou: it's not that the jury didn't see Amalou's madness, but that it was brought on by the trauma of the *bagne*.

In spite of the overwhelming violence of the space of the *bagne*, however, the text also gives us a sense of Amalou's agency, his ability to work within his limited range of options to improve the quality of his life. Let's look carefully, for instance, at the way Amalou imitates things in the world around him in order to put himself in the place of Lauvergne. "Mon idiot imitateur," Lauvergne calls him, and yet perhaps Amalou is not so unconscious in what he imitates. The perceptive reader will have noticed what perhaps Lauvergne himself did not—a stark bipartition between those things that Amalou imitates of his own volition and those that he is forced to imitate by the doctors and prison administrators. Lauvergne's somewhat ambiguous statement that Amalou is "cured" "en le forçant d'imiter des figures et des paysages" demonstrates the semantic ambiguity of the

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[22] Manuscript, *Description du bagne bâti dans l'arsenal de marine à Brest, en 1750* by Antoine Choquet de Lindu, 1750, MS 190, Bibliothèque municipale de Brest, folio 2v, https://gallica.bnf.fr/ark:/12148/btv1b101070296.

[23] See Lauvergne, *Forçats*, 265–267. This is a fascinating episode that reveals how power was "omnipresent" in the *bagne*, constantly played out within localized relations of force. When the snuffbox of a dignitary visiting the *bagne* is stolen, the warden of the *bagne* has no way of knowing which of his thousand prisoners have stolen it. Instead, he addresses himself to the "doyen des voleurs" (almost as if it's an official title), who then ascertains the identity of the thief and forces him to return the snuffbox by threatening him with violence. The *commissaire* gets the *doyen* to do his will by threatening him with fifty lashes. The violence that the *doyen* threatens to bring upon the culprit that ultimately gets the snuffbox returned is not a vigilante violence, but the violence of the state: "Le maître voleur va droit [au coupable] et l'accuse effrontément du vol de la tabatière, et le prévient, s'il ne la rend, qu'il va le dénoncer au commissaire et se décharger sur lui de la volée qui l'attend [the fifty lashes that the *commissaire* had threatened to unleash on the *doyen*]" (266).

For more on the ways in which prisoners themselves were often the avatars of prison discipline, see Zysberg, "Politiques," or *Analyse*, 37: "Clairvaux. —[…] Les moyens de remédier au mal sont beaucoup plus difficiles au quartier des femmes ; on se borne à mettre en surveillance les plus corrompues et à réunir les plus jeunes dans un même dortoir, où une vieille femme connue depuis longtemps par sa bonne conduite est chargée de les surveiller." This practice was particularly used for women, since there were no women guards who could monitor women prisoners at night when they were in a state of undress.

[24] Villermé, 114.

verb. Here it surely means to copy representations of faces and landscapes, but there is no indication anywhere else that Amalou's imitative mania encompasses drawing. The other positive example, of course, relates to "les travaux manuels." Both of these represent an attempt to channel Amalou's "mania" into some kind of productive activity (in this case, ironically, producing the very thing that he might steal: *une bourse*). What Amalou chooses to imitate himself, though, has much more subversive potential: "[Il] passe son temps à contrefaire des signatures qu'il a vues ou à dicter des ordres écrits comme ministre ou comme roi." Amalou, a poor, potentially disabled, and insane prisoner, shows a capacity to imitate precisely those forms of performative language that have condemned him to the *bagne*. Here again the ambiguity of the verb is rich. Is imitation a form of writing ("contrefaire des signatures")? A mode of speaking ("dicter")? And dictate to *whom*? Orders to whom? About what? "Sa manie des grandeurs et celle des ordres qu'il trace d'un style énergique." Lauvergne's representation of Amalou's performance points precisely to one of the potential strategies a prisoner might have in the struggle for power between prisoner and administrator.[25]

As he becomes an *habitué* of the *bagne*'s hospital, his imitations take on a more pointed form: "Enfin s'étant procuré ma signature, il me l'a rendue le lendemain parfaitement contrefaite." There is profound ambiguity about the way in which Lauvergne reports this fact. His tone in this sentence is completely flat, although we might project the patronizing, bemused tone of Lauvergne's anecdote in the next paragraph back onto this moment. (This latter tone, by the way, indexes the great length of time that Amalou spent in the hospital under Lauvergne's care. It is the tone almost in which one would speak of a friend; we get the sense that Lauvergne has known Amalou long enough to recognize patterns in his behavior, to appreciate his peculiarites. He is "*mon* idiot imitateur.") By the most literal of readings, Amalou's copying of Lauvergne's signature comes under the rubric of Amalou's useful imitations, "les travaux manuels." As we saw with Frédéric, literate prisoners sometimes worked in the hospital as secretaries. It's not entirely inconceivable that Lauvergne could entrust the semi-literate Amalou to do the surely monotonous task of signing all of the prescriptions and various forms that the bureaucracy of the biological state produced, believing the "idiot" Amalou to be completely under his control. (Note the counterfactual past subjunctive construction of the sentence that immediately follows the one in question: "Amalou dans le monde sans guide **eût** nécessairement **marché** aux galères." The implication here is that Lauvergne is Amalou's guide.)

But of course Lauvergne's statement also indexes a threat to the hierarchical order of the prison. If Amalou was able to so perfectly counterfeit Lauvergne's signature, what prevents him from appropriating Lauvergne's power? Remember, Amalou was practiced in

[25] It's worth noting here that forgery was one of the few crimes deemed serious enough that it could lead to a sentence in the *bagne*.

writing out orders and copying the style of official proclamations; this fact seems much more potentially powerful when we know he also could counterfeit the signatures of those who were directly in power within his local hierarchies. Lauvergne, unfortunately, gives us little sense of his own power within the *bagne* or of the types of texts to which he might affix his signature, so we're left to imagine the extent of Amalou's potential imitative power. A dispensation from work?[26] An extra ration of bread? A ration of alcohol (remember that this was sometimes used as a medical treatment in a 19th-century world with few painkillers) or a prescription for some sort of pain medicine? There would of course have been constraints on Amalou's use of this power. Because it never came to Lauvergne's attention, Amalou would've had to use it sparingly. He couldn't, for example, get himself transported to the main hospital and thus escape. The use of this power, if Amalou did indeed use it, would have had to be sparing, small changes that slightly improved his living conditions even as the larger balance of power remained unchanged. Amalou would have tactically deployed a very limited regime of visibility: the counterfeit signature would be visible to the guards who would follow Lauvergne's orders but invisible to the doctor himself.

(Indeed, as historians of this power, it is precisely this limited range of visibility that poses a problem for us now. How to perceive a form of power that was constitutively invisible to the individual with the power to write the history of the *bagne*? It is for this reason that I have elected to use so many hypotheticals, usually anathema to serious historical enquiry. This is a method Saidiya Hartman calls "elaborating, augmenting, transposing, and breaking open archival sources."[27] We are reconstructing not only what Amalou did; rather, in attempting to reconstruct the field of power in which he acted, we are reconstructing the range of possibility for his actions, what Foucault calls potential "états de pouvoir, locaux et instables.")

Ultimately, Lauvergne doesn't seem Amalou as a threat because he has identified him as a "idiot." He has deemed Amalou incapable of the kind of complex strategic thinking that would allow him to abuse the signature. But the anecdote gives us evidence of Amalou's resourcefulness. Here, I want to turn to the fact that Amalou is able to recognize his own likeness in another man. This act seems quite simple, but it is highly significant in the broader context of Lauvergne's phrenological project. The meaning of Amalou's physiognomy, and his likeness or not to others in French society, is exactly what is at stake in this passage. Lauvergne reduces his patients to a series of statistical indices (prisoner

[26] I was going to write a snide parenthetical: the much more serious nineteenth-century equivalent of faking a note from the nurse to get out of gym class. But of course this twentieth-century phenomenon is actually an avatar of the same kind of imitative counter-power; for the queers and crips who might have written such notes, the hypermasculine, homosocial and potentially homoerotic, ableist and potentially dangerous space of gym class was probably no laughing matter.

[27] Hartman, xiv.

identification number, age, length of sentence, occupation, marital status), mostly only giving their family name and using a legalistic vocabulary to describe their crimes. ("Satar Saib, n° 29,67, homme de couleur et libre, né à Pondichéry (Inde) en 1818. Célibataire, domestique; condamné en 1833 à Saint-Denis (Oise) à cinq ans de travaux forcés." "Bourdel, n° 29,372 ; condamné pour trois vols avec escalade et effraction à dix ans de travaux forcés." "Letinever, n° 29,232, âgé de 33 ans, condamné à vingt ans de fers."[28] As an acolyte of phrenology, Lauvergne also gives extensive details about the prisoners' skulls, sometimes adding a note almost to himself that a particular patient would be an interesting case for further phrenological analysis. ("Feuillet Antoine […], tête étroite et petite; moins de 0,500 millimètres de circonférence ; sinciput aplati ; un peu d'*acquisivité* et d'*imitation* : homme ordinaire." "Gizion Roux […]. Tête du genre ; bosse du vol avec 00,16 millimètres de hauteur. C'est un vrai sujet phrénologique."[29] "Haas […]. —Protubérance du vol ; crâne aplati en avant et néanmoins belle tête ; 562 millimètres de circonférence.")

In Lauvergne's descriptions, the prisoners are totally dehumanized, pathologized and reduced to a state of complete disability or even animality.[30] They are "commun," "idiot complet," "insignifiant," "ordinaire," with "rien d'intellectuel ni sur le crâne, ni dans l'esprit." They act without reason, without reflection, almost automatons of theft. ("Vilbroast […]. —Ce condamné est réellement idiot. Il n'a qu'une protubérance et c'est celle du vol. Sa manie de prendre est incurable. Sans intelligence des faits, il ne les raisonne point et il commet des actes illogiques. Il prend la soupe bouillante à ses voisins, lorsqu'ils sont absens et il se brûle les doigts. […]. —Homme insignifiant. La loi en lui n'a rien puni.") Like Amalou, thye are unable to create or invent, only to imitate what they see around them. They act like animals, unable to understand the human conventions that make theft immoral: "ils contrefont aussi le miaulement des chats et l'aboiement des chiens. Ils conservent toujours, comme le pie, l'instinct des petits vols […]." (Or another: "Gauthier […]. Il devait avoir volé de bonne heure par le seul fait de l'instinct qui pousse un animal à

[28] Lauvergne, *Les Forçats*, 270–276. These examples and those that follow have been taken from a sample of case studies from the "petit voleur" chapter.

[29] Reading through the catalogs of the skull collections of early phrenologist suggests the truly sinister undertones of such a statement. These collections were full of the skulls of prisoners, many of which were not donated willingly. Again, in a context in which 1 in 11 men would die under Lauvergne's care, it almost seems as if the doctor is making note of whose skull to keep after their death.

[30] My thinking about regimes of ability here is indebted to Elias Walker Vitulli's article, "Dangerous Embodiments: Segregating Sexual Perversion as Contagion in US Penal Institutions," *Feminist Formations* 30, no. 1 (Spring 2018): 21–45, https://doi.org/10.1353/ff.2018.0002. Like the prison administrators in the early twentieth century US, Lauvergne constructs the bodies of his prisoners "as sick, contaminating, and contagious" (25). The logic of understanding "sexual perversion" in prisoners, however, is slightly different in the two contexts. According to Vitulli, sexual perversion was a particular contagion within prisons that needed to be "identified and isolated" (25), but for Lauvergne, sexual perversion is just one symptom of the degeneracy of the criminal more broadly. For Lauvergne, it was the criminal who had a kind of contagious disability and who needed to be separated out from the rest of society.

dérober sans jugement les objets qu'il trouve à sa main. […] Son père disait de lui avec une sorte d'admiration prophétique, « Gauthier fera bonne maison ; il vole comme une pie. » Pronostic trop vrai et dont le dénouement a été fatal.") Lauvergne treats his prisoners as if their criminality is itself a kind of contagion, mistaking scars of scrofula, caused by poverty and the horrible conditions imposed on the prisoners by their captors, for the marks of a weak constitution.[31]

Lauvergne's project is ultimately, in mapping the skulls of these prisoners, in naming and categorizing them, to make them into subjects who might be more easily controlled by state institutions and agents. (I emphasize the word *might* here, for although Lauvergne's project did have significant effects, it is important not to see him as all-powerful, as I will demonstrate in the next chapter.) Lavuergne writes, "Un grand nombre sont remarquables par les reliefs de la ruse, de l'imitation, mais rarement ces reliefs sont saisissables par une observation superficielle ; ils ne sont sensibles au tact, que parce que partout ailleurs il y a silence et atrophie."[32] The goal is ultimately to render the prisoners *saisissable* through a biopolitical mapping of their bodies. In the context of this animalization and complete dehumanization, Amalou's ability to see himself in the bowl and in others takes on a profound significance. In recognizing his likeness with another man, he ultimately affirms his own humanity in spite of Lauvergne's attempts to cast him out because of his supposed intellectual incapacity and his animality.

And this is no small feat. Remember that we learned from Frédéric's story that mirrors are scarce within the *bagne*. Accordingly, Amalou's only way to look at himself, like the crossdresser, is to reappropriate one of the few tools at his disposal. In fact, prison officials were obsessed with cataloguing and confiscating any object that could be of *use* to the prisoners. An anonymous report published in the *Gazette des tribunaux* in 1826 on the rituals associated with the departure of the *chaîne des forçats* from Bicêtre prison outside of Paris gives important context to Amalou's bowl/mirror. The reporter describes the "visite," a public strip search that took place early in the journey from Bicêtre to the *bagne*:

> Voici en quoi consiste cette opération. Rangés sur un des côtés de la route, tous les forçats sont entièrement dépouillés de leurs vêtemens…. Les bas, les souliers, les chemises même sont examinés avec la plus minutieuse attention. Ensuite, et toujours en plein air, a lieu l'inspection des corps. Comme tout a été tenté à chaque départ par les prisonniers pour rompre leurs fers, les surveillans descendent à des perquisitions, que notre plume se refuse à décrire.

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[31] Lauvergne, *Les Forçats*, 262. Recall the completely dehumanizing language Lauvergne used to describe the prisoners as they left the *bagne* to work: "Ils restent flasques, pâles, étiolés. Il faut les voir sortant des bagnes au point du jour, jaunis comme des prisonniers qui ont respiré dans une gêole profonde et humide. Quand ils ont parcouru le chemin du bagne au travail, et qu'ils ont disparu, l'odorat retrouve l'émanation animale et nauséeuse qu'ils ont déposée en passant" (283).

[32] Lauvergne, *Les Forçats*, 264.

> Qu'il nous suffise de dire qu'on recherche avec un soin scrupuleux tout ce que pourraient recéler les narines, les oreilles et d'autres parties du corps. Cette visite n'est jamais sans résultats. Lors du dernier départ on a trouvé quinze instruments destinés à procurer l'évasion des forçats.
>
> Ce ne sont pas seulement des limes et d'autres morceaux d'acier qu'il serait trop difficile de soustraire aux regards ; mais des ressorts de montres, qui se cachent jusques sous les ongles des mains et des pieds. Avec un instrument de cette nature, trois heures suffisent à un condamné pour se débarrasser de ses chaînes. C'est pendant l'obscurité de la nuit qu'ils parviennent à les couper, et ils peuvent le faire sans bruit. Une sévérité exemplaire est déployée contre ceux que l'on surprend ; ils subissent la bastonnade, et ils sont *recommandés* à leur arrivée au port.[33]

The author imagines an excess of power on both sides ("entièrement dépouillés," "la plus minutieuse attention;" "tout a été tenté"), but in fact both prisoner and guard have limited capabilities. Even as fifteen objects are discovered, the narrative of escape, subtly shifting from the singular ("trois heures suffisent à un condamné") to the plural ("ils parviennent"), along with the highly detailed representation of the scene of escape, confirms that in spite of the guards' best efforts, some prisoners still manage to break free of their irons. The naked *forçats*, whose ability to pass an object through unseen is severely limited, are able to put anything *to use*. They are forced to use their bodies in unexpected new ways. The rectum ("…"), that unspoken, unspeakable part of their bodies that should properly only be used for excretion, has become both a potential resource for the prisoners and, consequently a site of biopolitical intervention. Their nails, a locus of hygiene, presumably mangled from the prisoners' lack of access to hygiene, also become a site of resistance and surveillance. One wonders *how* exactly the prison guards first discovered this method of concealment, and whether they surveilled the nails through torture (pulling them back) or hygiene (cleaning and filing them down so that any hidden object would become visible).

However the guards exercised this surveillance, this description of the "visite" gives us crucial context for understanding Amalou's use of his own bowl as a mirror. Foucault writes,

> [Les rapports de pouvoir] ne peuvent exister qu'en fonction d'une multiplicité de points de résistance : ceux-ci jouent, dans les relations de pouvoir, le rôle d'adversaire, de cible, d'appui, de saillie pour une prise. Ces points de résistance sont présents partout dans le réseau de pouvoir. Il n'y a donc pas par rapport au pouvoir *un* lieu du grand Refus—âme de la révolte, foyer de toutes les rébellions, loi pure du révolutionnaire. Mais *des* résistances qui sont des cas d'espèces : possibles,

[33] "Départ et voyage de la chaîne," *La Gazette des tribunaux*, October 26, 1826. http://data.decalog.net/enap1/Liens/Gazette/ENAP_GAZETTE_TRIBUNAUX_18261026.pdf.

nécessaires, improbables, spontanées, sauvages, solitaires, concertées, rampantes, violentes, irréconciliables, promptes à la transaction, intéressées, ou sacrificielles.[34] The bowl is just such a "saillie pour une prise," a "point de résistance" that gives Amalou leverage in his struggle with Lauvergne and the other prison officials for power.[35]

"La lame était courte"

I want to reiterate that the small, everyday acts of Frédéric and Amalou did little to change the fundamental conditions of their imprisonment. They engaged in a fight at the level of the infinitesimal in order to render their situation more livable. But in his discussion of *infimes matérialités*, Foucault notes that the infinitesimal and quotidian can also become the basis for a much more profound challenge to the system of imprisonment. Foucault's activism around prisons in the *Groupe d'information sur les prisons*, which eventually led him to write *Surveiller et punir*, was sparked by a series of prison strikes and revolts in the early 1970s. The most notorious revolt in France in fact took place in Clairvaux prison, when two men named Claude Buffet and Roger Bontems killed two hostages and were executed by guillotine. (Robert Badinter, the author of the opera *Claude* and the minister who was responsible for abolishing both the death penalty and prejudicial laws against homsexuals, represented Bontems.) A century and a half before, of course, another man named Claude led a kind of revolt in Clairvaux prison. In this section, I will argue that Hugo too had an understanding of the potential power of the *infimes matérialités* of prison life, and that this is ultimately central to the political message of his text. As we saw in chapter one, Hugo makes this the central conflict about Claude's relationship to Albin, mediated by the bread that they share. Clearly he had an interest in the material conditions of prison life; through the figure of the bread, he construes intimacy as a kind of basic need. "J'ai besoin d'Albin pour vivre," Claude tells M. D.

But there is another detail of the text, one that has hardly been noticed, that I would like to focus on here. Critics always point out that Hugo supposedly changed the nature of the relationship between Claude and Albin, but none have noticed another alteration in the *Gazette* account of the story—the "cinquième coup inutile." Hugo does seem to take pains to make Gueux seem more sympathetic, or rather, we might say that Hugo presents Gueux in a more neutral way while the *Gazette* emphasizes his monstrosity. The author of the *Gazette* article claims that Gueux "semble jouir au crime et n'y chercher que la célébrité,"

[34] Foucault, *Volonté*, 126.

[35] While for Foucault *les infimes matérialités* mean the basic needs of life, they also represent the comforts that are supposed to make the intolerable situation of imprisonment more livable. That Amalou contests not the guards but the doctor who is supposed to care for him fits within this understanding.

and that he threatened to kill all of the judges presiding over his case as they sat on their benches.[36] Hugo, on the other hand, represents Gueux not as a man out of control, but as a man acting out of a deliberative sense of justice. He holds a kind of judicial process in front of the other prisoners in his workshop and tells M. D. of his intention to kill him before he does. In light of all of the pains that Hugo took in order to make Gueux seem more reasonable, one slightly modified detail that Hugo *retained* from the *Gazette* account becomes striking. Gueux murders the chief guard in the prison using a hatchet, striking him three times in the same place in the skull and once in the face. But Gueux doesn't stop there: "puis, comme une fureur lancée ne s'arrête pas court, Claude Gueux lui fendit la cuisse droite d'un cinquième coup inutile. Le directeur était mort."[37] That this blow comes after the director has already died even makes Gueux appear more monstrous than in the *Gazette* account: the "real" Gueux struck the fifth blow after screaming, "Tu n'es pas encore mort, Delacelle!" (*Gazette* 19-20.3) Why does the violent, blood thirsty Claude Gueux of the *Gazette* reappear here? Why, moreover, has the *coup nécessaire* been transformed into a *coup inutile*?

With the transformation of the *coup nécessaire* into the *coup inutile*, Hugo shifts the way we might think about revolt in prison. Rather than a binary view of power, in which powerless prisoners have to fight back against their powerful guards, Hugo demonstrates an understanding of the forms of counterpower that we have been analyzing throughout this chapter. In fact, the fifth blow is not the only useless blow Claude gives out. In another melodramatic invention, Hugo adds a final detail to the murder scene. As soon as the director dies, Claude attempts to stab himself:

> Alors Claude jeta la hache et cria: *A l'autre maintenant!* L'autre, c'était lui. On le vit tirer de sa veste les petits ciseaux de « sa femme » ; et, sans que personne songeât à l'en empêcher, il se les enfonça dans la poitrine. La lame était courte, la poitrine était

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[36] "Assassinat du gardien en chef de Clairvaux. —Condamnation à mort," *Gazette des tribunaux* March 19–20, 1832, http://data.decalog.net/enap1/Liens/Gazette/ENAP_GAZETTE_TRIBUNAUX_18320319.pdf. In fact, the originality of Hugo's treatment of Gueux has been greatly overstated by critics. Compare the last paragraph of this article with Hugo's text, for example: "Que de tristes et pénibles réflexions sa vue inspire ! Gueux, à l'imagination ardente, aux passions vives, n'a pu respirer à l'aise dans le cercle étroit où la société l'avait resserré : il a brisé violemment ses liens. Cette âme, éclairée par le bienfait de l'éducation, policée par le commerce des hommes du monde, occupée par de grandes choses, cette âme eût animé l'éolquence d'un illustre orateur, ou poussé à la gloire un grand homme de guerre ; mais cette âme abrutie par l'ignorance, flétrie par la misère et par le mépris des hommes, a fait bouillonner des idées désordonnées dans une tête qui, avant cinq jours, va rouler sur l'échafaud. Oh ! gouvernans, instruisez, pour n'être pas obligés de tuer vos semblables !" Hugo's text ends, "Cette tête de l'homme du peuple, cultivez-la, défrichez-la, arrosez-la, fécondez-la, éclairez-la, moralisez-la, utilisez-la ; vous n'aurez pas besoin de la couper" (879).

The *Gazette* was in this way working in two directions. On the one hand, it sensationalized accounts of crimes and violence in order to sell papers. On the other, it was an important locus of the reformist energies associated with people like Charles Lucas, who published some of his earliest works in the paper.

[37] Hugo, *Claude Gueux* [2002], 872.

> profonde. Il y fouilla long-temps et à plus de vingt reprises, en criant : « Cœur de damné, je ne te trouverai donc pas ! » et enfin il tomba baigné dans son sang, évanoui sur le mort.[38]

Claude's attempts to stab himself are also useless, and connected to one of the two seemingly useless objects he has in prison, both keepsakes from Claude's partner outside of the prison: this pair of sewing scissors and a copy of Rousseau's *Émile*. The narrator highlights the uselessness of these objects: "Deux meubles bien inutiles pour Claude : les ciseaux ne pouvait servir qu'à une femme, le livre qu'à un lettré. Claude ne savait ni coudre ni lire."[39] But he also suggests that they might be the basis of a kind of liberation. Holding the scissors, Claude tells a fellow prisoner, "Ce soir je couperai ces barreaux-ci avec ces ciseaux-là."[40]

As with Amalou's mirror and Frédéric's stick of cologne, these objects seem to serve no purpose. And yet, within the context of Hugo's narrative, these "petites matérialités" reveal the depth of his emotional life. Quite literally, in the murder passage, the scissors reveal the depth of Gueux's "poitrine." Figuratively, these objects mark the affective connections Gueux has in and out of prison. Given to him by his wife, they become his only legacy. Just before he is murdered, he asks for his scissors back: "Sur sa demande, on lui avait rendu les ciseaux avec lesquels il s'était frappé. Il y manquait une lame, qui s'était brisée dans sa poitrine. Il pria le geôlier de faire porter de sa part ces ciseaux à Albin. Il dit aussi qu'il désirait qu'on ajoutât à ce legs la ration de pain qu'il aurait dû manger ce jour-là."[41] The scissors connect Albin and Gueux's "wife," and Gueux keeps a part of both of his partners next to his heart as he walks to the guillotine. Like the mother of Gueux's child, Albin is not his "wife" in any way that is recognized by the law; but as with his ad-hoc condemnation of M. D., Gueux makes his own process, and enacts his own kind of will. Critics, convinced that Hugo must be effacing same-sex intimacy in the text, have missed this symbol whose melodramatic obviousness has been hiding in plain sight in this text. And yet the curious trajectory of this useless object, unnoticed precisely because of its uselessness by both the prison administration and the critics and editors of Hugo's text, traces a clear line between these two wives, ultimately showing the rich affective life Gueux was able to lead, only for a time, in prison. The scissors are an important pendant to the murder and point to an alternative form of resistance in the prison.

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[38] Hugo, *Claude Gueux* [2002], 872.

[39] Hugo, *Claude Gueux* [2002], 868.

[40] Hugo, *Claude Gueux* [2002], 868.

[41] Hugo, *Claude Gueux* [2002], 875.

Ultimately, Hugo is attentive to the degree to which the *infimes matérialités* of prison life are the grounds of the power struggle between prisoners and prison officials. In reading his text alongside texts produced by those officials, we can start to get a sense of the kinds of resistance and even revolt that were possible in prisons in the July Monarchy.

Part II.
...And After

In *Between Women*, Sharon Marcus makes a strong claim about the dangers of construing same-sex sexuality in nineteenth century texts as repressed. She finds not only that her nineteenth-century archive is replete with references to same-sex sexuality, but that in fact it is 20th- and 21st-century critics who have repressed this material: "In fact, nineteenth-century authors openly represented relationships between women that involved friendship, desire, and marriage. It is only twentieth-century critics who made those bonds unspeakable, either by ignoring what Victorian texts transparently represented, or by projecting contemporary sexual structures onto the past."[1] Marcus's observation that repression is more of a 20th-century phenomenon than a 19th-century one certainly accords with my own observations, but her point is also important on a theoretical level. She shows that the apprehension of sexual forms in the past is a complex interaction between present and past epistemologies. As Laura Doan argues, "that 'referent' we have come to know as the homosexual is not an object to be traced back from the present moment but 'something constantly re-created in the recurring movement between past and present, hence ever-changing as that relationship itself is modified *in* the present.'"[2]

This dynamic interaction between past and present becomes especially complicated when we think about the ways in which discourses about same-sex sex are produced within dense networks of power. As Marcus points out, talking about same-sex sex in the past can actually produce effects in the present. In the three chapters that follow, I thus seek to trace the legacy of the prison sexual form that I developed in the first part beyond the July Monarchy. In chapter four, I look at what the popularity and decline of phrenology in the 1830s can tell us about sexology's power in the 1890s. In the final two chapters, I

[1] Marcus, *Between Women*, 75.

[2] Doan, 87. Doan is citing Gabrielle M. Spiegel, "The Task of the Historian," *The American Historical Review* 114, no. 1 (Feb. 2009): 4, https://doi.org/10.1086/ahr.114.1.1.

trace two of the key figures from the July Monarchy into the 20th and 21st centuries, in order to understand what discourses about same-sex sex, criminality, and prisons in the 19th century can show us about the relationship between power and sexuality today. Chapter five looks at the figure of Pierre-François Lacenaire, while chapter six returns one final time to interpretations of *Claude Gueux*.

Chapter 4.
Phrenology, Sexology, and the Epicenter of State Power

According to a certain narrative of the history of modern sexuality that I have been arguing against throughout this dissertation, sexology is at the root of the modern sexual hegemony that is supposed to have risen up over the past 150 years. The pseudoscientific field invented the taxonomic categories that we now use to understand sexuality and gender, the argument goes, and this epistemology was so successful that it is now difficult to think outside the bounds established by sexology. The editors of a recent issue of *GLQ* dedicated to a history of sexology go so far as to write, "There is not really an escape hatch out of the reach of sexological logics; one cannot really opt out. […] It is difficult, in many contexts, to describe gendered or sexual experience or identification in a way that eludes sexology's epistemological capture."[1] The authors especially emphasize the links between sexology and the state. Sexology is described as an "incredibly handy tool" for "state discipline," given its "protean portability that has enabled it to worm its way into so many matrices of power."[2] They argue that many of those who "encounter" sexology do so "through the vagaries of state discipline: the prison, the hospital, the law."[3] (One wonders how anyone avoids "encountering sexology" if it as pervasive and all-powerful as the authors make it out to be.) There are indeed some concrete links between sexology and state carceral institutions. The discipline grew out of the field of criminal anthropology, and one of the fathers of the discipline in France, Auguste Ambroise Tardieu, did indeed work with

[1] Kahan and LaFleur, 8.

[2] Kahan and LaFleur, 3.

[3] Kahan and LaFleur, 8. In my own work I avoid the psychoanalytically tinged elision of the state, a concrete set of institutions and practices, and "the law," a pervasive normative structure whose ties to specific institutions remains vague.

prisoners. In his 1857 book *Étude médico-légale sur les attentats aux mœurs*, Tardieu attempted to give a predictive test for policemen and others to identify whether a man had sex with other men. He meticulously examined the anuses and penises of men arrested for prostitution, and although the particularities of his system was not adopted he remained influential in the field.

And yet, even though the *GLQ* issue cited above is supposed to provide a "history" of sexology, there is a historical problem at the root of many such accounts of supposed sexological hegemony. Sexology's power is never situated in time, say, by describing the moment at which it supposedly came to be some powerful, or by pointing to some moment at which it existed but was not yet powerful. It is as if, at whatever moment "modern" sexuality somehow came to be, sexology's power was always already there, "inescapable," all-powerful, hegemonic. As we saw in the previous chapter, however, power is omnipresent not because it is hegemonic but because it is being produced at every instant. "Là où il y a pouvoir," writes Foucault, "il y a résistance."[4] We should be skeptical of such claims of the all-powerfulness of sexology, especially when they tend to dehistoricize the phenomenon. In fact, in this chapter I want to show the ways in which such *static* accounts of power risk doing the state's work for it, producing a kind of state effect whereby state institutions and agents appear to have power that they don't. As in the last chapter, we need to find a way of understanding the conditions of possibility of sexological power and grasp it in the process of its construction rather than taking it for granted as a *fait accompli*.

The materials on sex in prison from July Monarchy France that we have been examining in the last three chapters are a helpful point of comparison for thinking about the limits of sexology's power. The fashionable science of the day in the 1830s wasn't sexology, of course, which would only come to be invented late in the 19th century. In the time of Louis Philippe, it was phrenology that had everyone talking. Many of the prison reformers we have encountered in previous chapters were adherents to this new philosophy, innovated by Franz Joseph Gall in the 1810s and 20s. There was Lauvergne, of course, but the list of the members of the Phrenological Society of Paris included Charles Lucas and Benjamin Appert, two leading prison reformers involved in the project of "modernizing" prisons discussed in chapter two, along with Jean-Baptiste Baillière, the publisher of Lauvergne's text, and Pierre-Jean David d'Angers, the sculptor with whom Hugo witnessed the *départ de la chaine* in October 1827.[5] The idea was that people's

[4] Foucault, *Volonté*, 125.

[5] "Liste des membres de la Société phrénologique de Paris," *Journal de la Société phrénologique de Paris* 1, no. 1 (1832): 22–28. Martin Staum, *Labeling*, lists Lauvergne on his list which apparently represents the members in 1831. He gives the same citation, but his list does not correspond with the one published in the *Journal*, so it is unclear if he is referring to a different list where Lauvergne's name was printed correctly. Alexandre Parent-Duchâtelet, the author of an important treatise on prostitution, is also on the list of members admitted since the founding.

psychology had a biological basis in the brain, which could be interpreted by measuring and mapping different regions of the skull. As we saw in chapter two, phrenology was used to invent and justify racial differences between individuals, and more broadly to categorize different individuals according to their intellectual capacity and their morality. Phrenology and sexology were both positivistic philosophies that attempted to think about social and psychological phenomena in a scientific way. As we will see later in this chapter, there are indeed even genealogical linkages that we can draw from phrenology to sexology. But phrenology is helpful in thinking through sexology's power not so much for the direct connections between them but because phrenology is also a worldview, a way of understanding the world that was powerful in certain places, among certain people for a period of time but that ultimately failed to gain followers. Of course, some of the racial categories that phrenologists developed have gone on to be hugely impactful in the world (although as racial categories weren't *only* developed by phrenologists), but the "science" itself is no longer treated with any degree of seriousness, or indeed even practiced in an unserious way among the public like something like astrology might be. And this is not a recent development; phrenology saw a sharp decline in France after about 1845, and by 1858 a former member of the Société published a book titled *La phrénologie: son histoire, ses systèmes, et sa condemnation.*[6] Phrenology was thus debunked well before sexology came onto the stage.

In the chapter that follows, I want to read from the heyday of phrenology during the July Monarchy, through the sexological moment at turn of the 20th century, and into present ways of framing sexology's power. I will first think carefully about the power phrenology had during the July Monarchy through a close reading of a phrenological text about Pierre-François Lacenaire, a criminal condemned to death in 1835. Situating phrenology within the social field of the July Monarchy, and understanding why the particular author of this text, Hippolyte Bonnellier, chose to analyze the skull of this particular prisoner, will help us see the power of positivistic sciences that claim to tell the objective truth about the world in a different way: not as hegemonic, but contingent, in the process of their creation. Building on this reading of phrenology, I will propose an alternative way of understanding sexology's power to that of the *GLQ* editors. How did sexology become powerful? Were there any moments at which it was not powerful, or nodes in society that resisted its power? How might we go about grasping power in process for pseudoscientific fields in the past? Ultimately, by showing how these scientific fields were elaborated in a dynamic field of power, I want to show that spaces outside of these logics have always existed and continue to exist today. Far from being inescapable, they are

[6] Louis-Francisque Lélut, *La phrénologie: son histoire, ses systèmes, et sa condemnation*, 2nd ed. (Paris: Delahays, 1858).

just one way of thinking about human identity and sexuality among many others, perhaps more powerful than some in certain contexts and situations.

There is one other bit of context that the reader needs before we start our analysis. The first half of this chapter centers on the figure of Pierre-François Lacenaire, an infamous murderer from July Monarchy France. Lacenaire was put to death on January 9, 1836 for a double homicide he committed with his *ami* Avril, and to which he had confessed in 1835. Lacenaire's trial became a sensational event within the new media landscape of the 1830s, which changed drastically with technical innovations of the 1820s that allowed newspapers to respond more immediately to current events and to have a much wider audience and with the political upheavals of the July Revolution of 1830.[7] Lacenaire's case produced particular fascination because, it was said, he was already a kind of minor Romantic celebrity who earlier in the decade had moved within the social circles of the literary and artistic avant-garde known as the *Bouzingos* or the *Jeunes France*. Lacenaire was also supposedly friends with the prominent Romantic *littérateurs*: false rumors circulated that Lacenaire recounted his crimes to Gérard de Nerval and that Victor Hugo dedicated *Le Dernier Jour d'un Condamné* to "Pierre François."[8] Lacenaire and those around him adroitly transformed his trial, his time in prison awaiting execution, and his death at the guillotine into a media event on par with the OJ Simpson trial, orders of magnitude beyond the significance of the Claude Gueux story—descriptions of the trial filled the pages of the *Gazette des tribunaux*, and the galleries of the courtroom were filled with young women who had been taken by the dashing young Romantic. Lacenaire himself used his celebrity to bargain with publishing houses, and he frantically tried to pull together a manuscript of his *Mémoires* before his execution date after receiving a contract in November. The final text, published in the spring after his execution, was heavily edited, probably in part by Bonnellier, but nonetheless sold well. The figure of Lacenaire continued to produce a kind of morbid fascination even after his death: the artist Maxime du Camp was said to have had Lacenaire's embalmed hand lying on his desk, and the poet Théophile Gautier wrote a poem about Lacenaire in 1852. Even twenty years after the execution,

[7] Balzac famously offered a fictionalized account of newspaper journalism in this period in *Illusions Perdues*. For more on journalism in this period, see Jeremy D. Popkin, *Press, Revolution, and Social Identities in France, 1830–1835* (University Park, PA: Pennsylvania State UP, 2001). For more on the rise of the *fait divers* and the *Gazette des tribunaux*, see Sylvain Ledda, *Paris Romantique: Tableaux d'une ville disparue* (Paris: CNRS Editions, 2013), 199–226. For a summary of how the affair was treated in the press, see Anne-Emmanuelle Demartini, *L'affaire Lacenaire* (Paris: Aubier, 2001), 56-61.

[8] Demartini, *L'affaire Lacenaire*, 213. Lisa Downing makes much of these ties to Romantic authors without realizing that they are mythological in *The Subject of Murder: Gender, Exceptionality, and the Modern Killer* (Chicago: University of Chicago Press, 2013), 38. In fact, scholarly research on Lacenaire is riddled with inaccuracies like these; the mythologization of Lacenaire that I am analyzing here poses particular methodological challenges, and the 19th century texts need to be read with as much care and caution as 20th and 21st century texts because the process of mythologization began before Lacenaire was even executed.

there was a market for 200-page books delving into the details of the case and arguing for the larger significance of Lacenaire within French society, and Lacenaire continued to be a figure of fascination well into the 20th and 21st centuries: as we will see in Chapter Five, he was frequently represented in film, and he has been the subject of several biographies since the turn of the 21st century. The celebrity of Lacenaire's case forms an important part of the background for his treatment by the phrenologists we will analyze in the next section, and his continuing relevance makes him a powerful case-study to see how representations of same-sex sex in July Monarchy prisons changes over the course of the 19th, 20th, and 21st centuries.

Although the representations I study in this chapter do not emphasize the association between Lacenaire and same-sex sex, these links form an important part of the background of the *affaire*. Lacenaire has often been identified as gay over the past half century, but of course such an identification is anachronistic. Rather, he was associated with the sexual form of the criminal/prisoner that we traced in Chapter Two.[9] There were quite explicit references to same-sex sexuality in the press coverage of Lacenaire's story. Lacenaire had murdered Jean-François Chardon, a former prisoner who was primarily attracted to men. In his own memoirs, Lacenaire identified Chardon as a "tante," a slang term for effeminate men in prison who had an exclusive taste for other men, but Chardon's sexual proclivities were made clear even in the popular press at the time.[10] The *Gazette des tribunaux* identified Chardon as someone with "une détestable réputation" who had been arrested for "attentats aux mœurs," the legal crime under which same-sex sexuality was often prosecuted during the nineteenth century after sodomy was ostensibly decriminalized under the *Code Napoléon* in 1804. Chardon spent several years in prison in Poissy, where he met Lacenaire and Lacenaire's younger accomplice and close friend Avril. According to the *Gazette*, Chardon "n'avait pas changé de conduite" after being released from prison and "passait généralement pour se livrer aux habitudes les plus infâmes."[11] Chardon was supposedly seeking to hide his immoral acts under the guise of religious service and had asked for a grant of money from the queen in order to start a kind of Catholic half-way house, but the *Gazette* is quick to note that this charity will be provided

[9] Lucey, *Misfit*, 185.

[10] Pierre François Lacenaire, *Mémoires et autres écrits*, ed. Jacques Simonelli (Paris: José Corti, 1991), 224. In spite of Michel Foucault's assertion in *Histoire de la sexualité I : La volonté de savoir* that same-sex sexuality was understood as an act in Lacenaire's time rather than as an identity category tied to a particular psychology, *tante* seems to have been a word that referred to exclusive taste for same-sex partners in men. Laure Murat gives the fullest history of this word in *La Loi du genre: Une histoire culturelle du 'troisième sexe'* (Paris: Fayard, 2006), 27–65. In English, see Lucey, *Misfit*, 85-86; and, Michael Lucey, *Never Say I: Sexuality and the First Person in Colette, Gide, and Proust* (Durham, NC: Duke UP, 2006), 58–61.

[11] "Affaire Lacenaire," La Gazette des tribunaux, November 13, 1835, http://data.decalog.net/enap1/Liens/Gazette/ENAP_GAZETTE_TRIBUNAUX_18351113.pdf.

only "pour les hommes," implying that Chardon's charitable spirit was driven more by the desire to be in a powerful position over handsome young men than by genuine altruism. It was eventually this money that would prove to be the motive for murder.

Unfortunately, the topic of Lacenaire's sexuality has been treated with a lack of awareness of the ways in which the sexual identity categories of the 1830s differed from our own. Historians and artists treating Lacenaire since the gay rights movement have seen a need either to identify Lacenaire as gay or to completely deny that Lacenaire had sex with men (or at least deny that he enjoyed it). However, viewing Lacenaire in the broader context of same-sex sex in prison in July Monarchy France ultimately helps us to move away from an anachronistic or binary view of Lacenaire's sexuality. He was firmly a part of the criminal underworld associated with prison sexuality that I traced in chapter two. While he was not a *tante* like Chardon who would have been arrested for particularly sexual crimes, discussions of his relationship with his *ami* Avril would have been clear to readers at the time in the same way that Hugo's references in *Claude Gueux* were. Thus, although Bonnellier does not make direct reference to Lacenaire's sexuality, we should understand same-sex sex to be in the air when he talks about Lacenaire's criminality.

State Effects

In late 1835, just days before Lacenaire was scheduled to be executed, the criminal was visited in prison by a pair of phrenologists. Pierre-Marie Dumoutier was the founder of the *Société phrénologique de Paris* and amassed one of the largest phrenological collections in Europe, a collection which now resides at the Musée de l'homme in Paris.[12] Accompanying this esteemed leader in the field was the relatively unknown Hippolyte Bonnellier, a self-styled man of letters who had published several Romantic novels. He was also a former official in the provisional government during the Revolution of 1830, and a former colonial official in Algeria. Most importantly for our purposes, he was also an amateur phrenologist: like many progressive young men in July Monarchy society, he had joined the *Société phrénologique de Paris*. In fact, it was Bonnellier who had set up the casting after starting up a correspondence with Lacenaire in the last days of the criminal's life. Bonnellier recounted the event in a conference paper he gave to the *Société* less than a week after Lacenaire was executed titled *Autopsie physiologique de Lacenaire, mort sur l'échafaud le 9 javnier 1836*.[13] Here I would like to give momentary voice to a "queer" reading of this text

[12] For more on Dumoutier's social trajectory, see Jan Goldstein, *The Revolutionary Self: Politics and Pscyhe in France, 1750–1850* (Cambridge, MA: Harvard UP, 2005).

[13] For an account of the reading, see "Cours de phrénologie," *Le Mercure de France* (1835–1837), *Seconde année*, 11, https://gallica.bnf.fr/ark:/12148/bpt6k58305526. Bonnellier spoke after Dumoutier. The

of which I am skeptical, in order to think through some of the ways in which certain ideas about power present themselves as self-evident, and the relationship of the obviousness of those ideas to state power.

> In a sensationalized passage that exposes Bonnellier's literary background, the novelist figures the casting as a kind of prefiguration of Lacenaire's imminent beheading by guillotine. The symbolic importance of the event isn't lost on Lacenaire himself, who apparently told Bonnellier, "Ces apprêts, cette cérémonie, m'ont plus occupé que ne m'occupera *l'autre*."[14] Nor, according to Bonnellier, was the symbolism lost on the prison officials present: he writes that the image of Lacenaire with his head completely covered in plaster disturbed the guards. "Il vint un instant dans la pensée intimidée des gardiens que la science pouvait prévenir et remplacer le bourreau," he says.[15] We might be tempted to see this scientific simulacrum of an execution, carried out in the heart of a prison right under the noses of the prison officials, as a kind of changing of the guard. It seems to perfectly align with a biopolitical reading: the old regime that exercised power based on the *droit de mort* is replaced by a new regime centered on *pouvoir sur la vie*.
>
> It makes a certain sense, then, that Lacenaire is more afraid of the phrenologist than the executioner. Lacenaire's self-proclaimed goal is to be a kind of monster, driven by a hatred of human society to expose and destroy it. In his *Memoirs*, Lacenaire wrote of his crimes as a kind of *œuvre* or artwork, the performance of the ultimate subversion of society and a total rejection of its values. In a letter he wrote to the *Gazette des tribunaux* less than a month before his execution, Lacenaire proclaimed, "Apprenez que je suis plus calme, plus tranquille, plus heureux enfin sous mes verroux [sic] et en face de l'échafaud que j'attends, que je ne l'ai jamais été dans le sein de votre société."[16] The old regime of the *droit de mort*, according to Foucault, insists precisely on "la monstruosité du criminel, son

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course apparently drew seven to eight hundred auditors, with two hundred elegant women who came hoping to get a glimpse of Lacenaire's head.

[14] Hippolyte Bonnellier, *Autopsie physiologique de Lacenaire, mort sur l'échafaud le 9 janvier 1836* (Paris: Crapelet, 1836), 12. I say apparently because Bonnellier is a remarkably unreliable source, as I will demonstrate in the next section. Bonnellier's name is spelled both Bonnellier and Bonnelier. It is the latter spelling that is more often associated with the *Autopsie*, but the *Bibliothèque nationale* has decided that Bonnellier is the correct spelling, so that is the spelling I use throughout.

[15] Bonnellier, *Autopsie*, 11.

[16] "Réclamation de Lacenaire," *La Gazette des tribunaux*, December 11, 1835, http://data.decalog.net/enap1/liens/Gazette/ENAP_GAZETTE_TRIBUNAUX_18351211.pdf.

incorrigibilité, et la sauvegarde de la société."[17] Under this model, then, Lacenaire's execution would be the ultimate confirmation precisely of the danger he poses to society, the completion of his project of the utter rejection of society.

The phrenologists, on the other hand, establish their authority over him by insisting that Lacenaire is *not* outside of the bounds of society. Bonnellier begins his paper with precisely this question: "Un homme soumis aux conséquences de la société, je veux dire aux exigences de la sociabilité, peut-il poursuivre jusqu'au bout, et à lui seul, un système absolu ? Une intelligence, si désordonnée qu'elle se présente, peut-elle prétendre à se poser sans merci, sans retour, sans recul, comme ennemie implacable de la société, au milieu de laquelle elle se meut ?"[18] The answer he comes to is, ultimately, no. No person is outside of society, and thus no person is outside of the reach of a scientific establishment that seeks to control and regulate life. Bonnellier ultimately uses phrenology to confirm Lacenaire's normalness. For example, when Bonnellier first meets Lacenaire and does a quick phrenological analysis, he is surprised to find that the criminal's sympathetic organ is well developed: "Vous êtes bienveillant! dis-je avec surprise. —C'est vrai, Monsieur, me répondit Lacenaire avec bonhomie."[19] Bonnellier also notes that Lacenaire's "organ of veneration" is not depressed, even though the criminal claims to be an atheist. (However, the amateur phrenologist does note that this organ is often deceptive, since he's seen it similarly well-developed "sur un grand nombre de têtes d'Arabes."[20]) In spite of these dubious indications, though, Bonnellier ultimately assures his audience that the operation was a success: "Le moule fut enlevé, l'opération avait complétement réussi ; le hardi phrénologue allait trouver sur son plâtre l'aveu des vérités qu'avait dissimulées la physionomie."[21] Lacenaire is not some kind of monster who cannot be explained; Bonnellier and Dumoutier render Lacenaire *legible* by reading the signs of his skull. Although Bonnellier's tone is triumphant, read in this light the text takes on a sinister cast, a picture of *the absolute power that a biopolitical state would soon wield over its subjects*. (I'm highlighting this phrase because I will return to it shortly.) His text represents the shift from a mode of power based on casting certain individuals out of society

[17] Foucault, *Volonté*, 181.

[18] Bonnellier, *Autopsie*, 3–4.

[19] Bonnellier, *Autopsie*, 9.

[20] Bonnellier, *Autopsie*, 9.

[21] Bonnellier, *Autopsie*, 12. The idea that the phrenologist could find a hidden truth that (implicitly) justice officials may have missed recalls Lauvergne's confidence that Amalou's mental infirmity would only be visible to a medical expert and would have escaped the notice of the judges (see chapter three).

through exile and execution to a mode based on the incorporation of individuals into a biopolitical project of life.

The analysis I've just sketched out of this text is enticing, both because of the literary qualities with which Bonnellier imbues his text and because of the way in which the text seems to align perfectly with Foucault's framework. Lacenaire's head, precisely that part of his body that is going to be chopped off by the king's justice, becomes in Bonnellier's telling a potent symbol of the power of a nascent biopolitical apparatus. Ultimately the act of execution is supplanted by the act of confession, "l'aveu de la vérité" in Foucault's terms.[22] The "confession" of Lacenaire's skull is not used to judge him; rather, it serves as the basis of what Foucault calls a "discours de vérité," a truth statement about the social world. Foucault writes that the confession doesn't simply speak for itself; it requires scientific interpretation, and it is through this process that the interpreter constitutes themselves as purveyors of truth: "Celui qui écoute ne sera pas simplement le maître du pardon, le juge qui condamne ou tient quitte ; il sera le maître de la vérité. Sa fonction est herméneutique. Par rapport à l'aveu, son pouvoir n'est pas seulement de l'exiger, avant qu'il soit fait, ou de décider, après qu'il a été proféré ; il est de constituer, à travers lui et en le décryptant, un discours de vérité."[23] Bonnelier's language and actions hew so closely to Foucault's concepts that such an interpretation of his text almost seems self-evident.

And yet, it is precisely because of the self-evidence of such a reading that I want to ask us to be skeptical of it. Although it seems like a convincing explanation, it actually takes Bonnellier at his word in an insidious way, ascribing more power to him and his fellow phrenologists than they actually had. In his lectures on the state at the *Collège de France*, Pierre Bourdieu notes that one of the primary aims of the state is precisely to produce "une sorte de principe de l'ordre public" not only through the exercise of violence but also in the production of "formes symboliques inconscientes, apparemment profondément évidentes."[24] Throughout the lectures, Bourdieu wrestles with the fact that these kinds of self-evidences are particularly prone to present themselves when we try to analyze the state itself. Bourdieu says,

> S'il est vrai que nous n'avons pour penser le monde social qu'une pensée qui est le produit du monde social, s'il est vrai—et on peut reprendre la fameuse phrase de Pascal mais en lui donnant un tout autre sens—que « le monde me comprend mais je le comprends », et j'ajouterai que je le comprends de manière immédiate parce qu'il me comprend, s'il est vrai que nous sommes le produit du monde dans lequel

[22] "L'aveu de la vérité s'inscrit au cœur des procédures d'individualisation par le pouvoir" (Foucault, *Volonté*, 78–79).

[23] Foucault, *Volonté*, 89.

[24] Bourdieu, *Sur l'État*, 25.

> nous sommes et que nous essayons de comprendre, il est évident que cette compréhension que nous devons à notre immersion dans le monde que nous essayons de comprendre est particulièrement dangereuse et qu'il nous faut échapper à cette compréhension première, immédiate, que j'appelle doxique.[25]

What I am proposing is that certain ideas about the hegemonic power of the state are precisely such "doxic" thinking. What if, in other words, the readiness with which phrases like "the absolute power that a biopolitical state would soon wield over its subjects" come to mind is precisely what Bourdieu calls an "effet d'Etat," a result of the complex struggle for state power that tends to produce state power as the *state* of things, the way things always were and always will be? What if the obviousness of such an analysis comes not from our comprehension of the state but the way in which *l'État nous comprend*, our immersion in ways of seeing the state that are structured by the state itself? That we think of state power as absolute, that we readily associate the power wielded by these phrenologists with the state, that we speak of power as if it is wielded by the powerful over the powerless—what if all these are indices of our own embeddedness *in* the state rather than the product of a privileged analysis from *above* or *outside* it?[26]

Of course, the reading I've sketched out of Bonnellier above remains hypothetical, since no other author has analyzed this particular text in this way. And yet the tendency to reify the power of biopolitical agents through readings that are supposed to critically reveal the workings of biopower is widespread, particularly within the field of queer studies and the history of sexuality. The arguments about sexology from *GLQ* I cited above, for example, depend precisely on this understanding of biopower. As Chris Waters writes in the *Palgrave Advances in the Modern History of Sexuality*, the normal view in the field is that sexologists are "insidious agents of social control whose work functioned to discipline subjects by stigmatizing non-normative desires as deviant by reinforcing patriarchal, heterosexual norms."[27] Such a claim seems uncontroversial, and yet it is profoundly circular. This analysis is an example of the kind of thinking I have diagnosed throughout this dissertation, a simplified understanding of power that ignores the historicity of the concept of the "norm." It posits "patriarchal, heterosexual norms" as something that pre-existed the work of the sexologists, when in fact the definition and construction of such norms was precisely what was at stake in sexological work. Moreover, such a formulation

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[25] Bourdieu, *Sur l'État*, 184–85.

[26] It is important here to recall that for Bourdieu, the state doesn't "act" agentively. The state doesn't "want" us to see the world in this way. Rather, we should think of this doxic way of seeing as a function of the state, a resource that those invested in perpetuating the state can call on. It is a strategic production, the result of a collective series of micro-actions, like, say, an academic writing about the power of the state in 19th-century France.

[27] Chris Waters, "Sexology," in *Palgrave Advances in the Modern History of Sexuality*, ed. H. G. Cocks (New York: Palgrave Macmillan, 2006), 54.

takes for granted the idea that sexologists had any authority to *discipline* the objects of their study at all. As I will show in the next section, in fact the logic was reversed. Sexologists didn't exert an authority they already had over those with "non-normative desires;" rather, they used the study of those with same-sex desire to constitute themselves as authorities on the topic of "sexual deviance," which they invented out of whole cloth. What we need is an analytics of power that understands biopower in process rather than taking it for granted as a *fait accompli*.

Power in Process

Lacenaire's *Memoirs*, which he wrote while awaiting execution and which were published shortly after his death, give quite a different account of phrenology's power. He begins with a meditation on the "nuée de phrénologues, cranologues, physiologistes, anatomistes" that are fighting over his body before it is even cold. Lacenaire is skeptical of these "oiseaux de proie vivant de cadavres." Phrenology is, Lacenaire writes, "aussi avancée dans sa marche que la pathologie du choléra," which is to say, not at all. He accuses phrenologists of being charlatans, writing sarcastically, "Mon crâne à la main, je ne doute pas que ses [sic] illustres professeurs ne te donnent les détails les plus minutieux et les plus exacts sur mes goûts, mes passions et même sur les aventures de ma vie… dont ils auront eu connaissance auparavant."[28] Indeed, we can find errors within Bonnellier's own account that do suggest that the phrenologists worked backward from what they already knew to confirm their reading of Lacenaire's skull. Bonnellier and Dumoutier give exactly the opposite reading of Lacenaires "organ of veneration," Bonnellier saying it's developed and Dumoutier saying it's lacking. Viewed through the lens of Lacenaire's memoirs, Bonnellier's text starts to seem not like the sinister announcement of the advent of a new biopolitical regime, but a farce in which the pompous Bonnellier comes off more like a charlatan, a kind of Sganarelle making ridiculous proclamations about someone's personality based on preconceived ideas.

Which indeed is what he was. We know today, as many knew in Bonnellier's time, that phrenology is junk science. Lacenaire's skepticism opens up a space for thinking about Bonnellier's *Autopsy* in the broader context of a set of discourses from the July Monarchy, within a broader struggle for power in which phrenology was just one player. Power is not simply held by some and wielded over others. Rather, power is a field in which different

[28] Lacenaire, *Mémoires*, 37.

agents are situated closer or further away from what Bourdieu calls the "foyer des valeurs étatiques," which I translate as the "epicenter of state power."[29] Bourdieu said,

> Maurice Halbwachs parle du « foyer des valeurs culturelles » dont les gens sont plus ou moins éloignés : on pourrait parler de « foyer des valeurs étatiques » et créer un indicateur assez simple d'une hiérarchie linéaire de distances au foyer des valeurs étatiques en prenant par exemple la capacité de faire des interventions, de faire sauter les contraventions, etc. On pourrait faire un indicateur cumulé, plus ou moins rigoureux, de la proximité différentielle des différents agents sociaux par rapport à ce centre des ressources de type étatique ; on pourrait aussi faire un indicateur de proximité dans les structures mentales. À cette opposition simple État/société civile, je tendrais à substituer l'idée d'un continuum qui est une distribution continue de l'accès aux ressources collectives, publiques, matérielles ou symboliques, auxquelles on associe le nom d'État. Cette distribution étant, comme toutes les distributions dans tous les univers sociaux, fondement et enjeu de luttes permanentes, les luttes politiques (majorité/opposition) étant la forme la plus typique pour renverser cette distribution.[30]

State power is most concentrated at the center of this field, and we can measure the distance of a given social agent from the center of state power on a kind of continuum. Rather than talking about those who are within the state and those who are excluded from it, or those who "are" state agents and those who aren't, we might think the state as the structure that imbues certain utterances or actions with the power of the state while others are not so imbued. Ultimately, the ability of any individual to impose their view of the social world as a consensus view, the power to determine *the* meaning of the social world, depends on that individual's location within the field of state power. The closer any given agent is to the epicenter of state power, the more likely that discourse is to be accepted as truth. Crucially, this question is probabilistic rather than deterministic. Being close to the epicenter of state power still doesn't guarantee success (just ask Charles X or Louis-Philippe), nor is it impossible for someone far from the epicenter to impose their own view. The phrenologists, the guards, and Lacenaire himself are all engaged in a struggle to

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[29] The "foyer des valeurs étatiques" is another term of Bourdieu's that is rich in meaning. The official translation of the text gives "focus," but a more apt translation might be "source" or "epicenter." The *foyer*, which is most literally a fireplace, is a "point d'où rayonne la chaleur, la lumière," the "point par rapport auquel se définit une courbe," and the "lieu d'origine (d'un phénomène), as in for example, "Le foyer de la révolte." But *foyer* also has a spatial meaning. It can mean a household (as in *femme au foyer*, *quitter le foyer familial*), or more generally a space in which a certain group gathers––*foyer des élèves*, *foyer de jeunes travailleurs*, and even *foyer de peuplement* (population center). Thus a "foyer des valeurs étatiques" could also be seen as a kind of region of dense concentration of state power, which then diffuses out into space. It seems to me that this definition is the one that best matches Bourdieu's description––the foyer isn't a kind of stable center that we could clearly delineate but a zone of density (the seat, origin point, epicenter).

[30] Bourdieu, *Sur l'État*, 69–70.

impose their own view of the social world as the truth, *the* meaning of the social world. This conflict occurs within a field of state power, and it is shaped by that field: their chances for success are determined by their proximity to the epicenter of state power.

The *Autopsie* is thus not the confirmation of a power that already exists, but a performative attempt to assert that power through the work of this complex oral text. Our work as analysts of this text is then to see how Bonnellier constructs his own authority through the formal structures his text. Bonnellier's *Autopsie* isn't a literary text, although the novelist does draw on literary techniques in important ways that I will demonstrate in a moment. However, close reading can help us see how the text performs a kind of shell trick to produce the phrenologist's power as always-already there. Let's look carefully at the paragraph where Bonnellier says that the guards were afraid of being supplanted by the power of the phrenologist.

> Témoin de cette belle opération, j'en pourrais raconter les incidens, les péripéties dramatiques ; je pourrais dire l'émotion mal dissimulée de ce Lacénaire [sic] aux apprêts de la *toilette* imitative, lorsqu'il sentit le masque de plâtre s'étendre sur sa face et lui ceindre la tête : je pourrais répéter les angoisses des représentans de la justice, à la vue de ce corps étendu immobile sur un lit, n'offrant qu'un tronc…. Et à la place de la tête le simulacre d'un énorme monceau de linge. Il vint un instant dans la pensée intimidée des gardiens que la science pouvait prévenir et remplacer le bourreau.[31]

Bonnellier begins in the first person, asserting his authority as a *témoin*, a witness of the event. The reader might note that the author at first couches his observations modestly in the conditional mood—"j'en pourrais raconter," "je pourrais dire," "je pourrais répéter"—although reading carefully we see that the conditional applies to Bonnellier's ability to report these facts, rather than to the facts themselves. Bonnellier's observations are at the beginning presented simply as noun phrases, detached from any verbal mood, and Bonnellier starts with something he could have reasonably observed: that Lacenaire was apparently emotional as the casting was taken.[32] Bonnellier then makes a parallel observation about the guards—"je pourrais répéter les angoisses des représentans de la justice"—grounding his observations about the guards' fear of the phrenologist in a simple

[31] Bonnellier, *Autopsie*, 11.

[32] By all accounts, it should come as no surprise that Lacenaire would be somewhat disturbed by this operation, in which the person whose head was being cast could only breathe through straws shoved into their nostrils, eyes and mouth sealed shut. The procedure is recreated on camera in the 1990 film *Lacenaire* (see the next chapter). In an article in the journal *Phrénologie* in 1837, Dumoutier wrote, "[B]ien qu'on se dépêche, les préparatifs sont toujours lents pour celui qui attend et ignore ce qu'il va éprouver ; il est toujours assailli par une foule d'idées plus ou moins tristes et toutes inquiétantes." Cited in Thierry Laugée, "Un Panthéon morbide: la naissance du Musée de la Société phrénologique de Paris," in "La physiognomonie au XIXe siècle: transpositions esthéthiques et médiatiques." Special issue, *Études françaises* 49, no. 3 (2013): 52, https://doi.org/10.7202/1021202ar.

emotional observation like the one he made about Lacenaire. However, what Bonnellier reports is far more conjectural than his previous observation, that the guards feared that the scientists would replace them. How did Bonnellier know not just the outwardly expressed emotions but the *thoughts* of the guards? How did he know that they were intimidated by the phrenologists, worried that they might supplant an older form of criminal justice?

Figure 12. Benoît Prieur. Photograph of a copy of the Dumoutier bust of Lacenaire in the Musée Testut-Latarjet.

Figure 13. Bonnellier looks on as Dumoutier (offscreen) takes a cast of Lacenaire, as dramatized in Francis Girod's 1990 film.

In fact, Bonnellier seems simply to be making it up. But he uses formal features of the text to produce his invention as fact. As we've already noted, the parallelism with the previous observation serves as a first form of verification. Note also the verb "repeat" here: "I could repeat the anxiety." Bonnellier presents himself not as an *interpreter* of events, but as a simple *observer* of facts, evacuating all subjectivity from his account of the guards' emotions. Bonnellier's narration also changes here from the *passé composé* to the *passé simple*. The *passé composé* is used to describe events witnessed directly by the observer, while the *passé simple* is used to recount historical events established as fact. Emile Benveniste writes that the *passé simple* evacuates the narrator from the event completely. In an analysis of a passage from Balzac, he writes, "A vrai dire, il n'y a même plus alors de narrateur. […] Personne ne parle ici ; les évènements semblent se raconter eux-mêmes."[33] We have thus shifted from the mere observations of a first-person witness to the omniscient narration of the third-person realist novel. At precisely the moment when his narration becomes the most subjective and hypothetical, then, Bonnellier presents it as the most objective and factual. Bonnellier uses the formal features of his text to make it seem as though he has a kind of omniscient viewpoint on the world around him, reproducing textually the phrenologist's ability to grasp an individual's character simply by reading the external signs of their skull. It is important as a reader of the text not to be taken in by Bonnellier's performance: we need to read the text carefully in order to understand the

[33] Émile Benveniste, *Problèmes de linguistique générale*, vol. 1 (Paris: Gallimard, 2005), 241.

ways in which the text is a *tool* to acquire power rather than the reflection of a power that Bonnellier already has.

I don't think it's likely either that the specific detail of the guards' thoughts is the only thing Bonnellier made up. We need to be suspicious of Bonnellier's entire account of this event. (One of the weaknesses of the queer hegemonic narration of sexology is the way that it tends to take sexologists at their word.) Bonnellier was not a reliable narrator. As we will see, he was a highly mercenary individual, constantly changing careers in order to make money and gain notoriety. In the *Autopsie*, he presents himself as a friend to Lacenaire; the published version even ends with a letter Bonnellier supposedly sent to Lacenaire days before his death in which he asks pressingly about whether Lacenaire has changed his opinions on religion. Lacenaire apparently wrote back and said that he had become more amenable to religion, thus proving Bonnellier's argument that he was not a "scélérat complet." And yet Bonnellier's interest in the criminal is hardly selfless. The very existence of the *Autopsie* itself serves as evidence that Bonnellier sought to use the notoriety of Lacenaire and the outright mania of the public for more information about him to sell books and gain notoriety of his own. At the same time that he was publishing the *Autopsie*, Bonnellier was involved, for example, in the publication of a hoax in 1836, a collection of texts supposedly authored by Lacenaire titled *Lacenaire après sa condamnation, ses Conversations intimes, ses Poésies, sa Correspondance, un Drame en trois actes*. The text is full of fabrications, most notably that play mentioned in the title, which is in fact an opera written by Bonnellier in 1823.[34] Given Bonnellier's participation in publishing an entirely fabricated text, it is difficult to believe that the letters added to the end of the *Autopsie* are genuine either. What credibility does Bonnellier have, then, in reporting any interaction with Lacenaire? The detail that Lacenaire was afraid of the casting and respectful toward the phrenologist, indeed, directly contradicts the only text we know to be of Lacenaire's hand, his *Mémoires*. (We can be sure that the casting did take place since it exists. It is also unlikely that Bonnellier lied about attending the casting, since Dumoutier was in the audience when he read his *Autopsie* out to the Phrenolgoical Society and would certainly have contradicted such a blatant falsehood.)

With this critical reading of the form of Bonnellier's *Autopsie* in mind, we can now reevaluate the content of his text, his claims that "science could anticipate and replace the executioner." How was Bonnellier situated relative to the epicenter of state power in July Monarchy France? To what extent were Bonnellier's interpretations of reality likely to be accepted by others as fact? To what extent was Bonnellier likely to be seen as a state actor who could wield a similar kind of authority to the officials of the king's justice? To what extent did Bonnellier's proclamations of Lacenaire's normalcy or deviancy have any kind of disciplinary effect? To answer these questions requires an understanding of the layered

[34] Jospeh-Marie Quérard, *Les Supercheries littéraires dévoilées*, vol. 2 (Paris: L'Éditeur, 1847), 343.

fields of power that conditioned this text: phrenology's position within the scientific field, science's position within the field of state power, and Bonnellier's individual position within all of these fields.

As Lacenaire's *Memoirs* demonstrate, phrenology never attained a consensus acceptance in nineteenth-century French society. As early as 1825, François Magendie, an important forefather of modern scientific medicine and member of the government-sponsored French Institute, called it a "pseudoscience," no more to be taken seriously than astrology.[35] Furthermore, phrenology's relationship to state power was only ever tenuous. In fact, there was widespread hostility toward phrenology in the 1820s under the conservative Bourbon Restoration government. The establishment of a more liberal government after the July Revolution of 1830 made for a more favorable atmosphere for phrenology. Many liberal social reformers found in phrenology what historian Angus McLaren has called a "legitimating resource" for their radical policies.[36] The pseudoscience also found a champion in the official institutions of government: François-Joseph-Victor Broussais, the personal doctor of the first powerful prime minister of the new regime and one of the most famous doctors of his time. Science was inherently politicized during this period, McLaren argues. Broussais's phrenological conferences seeming almost like political meetings, and an interest in the "science" was a kind of badge of the center left reformer. For a new secularist bourgeois elite that challenged the entwined privileges of the aristocracy and the church, science in general and phrenology in particular served as a legitimating principle for a reformist politics of social control, supplanting principles based on religious ideas or aristocratic privilege. (I'm insisting on the exact positioning of phrenology within the political field of the July Monarchy here because I think, implicit in the idea that these biopolitical sciences were all powerful is the idea that they are conservative. In fact, like prison reform, during the July Monarchy, they were policies associated with the reformist center-left.)

In 1836, then, Bonnellier had in many ways the typical political profile of an advocate of phrenology. He was also representative of many advocates of phrenology in that his interest in the science seems to have been quite opportunistic. It is difficult to pin down exactly what Bonnellier's profession was. Born in 1799, the same year as Balzac, Bonnellier's primary mark on the archive was his voluminous novelistic production, largely judged to be of very poor quality. (In 1858, for example, Émile Chevalet wrote disparagingly of Bonnellier's 1833 novel *La Plaque de cheminée*, in a concise entry in his literary almanac: "Parlons donc des nombreux romans de M. Hippolyte Bonnellier… ou

[35] François Magendie, *Précis élémentaire de physiologie*, 2nd ed. (Paris: Méquignon-Marvis, 1825), 202.

[36] McLaren, 3.

plutôt, n'en parlons pas. Rendons-leur le service de ne pas les réveiller, puisqu'ils reposent dans un éternel sommeil."[37])

But Bonnellier was not just a terrible novelist; he was a kind of second-rate Renaissance man, popping up at various moments of the history of the Restoration and the July Monarchy as an aspiring university professor, a revolutionary politician, a colonial official, and, as we have seen, as an amateur phrenologist. It is a brief description of the author in the newspaper *La France théâtrale* in 1846 that I think best encapsulates Bonnellier's relentless self-promotion: "M. Hippolyte Bonnellier, soi-disant littérateur, mais dont en réalité la profession consiste à être ex-sous-préfet et ex-sous-administrateur en Algérie."[38] Bonnellier jumped from field to field, attempting to leverage his limited successes in one in order to push himself further in another, foregrounding especially his tenuous connections with the state. Take, for example, the preface to his 1833 novel *Mœurs d'Alger, Juive et Mauresque*, whose title page announces its author as "H. Bonnellier, ancien secrétaire de l'intendance générale en Alger."[39] Cast as a private letter to his editor, the preface of this novel begins with Bonnellier bemoaning the fact that his Algerian novel is coming out before his open letter to an anonymous French government official reporting back on what Bonnellier learned in Algeria. Bonnellier's officious tone throughout certainly feels like it belongs to someone who would write unsolicited letters to government officials. He resolves his crisis by coming to the realization that, although it was a fiction, his novel was actually remarkable in its historical fidelity, and thus would serve to instruct the French reading public about customs and morals of the Algerian people just as much as his more "serious" text: "Il est bien vrai, —et l'obligeance de votre jugement l'avait prévu, —que je me suis fait un devoir de copier les lieux et les hommes, de rappeler les usages et les mœurs, de citer même les faits avec une fidélité… j'allais dire d'historien."[40] Bonnellier's high opinion of himself is clearly visible under the thin veneer of his feigned humility, and the pretense of the text's addressivity barely veils Bonnellier's self-promotion. In any case, it is clear from this text that he sees his various enterprises as grounded in a mutually reinforcing authority: his novels, his political writing, his autopsy of Lacenaire, all of these

[37] Émile Chevalet, *Les 365, Annuaire de la littérature et des auteurs contemporains par le dernier d'entre eux* (Paris: Librairie moderne, 1858), 273. Bonnellier is in good company. Of Flaubert, Chevalet writes, "Certes, [il] a du talent, mais il se tromperait étrangement s'il croyait en avoir fait preuve dans les passages infiniment trop nombreux de [*Madame Bovary*] où, sous prétexte de réalisme, il nous entretient de détails d'une vulgarité bête" (192–93).

[38] "Miettes," *La France théâtrale*, September 24, 1846, https://gallica.bnf.fr/ark:/12148/bpt6k5610864d.

[39] Hippolyte Bonnellier, *Mœurs d'Alger. Juive et Mauresque* (Paris: Silvestre and P. Badouin, 1833), cover.

[40] Bonnellier, *Alger*, vii.

texts serve to vouch for the importance and interest of Bonnellier in other fields, and thus guarantee his authority in a new field.

Indeed, an understanding this dynamic is an important context for understanding the *Autopsie*, which in the end seems to be as much a defense of literature as a scientific text. The *Autopsie* ends with a long harangue on literature, in which Bonnellier takes aim at the popular idea in the media that Lacenaire's corruption was caused by his love of Enlightenment philosophy and literature. For Bonnellier, Lacenaire's craniological profile is proof that he was predestined to evil, and thus that literature couldn't be blamed for his crimes: "Sur sa tête, sur sa physionomie, dans son maintien, dans les habitudes de son corps, de sa voix, de son regard, j'ai reconnu des indications qu'a développées sa faiblesse morale, et qui devaient le dispenser de demander au drame écrit un enseignement pour les lâchetés cruelles qu'il allait mettre en œuvre."[41] In fact, Bonnellier argues that literature, like phrenology, must fearlessly represent such "moral ulcers" for the instruction and betterment of society.[42] Ultimately, the *Autopsy* serves more to reinforce Bonnellier's credentials as a literary author, and to defend the prerogatives of the literary field more generally, than it does to exert some kind of sinister biopower over Lacenaire.

I hope the reader will forgive me for taking such a deep dive on such a minor figure, but Bonnellier's relative irrelevance even in his own time is precisely the necessary context for understanding power in process in the *Autopsie physiologique de Lacenaire*. As we have seen, phrenology was a convenient tool for many ambitious liberals to gain social standing, and Bonnellier was no exception. As with Balzac and the other novelists who drew on phrenological theories, phrenology served to vouch for the truth of the social and moral analysis put forward in Bonnellier's literary texts; as an aspiring political actor in the liberal July Monarchy, an engagement with phrenology showed that Bonnellier was on the cutting edge of the social theory of his time; and as an aspiring phrenological expert, the celebrity of Lacenaire's case guaranteed Bonnellier a captive audience to demonstrate his mastery of the "science," to produce himself as an expert and gain a kind of transferrable capital that would bolster his other enterprises. When Bonnellier says that the executioner feared being replaced by the scientist, he is expressing the hopes of a particular class of liberal social reformers rather than the *state* of things as they existed. (Indeed, for all the discourse produced about modernizing and reforming prisons by liberal reformers in the July Monarchy, remember that the conditions of imprisonment remained overwhelmingly the same from 1830 to 1848. These reforms failed again and again in the Senate.) Bonnellier's proclamations about the meaning of Lacenaire's body were not unchallenged truths accepted by everyone; rather, they existed in a dynamic relationship with the authority that would ground such claims. We need to read Bonnellier's text not as the

[41] Bonnellier, *Autopsie*, 40.

[42] Bonnellier, *Autopsie*, 56.

expression of a power that he already held, the confirmation of the absolute power of the biopolitical state, but as an *index* of the struggle for power in which he was engaged.

"L'impussiance des lois": Rethinking the Power of Sexology

The analytics of early biopower that I developed in the last section provide insight for ways to challenge the idea that sexology is an all-powerful, "inescapable" ideology. In this section, I want to apply the analytics of power developed in the last section more directly to the field of sexology, which developed later in the 19th century. Although phrenology was widely considered to be a pseudoscience by the time that sexology became popular, the later field had a direct genealogical linkage to the earlier one. Phrenology declined in popularity in the 1840s, but it kicked off a legacy of using a scientific approach to understand physiological and social phenomena. As Magendie said when he compared the "pseudoscience" to astrology, phrenology's attempt to locate specific psychological phenomena on the body were "louables en elles-mêmes, [mais] ne soutiennent pas encore l'examen."[43] As Angus Maclaren writes,

> Phrenology played a role in the emergence of sociology, anthropology, criminology, and socialist critiques. But while they all were to flourish, phrenology itself flagged when its fructifying role was fulfilled. […] The monistic message offered by the science seemed ridiculously ambitious and patently absurd once the specialist disciplines had established themselves.[44]

Sexology, too, would be part of phrenology's legacy, first appearing as an outgrowth of criminology (and the related field of criminal medicine), before being taken up by the burgeoning field of psychiatry, the most direct inheritor of phrenology's attempt to understand the physiology of the brain.[45] The earliest study in France that could properly be called sexological was Auguste Ambroise Tardieu's 1857 *Étude médico-légale sur les attentats aux mœurs*, which included an attempt to find physiological signs of same-sex sex through measuring and analyzing the penises and anuses of prisoners, prostitutes, and men who were arrested for having sex with other men in public. Tardieu could hardly be called a sexologist; his main contribution was in the application of scientific medicine to criminal

[43] Magendie, 202.

[44] McLaren, 22.

[45] In a state of the field article in 1904, criminal anthropologist Alexandre Lacassagne wrote, "Les premiers travaux dont le caractère scientifique ne peut être mis en doute sont ceux de Gall. Le grand phrénologiste, en localisant les passions, n'a pas oublié de spécifier un territoire spécial à la cruauté. En 1841, Lauvergne localisait le penchant criminel au niveau du cervelet. Alexandre Lacassagne and Étienne Martin, "Anthropolgie criminelle," *L'Année psychologique* 11 (1904): 446–47, https://www.persee.fr/doc/psy_0003-5033_1904_num_11_1_3683.

cases, and his work remains influential today in the field of forensic science. (He would do things like take potentially poisonous substances found on suspects and test them on dogs to prove that they had poisoned someone, or do physiological studies to understand how someone was murdered—many of his methods and insights are still used in forensic science today.) Tardieu would remain an outlier in France, and as the field of sexology grew in Germany through the work of writers like Karl Westphal, Karl Ulrichs, and Richard von Krafft-Ebing, it remained a relatively small field in the Francophone sphere. In some ways, of course, the question of whether same-sex attraction was innate or a matter of choice, whether it was properly a medical or juridical question, was more pressing in Germany, where homosexual acts were still illegal.

The major texts of sexology have been well studied by historians demonstrating the historical nature of modern conceptions of homosexuality.[46] Such studies often situate these texts within a teleological narrative that leads to modern gay identity. In my own analysis, I want to look at a decidedly minor text by a decidedly minor figure: a conference paper given by Dr. Léon de Rode at the *Troisième congrès international d'anthropolgie criminelle* in Brussels in August 1892. De Rode is not one of the great names of sexology. In fact, he is an even more minor figure than Bonnellier, someone whose only trace in the archive that I can find is this paper. And yet, it is precisely because de Rode is unknown beyond his own time that he is a perfect case study for resituating sexology within a dynamic field of power. Rather than a narrative that leads inevitably to the hegemony of modern sexuality, de Rode's text leads nowhere. Analyzing de Rode's text will help us see sexology's power in the process of its construction, as a contingent possibility rather than as a foregone conclusion.

The conference brought together experts from various disciplines who were all able to contribute to the burgeoning interdisciplinary study of "anthropologie criminelle," a more scientific approach to the study of criminal policy and the law. Medical doctors, biologists, sociologists, psychologists and others all contributed papers to the conference which lasted nearly a week, amid what seemed to be an exciting and triumphant atmosphere—this new discipline was going to make important changes in society, these contributors thought, and they seemed happy to meet with those of like mind from all over Europe. It is important to understand that same-sex sexuality was not the main, or even a common topic in the conference: only two of the hundred or so papers given at the conference deal with same-sex sexuality; other topics range from prison reform to whether there are physiological signs of criminality to whether people can be held accountable for

[46] See for example Vernon A. Rosario II, "Pointy Penises, Fashion Crimes, and Hysterical Mollies: The Pederasts' Inversions," in *Homosexuality in Modern France*, ed. Jeffrey Merrick and Bryant T. Ragan, Jr. (New York: Oxford UP, 1996), 146–176.

crimes they commit while under hypnosis.[47] This was, in other words, a conference of non-specialists on the topic of same-sex sexuality. The purpose of De Rode's paper is thus less to advance a novel argument *within* the field of sexology and more to convince those *outside of the field*, the criminal anthropologists working on other topics, of the importance of sexology as a discipline. (In this way, my approach here continues my work in chapter two to relativize the significance of same-sex sex by resituating it in its historical moment.)

For this reason, the text gives us a good sense of the situation of sexology within the field of criminal anthropology, and its positioning relative to the epicenter of state power. Understanding how sexology was presented at a conference of non-specialists gives us insight into those elements which De Rode, as an agent within this field, reasonably expected his audience to understand and those which he felt would need further explanation. Think of the way a scholar of literature today might frame their discussion of Baudelaire at a broad conference of specialists like the Modern Language Association Annual Convention. Some topics could probably be mentioned without explanation, while others might need to be more carefully presented and contextualized by the speaker to give the audience sufficient context to understand the argument. We each have a practical sense, to use a Bourdieusian expression, of where a particular topic might be situated along this continuum, as agents of the field we're acting in who have been conditioned by our situation in that field and who understand its contours and organization. In a way, then, we can reverse engineer de Rode's paper to get an idea of the shape of the fields in which he was formed and in which he was intervening.

Take the beginning of De Rode's paper. It is important to note that de Rode begins his text not fully within his subject, but with a brief prelude that justifies same-sex sexuality as a topic that merits scientific study at all. He begins, "De tous les désordres propres aux facultés affectives et morales, les aberrations du sens génital sont peut-être les plus fréquents. L'imagination la plus audacieuse aurait peine à se représenter le nombre, la diversité et l'horreur de ces perversions devant lesquelles, comme le dit Casper, on se prend parfois à douter de la nature humaine."[48] Before turning to how de Rode constructs same-sex sexuality, here, let's look first at the seemingly banal reference to "Casper," an expert apparently so well-known that no first name is needed, whose authority serves to ground the claims that follow. Casper is Dr. Johann Ludwig Casper, seen as the father of modern forensic medicine in Prussia.[49] But how would a reader in 2023 go about

[47] Arthur Goddyn, "Des prisons-asiles et des réformes pénales qu'elles entraînent," Émile Houzé, "Existe-t-il un type de criminal anatomiquement détérminé," and Auguste Voisin, "Suggestions criminelles et responsabilité pénale," respectively.

[48] De Rode, 107.

[49] Burkhard Madea, "History of Forensic Medicine," in *Handbook of Forensic Medicine*, ed. Burkhard Madea (Chichester, UK: Wiley Blackwell, 2014), 11.

recovering Casper's name, or the text which de Rode seems to be quoting here. For my own part, it was surprisingly difficult to find Casper's full name and identity. Exasperatingly, I first found a host of references like de Rode's which only included his last name and no direct reference to a text, further underlining his importance during this moment in history but giving no clues as to his full identity. "La physionomie des criminels est étudiée par Casper en 1854," wrote Alexandre Lacassagne in *L'Année psychologique* in 1904.[50] Similarly, we find references to Casper in the *Revue de droit pénal et de criminologie*: "En Allemagne, ainsi que le dit Casper, les poursuites du chef d'avortement sont la plupart sans effet;"[51] or, "L'expulsion d'une môle ne constitue-t-elle pas un avortement au même titre que l'expulsion d'un embryon, d'un fœutus ? […] Non, si nous nous rangeons du côté de Casper."[52] Ultimately, I was able to recover a full name of a text (along with a first initial!) in Aimable Auguste Grandin's *Bibliographie générale des sciences juridiques, politiques, économiques et sociales, 1800 à 1926*: Casper has one entry in 1600 pages that look just like the one below.[53]

[50] Lacassagne and Martin, 447.

[51] "L'avortement punissable," *Revue de droit pénal et de criminologie* 1 (1907): 763, https://www.google.com/books/edition/_/tOwMAQAAMAAJ?hl=en&gbpv=0.

[52] "L'avortement punissable," *Revue de droit pénal et de criminologie* 1 (1907): 615, https://www.google.com/books/edition/_/tOwMAQAAMAAJ?hl=en&gbpv=0.

[53] Aimable Auguste Grandin, *Bibliographie générale des sciences juridiques, politiques, économiques et sociales, 1800 à 1926*, vol. 1 (Paris: Librairie du Receuil Sirey (Société anonyme), 1926), 581.

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— Les blessures et les accidents du travail, in-8°, 1906. 15 fr.

— Les empoisonnements criminels et accidentels, in-8°, 1902. 9 fr.

— Les intoxications, in-8°, 1904. 12 fr.

— Opium, morphine et cocaïne. Intoxication aiguë par l'opium, mangeurs et fumeurs d'opium. Morphinomanes et cocaïnomanes, in-8°, 1906. 4 fr.

— Les attentats aux mœurs, in-8°, 1909. 5 fr.

BROUARDEL (Dr P.). — Contribution à la médecine légale. Recueil de mémoires sur divers sujets de médecine légale, in-8°, 1907, *Baillière*. 8 fr.

Bulletin de la Société de médecine légale de France, années 1877 et suivantes, in-8°, Paris.

CASPER (J.). — Traité pratique de médecine légale, trad. de l'allemand par GERMER-BAILLIÈRE, 2 vol. in-8°, et 1 atlas, 1862, *G. Baillière*. 27 fr.

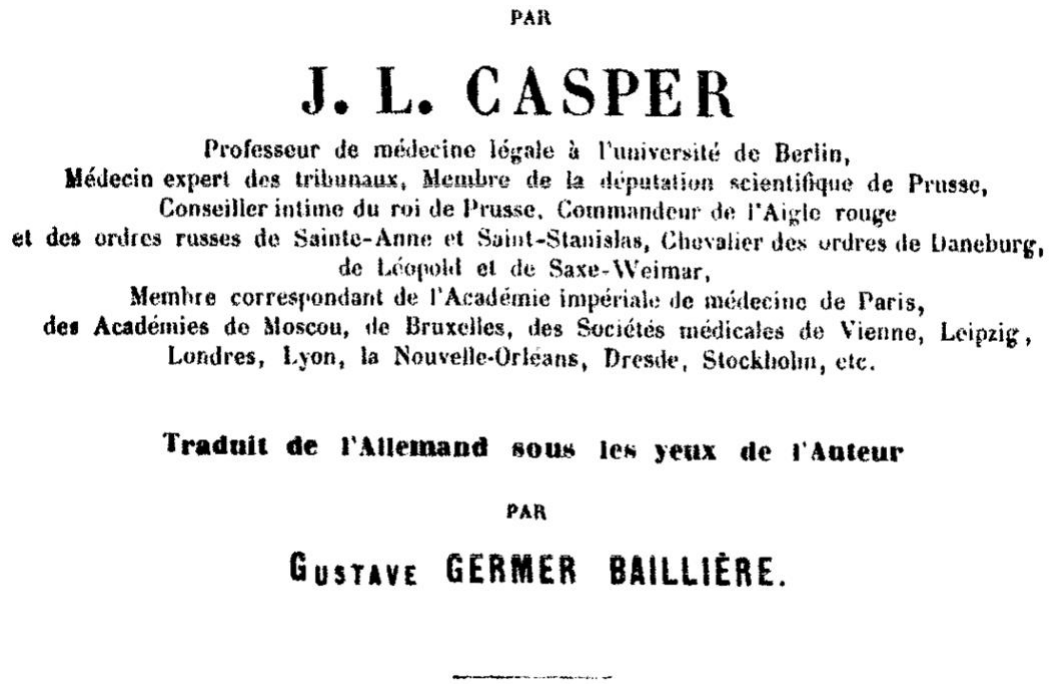
CLÉMENT (Dr E.). — Conférences pratiques de médecine légale, in-8°, 1880, *Baillière*. 4 fr.

Congrès international de médecine légale tenu aux Tuileries les 12, 13 et 14 août 1878 (Exposit. Univers.), in-8°, 1878, *Impr. Nationale* (276 p.).

— Exposition univers. internat. de 1889

Figure 14. Page from Aimable Auguste Grandin's Bibliographie.

The text Granvin lists appears to be Casper's only work published in French. (It was translated by Germer Baillière, cousin of Lauvergne's publisher.) Its title page contains an almost comically long list of Casper's credentials.



PAR

J. L. CASPER

Professeur de médecine légale à l'université de Berlin,
Médecin expert des tribunaux, Membre de la députation scientifique de Prusse,
Conseiller intime du roi de Prusse, Commandeur de l'Aigle rouge
et des ordres russes de Sainte-Anne et Saint-Stanislas, Chevalier des ordres de Daneburg,
de Léopold et de Saxe-Weimar,
Membre correspondant de l'Académie impériale de médecine de Paris,
des Académies de Moscou, de Bruxelles, des Sociétés médicales de Vienne, Leipzig,
Londres, Lyon, la Nouvelle-Orléans, Dresde, Stockholm, etc.

Traduit de l'Allemand sous les yeux de l'Auteur

PAR

GUSTAVE GERMER BAILLIÈRE.

Figure 15. Title page of translation of Casper's Traité pratique de médecine légale (1862).

In 1862 when this text was published, it seems like Casper was one of the most preeminent criminologists of his time, although this celebrity was limited to a certain field. His significance, however, declined over time, making his name more difficult to recover today.

This brief anecdotal detour into the archive demonstrates, first, concretely how we might go about reconstructing the social landscape of a field from a close analysis of a text, in this case, the fact the de Rode refers to Casper only by his last name, and cites one of his ideas without associating that idea with a text. It also gives us a sense of the varying trajectories of authority over time and across different fields. Casper was at one point so preeminent that he could easily be referenced mononymously, at least within the field of positivist criminology. Casper was less of a prominent figure in Grandin's much more wide-ranging bibliography, and today he merits only a brief mention in historical accounts of forensic medicine. (He actually comes up in texts published in the 21st century as much for his work as a librettist for his family friend, Felix Mendelssohn, as he does for his work in criminology.) Of course, Casper was influential to the extent that the field he produced still exists today, unlike phrenology: both of the journals that I cited above, *L'Année psychologique* and the *Revue de droit pénal et criminologie* are still publishing new volumes today. But the variegated picture of Casper's influence is a far cry from a kind of hegemonic takeover characteristic of accounts of sexology and the biopolitical state, and opens up a

way of thinking about trajectories outside of the teleological picture often associated with sexology.

Even though it is difficult to track down his information today, Casper was a much more important figure than de Rode, who apart from this publication has completely disappeared from the archive. (Neither he nor Lauvergne nor Bonnellier appear in Grandin's bibliography.) And a careful reading of de Rode's text indicates that de Rode and his field may even have been obscure in his own time. Let's turn now to the way he presents the topic of same-sex sexuality in the passage cited above, which paints a sensationalized, lurid picture rather than a rigorously scientific one. De Rode acknowledges that his subject is unsavory, but in fact he draws on this "horror" in a sensationalized way to grab the listener's attention. The paper is not just a dry account of a scientific field, but a glimpse into a segment of society that is usually hidden, a representation of examples of extreme aberrations of human nature. The final sentence of de Rode's opening paragraph reads almost like the tagline for a freak show at the circus: *listen to my talk, and you will glimpse horrors that will make you doubt human nature!* (We might put this sensationalized approach in dialogue with the sensationalized representations of criminals and prisoners I analyzed in chapter two.) Like Bonnellier, de Rode sensationalizes his topic in order to gain a wider audience. The alleged monstrosity of same-sex attracted individuals is a tool de Rode uses in his personal quest for relevance, his attempt to produce himself as an important individual who has the answers to a serious social problem.

In spite of his non-scientific opening, de Rode nonetheless also attempts to justify same-sex sexuality as an object worthy of scientific study. "Certes," he writes, "il faut avouer que ce sont là des faits bien propres à exciter l'intérêt du législateur et du moraliste aussi bien que du médecin."[54] De Rode's emphatic language here reveals the precarity of sexology's position within the broader field of criminal anthropology during the period. His use of the word *certes* is particularly interesting, since in French it usually indicates affirmation in the face of potential doubt. The first example sentence in the dictionary, for example, is "Certes, ou je me trompe." The word's ambiguity is a perfect encapsulation of the precarity of de Rode's position—he puts on a show of rhetorical certainty in order to compensate for precisely the lack of certainty with which his speech might be received. It might seem obvious to us that, within a quote-unquote "heteronormative state," deviant sexual identities would be an important social problem to be addressed by legislators and scientists. However, the ability to constitute same-sex sexuality as an important social problem which required the expert intervention was precisely the *enjeu de lutte*, a tactic for sexologists to *acquire* new forms of power rather than simply exercise power they already had. De Rode attempts to convince his audience that same-sex sexuality is an important social problem, and thus that sexological and medical experts like himself should be given

[54] De Rode, 107.

influence to write legislation in order to solve it. To use Bourdieu's helpful terminology, de Rode uses the production of truth about same-sex sexuality in order to produce himself closer to the "epicenter of state power."

Far from putting forth some kind of coherent "sexological epitstemology" that imposes *the* truth of same-sex sexuality on everyone else, de Rode's text makes clear that there is no consensus view on the topic, whether among sexologists or with the public at large. De Rode spends half of his paper summarizing the differences of opinion between the two major camps within sexology. The first, associated with Karl Westphal, held that same-sex sexuality was entirely "congenital" or innate, while the second, associated with Richard von Krafft-Ebing, held that same-sex sexuality was a blend of congenital and environmental factors. Clearly, although an identitarian concept of same-sex sexuality had been invented twenty years earlier, there was still by 1892 no consensus view on what exactly that same-sex sexual identity was. Many different agents inside and outside of sexology, all situated at different positions relative to the epicenter of state power, were engaged in a struggle to pass off their own view of same-sex sexuality as the *truth* of the phenomenon.

This struggle comes most clearly into focus in de Rode's text when the doctor talks about the writing of same-sex attracted people themselves. For example, de Rode devotes an entire paragraph of his literature review to debunking the work of an unnamed "pederast" sexologist, Karl Ulrichs, who published a series of "Études anthropologiques sur l'amour sexuel de l'homme pour l'homme" (108). Ulrichs's theories seem completely preposterous to de Rode: "Il prétendait justifier l'attraction des individus de sexe semblable l'un pour l'autre par cette considération qu'elle résultait d'une disposition congénitale, par conséquent naturelle, et ne demandait rien moins que la consécration légale des unions entre individus de cette espèce !" (108) It is not so universally preposterous, however, that de Rode can pass over it completely––in fact, Ulrichs's work had led to legal reforms in Germany and had sparked what many historians have identified as a proto-gay-rights movement. Rather, de Rode *produces* Ulrichs's text performatively as "obviously" outlandish in order to reinforce his own claim about the "truth" of same-sex sexuality. De Rode explicitly tries to discount Ulrichs's text by contrasting it with Westphal's, the first "étude vraiment scientifique de cette anomolie" (108). In his literature review, De Rode is not simply describing these various theories in a neutral way; he actually maps these texts and their various truth-claims about the nature of same-sex sexual attraction within the field of state value. Scientific rigor according to some unstated criteria establishes the truth value of any given claim about same-sex sexuality. These "scientific" qualities, so obvious that they don't bear mentioning, are what give certain discussions of sexuality the stamp of official truth, while others are dismissed as personal rather than universal.

Insisting on scientificity as the key factor for producing the official truth of same-sex sexuality also allows de Rode to dismiss the accounts of the lived experience of same-sex sexual attraction by "pederasts" themselves.

> Mais à côté des faits bien authentiques d'inversion, combien d'autres appellent les plus expresses réserves. Depuis que les travaux scientifiques sur ce sujet ont été connus dans le public, il est arrivé, en effet, ceci : qu'un grand nombre de pédérastes y ont trouvé l'excuse de leur abjection. Il se sont jugés dignes d'occuper l'attention des médecins et des savants. Avec une remarquable inconscience, ils se sont crus obligés de nous initier à leurs plus intimes sensations, sans nous faire grâce des plus repoussants détails. Ils s'accordent à décrire avec une espèce de lyrisme les jouissances que leur procure la satisfaction de leurs passions et se plaignent moins de leur aberration que des entraves que leur opposent la société et les mœurs. Ils ne sont pas éloignés de se poser en victimes des préjugés du public. Leur histoire est cependant le plus souvent d'une triste banalité.

De Rode uses a variety of strategies to discount these first-person accounts of same-sex sexuality. First, he contrasts them with the limited field of "faits bien authentiques" about same-sex sexuality that he has just established with his extensive literature review. He casts doubt on the ability of SSA individuals to properly discern those facts which are "worthy" of scholarly attention and those which are both "repugnant" and "banal;" while the scientists' work is careful and deliberate, these authors are "inconscients" and recount the sordid details of their lives without producing the proper hierarchy that would allow them to interpret these facts correctly. He also introduces another normative quality that helps to discount these first-person accounts: they do not respect the delicate balance between that which it is necessary to reveal for the sake of scientific truth and that which must be kept out of the public sphere because it is too "repugnant"—by "initiating" the reader into the secrets of "their most intimate sensations," the SSA authors break the established conventions establishing that which should be private. At the same time, de Rode produces a world in which the scientific community has a kind of monopoly on the appropriate negotiation of this boundary. The dispassionate objectivity of scientific writing is contrasted with the "lyrisme" of these authors about their own aberration. All of this, of course, is not simply a question of literary style but a legal recognition of same-sex relationships, these individuals "set themselves up as the victims" of an unjust society and, presumably, demand that society overcome its "prejudices." But for de Rode these political claims are completely illegitimate because they are not grounded in the official truth, marked by scientific rigor and a respect for proper morality, that would make a truth-claim about same-sex sexuality legitimate and universal.

As with de Rode's literature review, however, it is important not to take his words at face value but to attempt to use them as a window into his social world. That de Rode thought it necessary to delegitimize these alternative voices indicates ironically that he viewed them as a potential threat to the monopoly that criminologists and sexologists sought to establish over the official discourse on same-sex sexuality. This monopoly was not an accomplished fact at this time, and it was never a certain outcome: rather, de Rode's careful discounting of what he acknowledges to be a significant and potentially influential

body of work produced by SSA individuals shows that there were a variety of discourses about same-sex sexuality competing for dominance at this point in the history of homosexuality.

Indeed, de Rode is quite up front about the limits of the power of both judicial and medical institutions to prevent same-sex sex. After his literature review, De Rode gives a series of suggestions for how the problem should be addressed through social policy in consequence of what sexologists have learned about the phenomenon. He argues against the criminalization of "la pédérastie," which he uses as synonymous with anal gay sex, arguing, "La sévérité des lois n'a fait que favoriser les pratiques de chantage, d'extorsion ou de vol dont ce vice est si souvent l'occasion."[55] (Part of the reason De Rode is also skeptical of a judicial response to the social problem of same-sex sexuality is the prevalence of sex between prisoners.[56]) De Rode's conclusions are modest. It is better to try to prevent acquired but nonetheless permanent forms of same-sex attraction, most often learned by teenagers on the verge of puberty in communal school dorms. Because of the impressionability of the years of childhood and puberty, it is "l'excitation à la débauche des mineurs, la profanation de l'enfance […] qu'il faut prévenir à tout prix ou réprimer sans pitié," although even here De Rode is skeptical of the efficacy of a juridical response, arguing that the normal deterring effect of punishment does not apply to these particular individuals because of their "organisation cérébrale défectueuse."[57] For innate cases, these "psychical hermaphrodites" should be treated with pity, and educated in regimes of "continence": "Que cette lutte soit possible, bien des exemples l'ont aujourd'hui démontré. Peut-être n'est-elle pas beaucoup plus difficile que celle que soutiennent tous les jours pour vivre dans la continence tant de jeunes gens sains et de tempérament vigoureux."[58] Ultimately, however, the most important role falls to those charged with the care and education of young people to ensure that children and teenagers don't form "vicious habits" in their impressionable years: "Ici s'arrête malheureusement l'intervention des pouvoirs publics. C'est aux pères de famille et à tous ceux qui sont chargés de l'éducation de la jeunesse qu'il appartient de suppléer à l'impuissance des lois."[59] The picture of "the state" from this text is not that of an all-powerful entity, able to structure thought and intervene at the level of individual action. The judicial and medical apparatuses of the state are seen

[55] De Rode, 112. It is remarkable how similar these arguments are to those used today for the decriminalization of illegalized drugs.

[56] De Rode, 113.

[57] De Rode, 112–13.

[58] De Rode, 111.

[59] De Rode, 113. The reference to "vicious habits" comes on page 111.

as having "unfortunately" ineffectual tools for preventing the majority of cases of same-sex sex.

While I want to take seriously the ideas that same-sex attracted people had real power when they wrote their own stories and that state agents had significantly limited power to intervene in the thoughts and actions of citizens, I nevertheless want to acknowledge that a power differential between these different groups did of course exist. It is here that the concept of the epicenter of state power becomes useful. The field of power articulated around the question of the truth of same-sex sexuality in this period was differentiated and hierarchical. Dr. de Rode was invited to speak at a conference, which, by the way, was organized and sponsored by the government of the king of Belgium. While I don't think it is right to think of de Rode exactly as a state agent (and ultimately perhaps this is not a binary question), de Rode was certainly authorized to speak officially by a complex web of state-backed and affiliated institutions which nevertheless exercised a great degree of autonomy. Think back to the absurd list of accolades and positions listed on the title page of Casper's *Traité pratique de médecine légale*. The university, the court system, the "scientific delegation" of Prussia, the Order of the Red Eagle, all of the different medical academies with which Casper is affiliated: all of these institutions exist with some independence from the state, and indeed may have different interests or even be competing with each other, and yet at the same time they all vouch for Casper's authority. We know less about de Rode's credentials beyond his being a doctor, but it is likely that he had more power by dint of his embeddedness within such institutional frameworks to determine the official truth of same-sex sexuality than a random Belgian man on the street who liked to have sex with other men. That man probably had more power than a woman who liked to have sex with other women, or than a black colonial subject. The point, however, is that even though he may have had more power than others, that power was never *held* by de Rode. There was a constant struggle over the truth of same-sex attraction, interacting dynamically with a host of other intersecting power differentials, and competition among different institutions. (As we saw above, bourgeois liberals like Bonnellier, for example, drew on the rising authority of scientific ways of thinking in order to combat the power of established institutions like the church and the aristocracy.)

Ultimately, sexologists didn't exert a biopolitical, heteronormative state power that they already had on queer subjects. Sexology was one of many different institutions attempting to define the truth of same-sex sexuality during this time. Indeed, the very subject of de Rode's paper was the open question of which institution should take charge of addressing this social problem. Nor was an identitarian mode of thinking about same-sex sexuality invented overnight. As de Rode's paper makes clear, the crystallization of "modern gay identity" was a long process, which contained a lot of complexity, exceptions, and disagreements. Indeed, I would argue that such an identity never fully "cyrstallized" or became static, precisely because this process of categorization has always taken place within a dynamic and contested field. Far from being an inescapable way of seeing the

world, sexology's was simply one among many, certainly one that gained power and became a dominant discourse in certain times in places, but one that has always been a struggle with alternative viewpoints.

In this chapter, we have moved from the July Monarchy to the turn of the 20th century to the present. My argument about sexology is both historical, correcting a narrative that has become commonplace about sexology today, but also theoretical, with implications about how we think of sexual identity's functioning in the present. Ultimately, texts like de Rode's open up a new way of thinking about sexology's power in the process of its construction, rather than as a static fact or a *fait accompli* that is always-already there. The invention of homosexual identity and the establishment of sexology as an authoritative discipline were both contingent processes rather than certain events. And yet in arguing that sexological categories never became hegemonic, my intervention is also theoretical, and comes to bear on the present. In "Friendship as a Way of Life," Foucault said, "Il faut creuser pour montrer comment les choses ont été historiquement contingentes, pour telle ou telle raison intelligible mais non nécessaire. Il faut faire apparaître l'intelligible sur le fond de vacuité et nier une nécessité, et penser que ce qui existe est loin de remplir tous les espaces possibles."[60] Revealing the historical contingency of sexological constructions, resituating them within a field of power, in a time and place when sexology wasn't powerful, ultimately helps remind us of the contingency of the present. I worry that accounts of the inescapability of sexological epistemologies are a kind of state effect which produce a static view of a long process of struggle and a static view of the present. I would argue that while sexological epistemologies of sexual identity are certainly influential today, their power has never been absolute. In fact, there are many facets of our sexuality that we experience every day that have nothing to do with a sexological idea that our sexual desires are linked to some deep-seated identity. Michael Lucey describes the agency we retain in relation to "a highly structured, predictable set of sexual forms" in his essay "When? Where? What?"[61] Sexological epistemologies might be a kind of tool that we take up to articulate our sexual desires to others and act on them, but many other kinds of local epistemologies continue to exist that have nothing to do with sexological concepts of normativity and deviance. In a more quotidian context, we might think of all kinds of sexual experiences that elude "sexological capture." Do you like to kiss on hookups? Do you feel like you want it rough or romantic tonight? Do you prefer to get a drink with a potential partner first, or would you rather hook up straight away and see if there's chemistry later? We negotiate all kinds of sexual preferences that have little to do with an identitarian

[60] Foucault, "De l'amitié," 986.

[61] Lucey, "When?", 234.

conception of sexuality, and which lead to all kinds of social and sexual arrangements, "des relations polymorphes, variées, individuellement modulées."[62]

[62] Foucault, "De l'amitié," 986. It is important to note that Foucault's list of descriptors more closely matches Wiegman and Wilson's account of a kind of statistical understanding of diversity rather than a queer understanding structured around a binary conception of normativity. The relations enabled by this way of thinking are precisely not "non-normative," but "varied" and "individual."

Chapter 5.
Pierre-François Lacenaire and the Salience of Same-Sex Sexuality

In the previous chapter, I traced the power of a certain positivist strain of thought from the beginning of the 19th century into the present, arguing against the idea that sexology defined an inescapable epistemology. In this chapter, I take aim at a related idea, what I call the outlaw thesis, which holds that same-sex sexuality is always situated on the political left, against nationalism. In this chapter, we'll start in the present, with the recent turn to the right of gays in elections in France. The shock of some observers at this fact reveals the hidden architecture of the outlaw thesis. However, a consequence of my analytics of state power and same-sex sex in previous chapters is that there is no one way same-sex sexuality relates to political alignments or state power. In order to show the complexity and variety of this relationship, I will look at three moments in the history of representations of July Monarchy criminal Pierre-François Lacenaire: 1982, 1945, and 1991.

The Shock of the New Gay Right

The presidential elections of 2017 in France marked a major realignment in the French political landscape. The old centrist pact between the two major parties of the previous decade (the center-left *Parti socialiste* and the ostensibly center-right *Union pour un mouvement populaire*) fell apart as both parties saw their support crumble in the face of populist challenges from the far right (Marine Le Pen's *Front national*) and the far left (Jean-Luc Mélenchon's *La France insoumise*), while centrists consolidated around the ultimate victor Emmanuel Macron's *La République en marche !* party. A sub-plot of this realignment that received wide coverage in the press was the shift in political allegiance of homosexuals, a group previously believed to be firmly within the leftist camp of French politics. In the years leading up to the election, Marine Le Pen had reversed her father's homophobic positions and promoted gay men like Florian Philippot to prominent positions

of leadership within the *Front national*.[1] A month before the first vote, the gay magazine *Yagg* published a study from the Centre de recherches politiques de Sciences Po (CEVIPOF) that showed that French homosexual men supported Macron and Le Pen in almost equal numbers (about 30% and 28% respectively). Lesbians were more tepid in their support of Le Pen, but she was still the third most popular candidate among non-heterosexual women with over 20% support.[2] A less scientific survey of gay men on the hookup app *Hornet* also saw Marine Le Pen as the second-place choice among gays, and noted that immigration, Le Pen's key issue, was a determinative factor in the vote of 29.9% of gay men.[3] The trends in gay voting habits in 2017 were in line with the broad shift of gay voters to the right over the last decade. In regional elections in 2016, for example, nearly 40% of gay married men voted for the FN, much higher than the proportion of heterosexual men (30.2%).[4] According to Jérémy Patinier, "Depuis 2012, la droitisation de l'électorat homosexuel est palpable."[5] This phenomenon has only strengthened in recent years: in a study of LGBT voters in 2022, 34.5% of respondents intended to vote for the far right (either Marine Le Pen or the even more radical Eric Zemmour), while 3 out of 4 respondents supported right-wing candidates.[6]

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[1] For a full history of this shift within the party, see Marie-Pierre Bourgeois, *Rose Marine: enquête sur le FN et l'homosexualité* (Paris: Éditions du Moment, 2016). Bourgeois's detailed description of the split within the party around the question of *mariage pour tous* is particularly helpful. The FN's courting of gay voters has not been universally popular within the party, and the gay marriage debate produced two centers of gravity: Marine Le Pen's more cosmopolitan, pro-gay northern party, and Marion Maréchal-Le Pen's more religiously conservative, anti-gay southern party. (Bourgeois's book is full of helpful reporting on the contemporary moment, but her discussion of homosexuality within German fascism and the French far-right movements of the post-war period reproduces a tradition of problematically homophobic rhetoric on the left in France; her broader insights need to be taken with a grain of salt.)

[2] Xavier Héraud, "Enquête du CEVIPOF: les gays voteraient Macron et Le Pen, les lesbiennes Macron et Hamon," *Yagg*, March 29, 2017, http://yagg.com/2017/03/29/enquete-du-cevipof-les-gays-voteraient-macron-et-le-pen-les-lesbiennes-macron-et-hamon/.

[3] Jérémy Patinier, "L'appli Hornet révèle pour qui veulent voter les gays à la présidentielle," *Têtu*, February 24, 2017, https://tetu.com/2017/02/24/appli-hornet-revele-veulent-gays-voter-presidentielle-macron-lepen/.

[4] Eugénie Bastié, "Un tiers des couples homosexuels mariés a voté FN aux régionales," *Le Figaro* (Paris), May 2, 2016, http://www.lefigaro.fr/actualite-france/2016/02/04/01016-20160204ARTFIG00287-un-tiers-des-couples-homosexuels-maries-a-vote-fn-aux-regionales.php.

[5] Patinier, "L'appli Hornet," 2017.

[6] "Le vote des LGBT à l'élection présidentielle de 2022," IFOP et Têtu, March 17, 2022. https://www.ifop.com/publication/le-vote-des-lgbt-a-lelection-presidentielle-de-2022/. The survey classifies Macron as a "center" candidate, which reflects his positioning in the 2017 election. His subsequent policies and campaign in 2022, however, have established him much more as a right-wing than a left-wing candidate. See, for example, Norimitsu Onishi and Constant Méheut, "Macron, Once a Darling of Liberals,

Jasbir Puar, Fatima El-Tayeb, and Didier Fassin have analyzed the emergence of what they call "homonationalism" in detail, arguing that it is a relatively new phenomenon that is the product of the "folding" of homosexuals into the state's "biopolitical incitement to life" and the queering of homophobic Islamic terrorists. My work on the long history of the state's responses to same-sex sex in prison from 1830 to the present demonstrates however that the state has no particular orientation toward same-sex sexuality. What interests me instead is the degree to which this history has been erased such that the recent "droitisation" of the LGBT electorate now comes as a surprise to a majority of interpreters. In the press materials for Didier Lestrade's controversial 2012 essay, *Pourquoi les gays sont passés à droite*, the publisher notes that "Les gays sont depuis longtemps perçus comme une minorité engagée à gauche, tolérante et progressiste. […] Didier Lestrade affirme que ce n'est plus le cas."[7] The publicity campaign around the book depended precisely on the shock produced by Lestrade's thesis, indexing the belief that gays were fundamentally leftist. An April 2017 article in the magazine published by the newspaper *Le Monde* argued, "Les gays qui votent FN devraient bientôt cesser d'étonner." The article's title is "Comment peux-tu voter FN si t'es homo?" a frequent question asked of one of the FN voters profiled in the story.[8] In both cases, even as the text asserts the reality of the growing contingent of gay FN voters, it also indexes the shock that such voters produce within one of our current understandings of gay politics.

The shock of this new gay right ultimately reveals the tectonic structure of gay identity and politics in the 20th and 21st centuries. These responses demonstrate the prevalence and importance of what I call the "outlaw thesis," the idea that LGBTQ-identified individuals are inherently outlaw to the intrinsically heteronormative nation-state.[9] The outlaw thesis is surprisingly pervasive on both sides of the Atlantic, and it is at the root of the shock and surprise expressed by all those in the left-wing and gay press who are bearing witness to the political realignment of the past decade. But this thesis is

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Shows a New Face as Elections Near," *New York Times*, December 16, 2020, https://www.nytimes.com/2020/12/16/world/europe/france-macron-right.html.

[7] "Pourquoi les gays sont passés à droite: documents," *Seuil.com*, accessed November 10, 2017. http://www.seuil.com/ouvrage/pourquoi-les-gays-sont-passes-a-droite-didier-lestrade/9782021050370.

[8] Dominique Perrin, "Comment peux-tu voter FN si t'es homo?" *Le Magazine du Monde*, April 14, 2017, https://www.lemonde.fr/m-actu/article/2017/04/14/comment-peux-tu-voter-fn-si-t-es-homo_5111377_4497186.html?random=903922061.

[9] I develop this concept in more detail in Ty Blakeney, "Challenging the Outlaw Thesis: New Configurations of Sexuality, Politics, and Aesthetics," in *The Subject of Ethnonationalism*, ed. Joshua Branciforte and Ramsey McGlazer (New York: Fordham UP, 2023), 88–117. Of course, to say that homosexuality is fundamentally queer within a heteronormative state is not quite the same thing as saying that gay individuals will vote for left or progressive parties, but the two are closely related ideas within a binary view of politics that sees conservative forces as wanting to uphold the state. The events of recent years have been a reminder that there is a long tradition of anti-state politics on the right as well.

strongly anti-historicist in two directions. First, it takes what is a recent political development to be the way things have been "depuis longtemps," to quote the promotional materials for Lestrade's book. The association of gays with mainstream leftist politics in France only came about at the turn of the 1980s, around the election of François Mitterand. The most prominent gay rights organization of the mid-20th century, Arcadie, proclaimed itself to be apolitical, although this apoliticism masked a profound bourgeois conformism.[10] Even in the 1970s, when organizations like the Front Homosexuel d'Action Révolutionnaire (FHAR) began to painfully carve out a space for a gay movement on the radical left, those organizations were marginalized within a left that remained decidedly homophobic. In fact, until the turn in the early 1980s homosexuality was often associated not with the left but with the right: many prominent collaborators during the German occupation in World war II were gay, and the mainstream left and center-right parties in France used homophobic rhetoric to denigrate these collaborators after the war.[11] The stain of collaborationism remained until the AIDS crisis shifted thinking about gay individuals.

As I argued in chapter two, the advantage of approaching the question of same-sex sexuality through space rather than through chronological periods is that it allows alternative histories to appear outside of teleological narratives. In the chapter that follows, I will trace the way people in 20th and 21st century France talked about Pierre-François Lacenaire's sexuality, and how this history interacted with the history of gay politics and nationalism. We saw in the previous chapter that Lacenaire was a profoundly disturbing figure in July Monarchy France. By the 21st century, however, Lacenaire's image had shifted from being a monstruous figure of revolt to a celebrated revolutionary hero. In 2015, a little-known androgynous rock artist named Alex Sindrome saw Lacenaire as the symbol of a new kind of revolt against society in his song "Lacenaire": "Je me fous bien du Che, j'veux mon t-shirt Lacenaire/ Vos idoles nous font chier, rebooter millénaire," he sings in the chorus.[12] In 2017, a now-defunct men's clothing line called "Monsieur Lacenaire" launched in Paris that sought to channel Lacenaire's spirit of revolt into "playful goods and apparel for the modern gentleman." Neither the prices (hundreds of euros for a single garment) nor

[10] Julian Jackson writes that the founder of Arcadie, André Baudry, spent "autant d'énergie à la dénonciation de la frivolité des homosexuels qu'a la dénonciation de la société qui les persécutait." "Arcadie: Sens et enjeux de 'l'homophilie' en France, 1954–1982," *Revue d'histoire moderne et contemporaine* 53–4 (2006): 162, https://doi.org/10.3917/rhmc.534.0150.

[11] A useful reference point of this sentiment is the communist Luchino Visconti's homophic portrayal of decadent Nazism in *The Damned* [*La caduta degli dei*] (1969). Of course, Visconti was also an aristocrat and engaged in a gay romance with the film's male lead at the time.

[12] Alex Sindrome, "Lacenaire," *BandCamp*, September 14, 2015, https://alexsindrome.bandcamp.com/track/lacenaire. It is nearly impossible to understand Sindrome's actual sexual preference, although he certainly presents himself as queer in the tradition of certain male rock stars like Mick Jagger, David Bowie, and Iggy Pop.

the style (knit-wear versions of American letterman jackets) was revolutionary. Any kind of sexual subtext of Lacenaire as a figure seemed to be evacuated in the bland way in which the brand took up Lacenaire as a symbol of revolt. One promotional image for the brand's Spring/Summer 2013 collection shows a preppy young man staring at a sexualized poster of a woman.

Figure 16. Album art for "Lacenaire, by Alex Sindrome. https://alexsindrome.bandcamp.com/track/lacenaire.

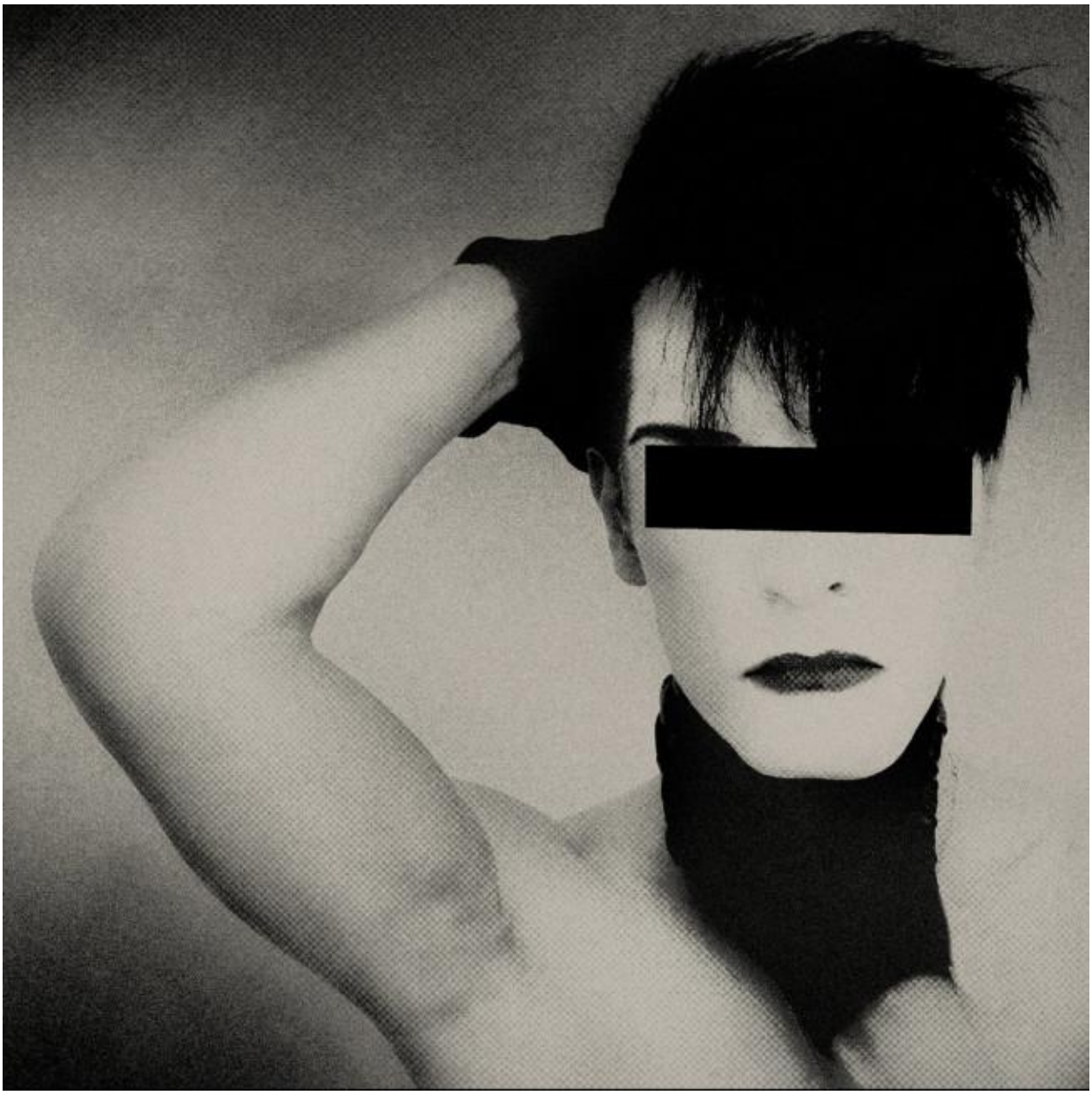

Figure 17. Alex Sindrome's androgynous self-presentation. https://www.brucetringale.com/sos-fantomes-interview-alex-sindrome/.

Figure 18. Promotional image for the clothing line Monsieur Lacenaire.

Figure 19. The clothing line Monsieur Lacenaire's preppy style.

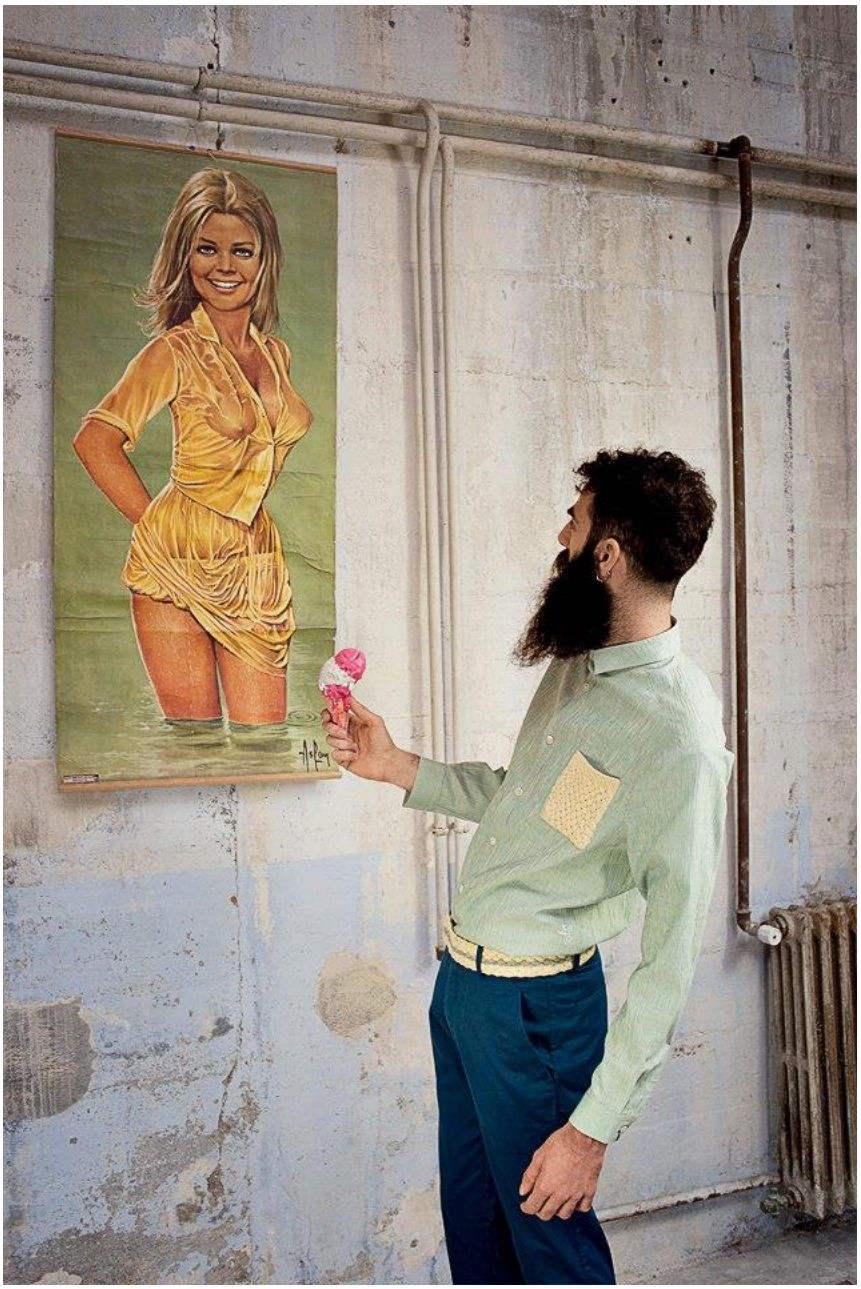

Figure 20. Monsieur Lacenaire's promotional images appealed to a heterosexual audience.

How did the existential threat that Lacenaire seemed to represent for Bonnelier in the 19th century become totally banalized and commercialized by the 21st, literally and figuratively blazoned across t-shirts? And how did perceptions of Lacenaire's sexuality develop as his connection to the French national community changed?

It was the representation of Lacenaire in Marcel Carné's 1945 film, *Les Enfants du paradis*, that inaugurated a history of seeing him as a noble figure of revolt. Lacenaire's revolt against society has been linked with the history of the film itself: written and shot during the German occupation (but released after the liberation), with the secret collaboration of Jewish artists in hiding, *Les Enfants du paradis* came to be seen as a symbol

of French resistance and resilience, an assertion of the French spirit in the face of both the German censorship and control that characterized the film's production and the dominance of American films after the liberation.[13] While Carné's presentation of Lacenaire is more ambivalent than many critics allow, within the context that *Les Enfants du paradis* was received, Lacenaire came to be seen as the ultimate figure of revolt. An unhappy author of love letters for pay at the beginning of the film, he eventually pens his own piece of theater, champions the actor Frédérick Lemaître's subversive take on the role of a criminal by being his second in a duel, and murders the tyrannical aristocrat Édouard de Montray, who is often taken to represent the German occupiers. In this way, many have seen Lacenaire as a figure for Carné himself, an artist committed to producing art that was critical of the society in which it was produced (the German context) and who manages to escape from an overly commercialized form of artistic production that reduces art and beauty to a monetary value (the American rivalry). Carné's film was the linchpin by which Lacenaire shifted from being seen as a symbol of the monstrous limit of society's bounds to the incarnation of a particular French form of resistance in the face of an unjust society. By 1990, Francis Girod presented Lacenaire as a French hero in a historical biopic. Girod's film was part of a movement of "heritage" films produced around the bicentenary of the French Revolution in 1989 that, to take the term used in Pierre Nora's monumental collection of historical essays produced in the same period, produced a series of *lieux de mémoire* of French culture. Lacenaire moved from being the object of morbid fascination on the fringes of French society to one of the emblematic figures of Frenchness in a series of *tableaux* of the French spirit, the symbol of a particularly French form of revolt.

Parallel to this shift in Lacenaire's relationship to the French national community was a shift in thinking about his sexuality. As time progressed, Lacenaire increasingly came to be seen less through the criminal sexual form that I elaborated in Chapter Two and more through homosexual identity, at the same time coming to be the locus of a mythology of queer outlaw status within a heteronormative society through his presentation in *Les Enfants du paradis*. In the film itself, the character of Lacenaire makes more or less open reference to his own homosexuality, telling Garance, the main female protagonist, that she is an exception to his usual distaste for women. Critics have since identified the homosexual overtones of Carné's representation of Lacenaire's accomplice Avril, who is sensitive, fiercely devoted to Lacenaire, and always seen wearing a flower.[14] The latent homosexuality of the representation came to be an established part of the memory of the

[13] Jill Forbes, *Les Enfants du paradis* (London: BFI French Institute [BFI Film Classics], 1997), 10–18.

[14] Jill Forbes, *Les Enfants du paradis* (London: British Film Institute, 1997), 68; Anne Delabre and Didier Roth-Bettoni, *Le Cinéma français et l'homosexualité* (Paris: Danger Public, 2008), 127. Ironically, according to sources from the 1830s, Avril seemed to be the most active lover of women among the main actors in the *affaire*: it was his arrest at a heterosexual brothel that helped police unravel the case of the Chardon murders.

film because of an interview Carné gave late in life. Carné was notoriously private about his own sexuality through most of his career, and he did not discuss sexuality in his films until many years after *Les Enfants du paradis* was filmed. But, in a 1982 interview with the gay periodical *Masques*, Carné identified Lacenaire as gay: "Dans *Les Enfants du Paradis*, c'est très net, et historique, que Lacenaire est homosexuel, et qu'il couche

avec Avril—la dévotion d'Avril, avec sa rose à l'oreille ! etc."[15]

By the turn of the 21st century, then, Lacenaire's homosexuality had become closely tied to the anti-social Romantic hero narrative, and he became an emblematic figure of the gay outlaw. In the 1997 *Homosexuels et bisexuels célèbres : un dictionnaire*, Lacenaire is presented as a kind of gay hero. The entry claims erroneously that Lacenaire was thrown out of university in Chambéry "pour homosexualité" and that Lacenaire's alleged accomplice in a second murder, Bâton, was also his "lover."[16] In 2002, Nicolas Dobelbower explicitly tied Lacenaire's homosexuality to the anti-social narrative:

> For Lacenaire, the rejection of society required not only an attack upon its laws through crime, but also the abandonment of traditional family ties as engendered by heterosexuality. To embrace crime was to espouse an alternate form of solidarity organized around same-sex companionship.[17]

Dobelbower's essay, published in the volume *Homosexuality in French History and Culture*, canonized this view of Lacenaire's outsider status as a key moment in the history of homosexuality in France. The political significance of Lacenaire's homosexuality, the way in which Lacenaire "espoused an alternate form of solidarity," is read through both the specific politics of the gay liberation movement, which argued that homosexuality had been cast out of society throughout modern history, and the image of Lacenaire produced by Carné's film and its reception in the wake of German occupation.

At the end of the 20th century, then, Lacenaire's revolt against the aristocratic society of the Restoration and the representation of this revolt in the war context of *Les Enfants* had surprisingly made the criminal into a national hero. Lacenaire's critique of society was recuperated as the sign of a particularly French form of resistance to injustice. As Lacenaire transformed from a *révolté* to a French hero, he also increasingly came to be understood as gay, flattening out the complex historical question of whether he had sex with men and whether that fact was associated with any kind of identity. By the 1980s,

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[15] Marcel Carné, "Rencontre avec Marcel Carné, cinéaste fantastique," interview by Jacques Grant and Jean-Pierre Joecker, *Masques: Revue des homosexualités* 16 (Winter 1982/83): 14, https://gallica.bnf.fr/ark:/12148/bpt6k5324611c.

[16] I can find no evidence of these assertions anywhere except in this text. It seems as though the author of this entry may have taken the liberal historical interpretation of François Girod's 1990 film *Lacenaire* as fact.

[17] Dobelbower, "Chevaliers," 132. I have shifted from taking Dobelbower as a secondary source in chapter two to using his article as a primary source here.

these two narratives began to interact, and two distinct positions emerged. In the first, he was recuperated as a national hero only on the condition that his sexuality be erased; in the second, he became hero precisely *because* of his sexuality, a symbol of the particularly French openness to homosexuality relative to the United States. Lacenaire became the locus of a battle over what constituted Frenchness, and what role homosexuality played in the French state.

The history of Lacenaire's reception is thus quite a complicated one. He is perceived in different ways by different people and different times, in relation to both his sexuality and the French nation. Different people have also brought different assumptions about the relationship of the state to same-sex sexuality to bear on Lacenaire's case. In the three sections that follow, I don't want to offer any kind of teleological narrative. Rather, I will present three distinct moments in this history: Carné's interview in 1982, the representation of Lacenaire in *Les Enfants du paradis* itself in 1945, and the moment between about 1990 and 2010, after the mainstream popularization of an identity-based gay rights movement in France. Each of these moments paints a different picture of the relationship between same-sex sexuality and the French nation, ultimately giving lie to the outlaw thesis and the idea that same-sex sexuality has usually been aligned against nationalist politics.

Carné, *Querelle*, and Lacenaire: A tradition of friendship

When Carné gave the interview to the gay journal *Masques* in which he identified Lacenaire as clearly homosexual, he was well past the working phase of his life. At one time, he was one of the most respected directors in France, associated with the poetic realism movement that dominated French cinema in the 1930s. His film *Les Enfants du paradis* (1945) had received a special César in 1979, honoring it as the best French film in history. In 1982, however, the director was 76. He'd made what would be his last film half a decade earlier and could no longer find a producer willing to back a new project. But Carné hadn't been at the forefront of French cinema for three decades, and his work would remain critically neglected until the 1990s. (His collaborator, Jacques Prévert, was often credited as the genius *auteur* behind *Enfants*, for instance, while Carné tended to be associated with the ironically-named *tradition de qualité* denounced by New Wave critics.) Although some sources describe Carné as having been openly gay, the question is a bit more complicated. Certainly at some point in his life his sexuality became public knowledge, but it is difficult to track down the exact moment of his "coming out;" his homosexuality was rather a piece of information that would be known in increasingly larger circles as time went on. If Carné never denied being gay in 1982, he nonetheless didn't proclaim it openly either.

The interview with *Masques* is a fascinating text in this regard. Carné's homosexuality is an important subtext to the interview, and one that any reader of this gay

journal would likely have picked up on. The interview is peppered with a series of homoerotic stills from Carné's films, but neither Carné nor the interviewers ever identify the director as gay. He makes tantalizing statements which hint at his homosexuality, but persistently disengages any attempt at a follow up on the part of the interviewers. At one moment, for example, Carné recounts the story of why the ending of one of his films, *La Merveilleuse visite*, had to be changed from his original plan. "Il fallait faire venir trois, quatre « M. Muscle » de Paris, et que je n'ai pu obtenir." What follows is an exchange in which Carné's own homosexuality seems to be bubbling right at the surface, a clear subtext for both the interviewers and the director, and yet conscientiously never stated:

> **—Il n'y avait pas de « M. Muscle » en Bretagne ?**
>
> —Non. Finalement on m'a montré des gendarmes. Ils ont juste enlevé leur chemise, c'était pas possible, ils avaient du ventre comme moi.
>
> **—Il fallait partir à leur recherche vous-même.**
>
> Je n'en avais pas la possibilité, il y avait le mauvais temps, pas d'argent, des grèves, ça a été démentiel, ce tournage.[18]

Just after describing a scene of him inspecting the bodies of young policemen, Carné flatly refuses to engage with the interviewers' joke, responding in a completely literal way to a comment that is clearly meant in a figurative sense.

[18] Carné, 10. There are countless other exchanges of this type. "Vous êtes plus porté à habiller les femmes que de les déshabiller, c'est bien, pour un cinéaste…" say the interviewers at one point (14).

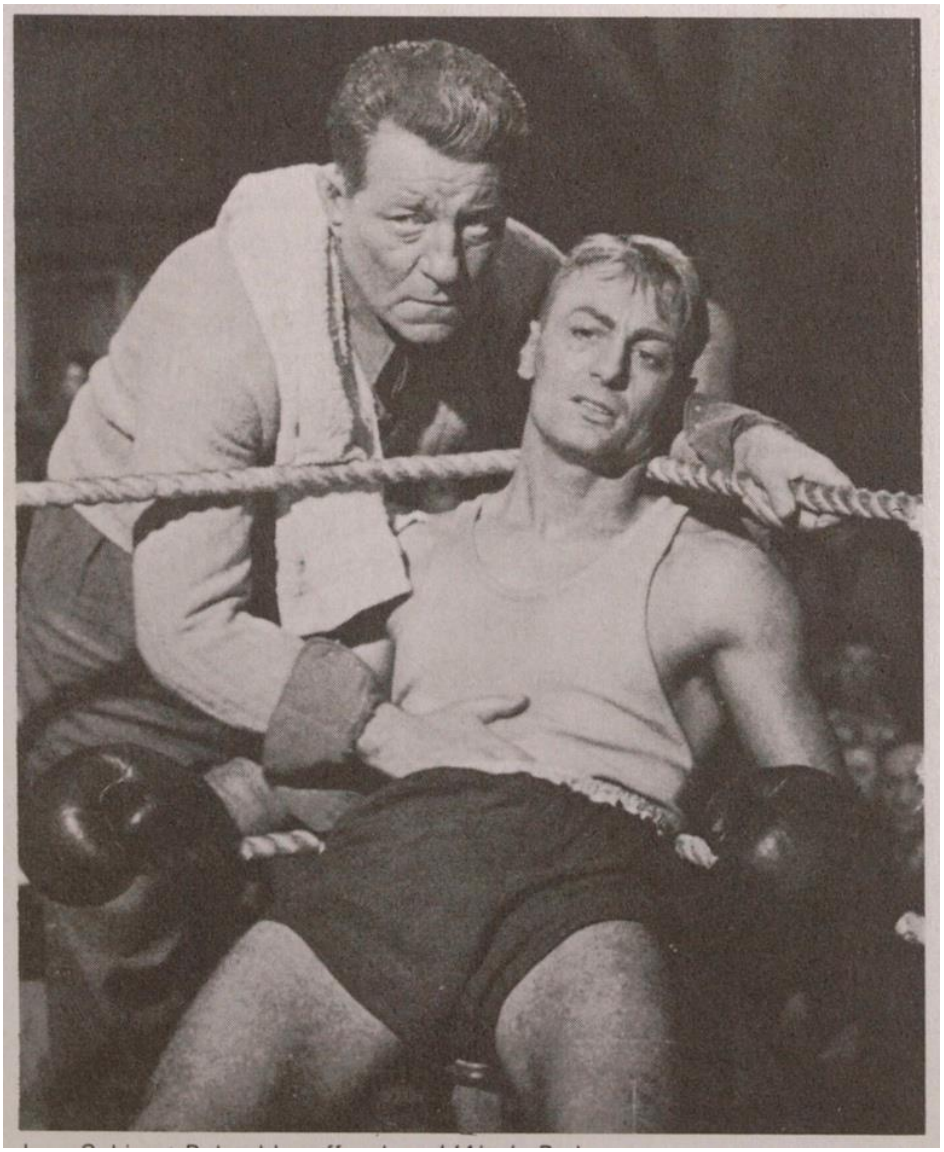
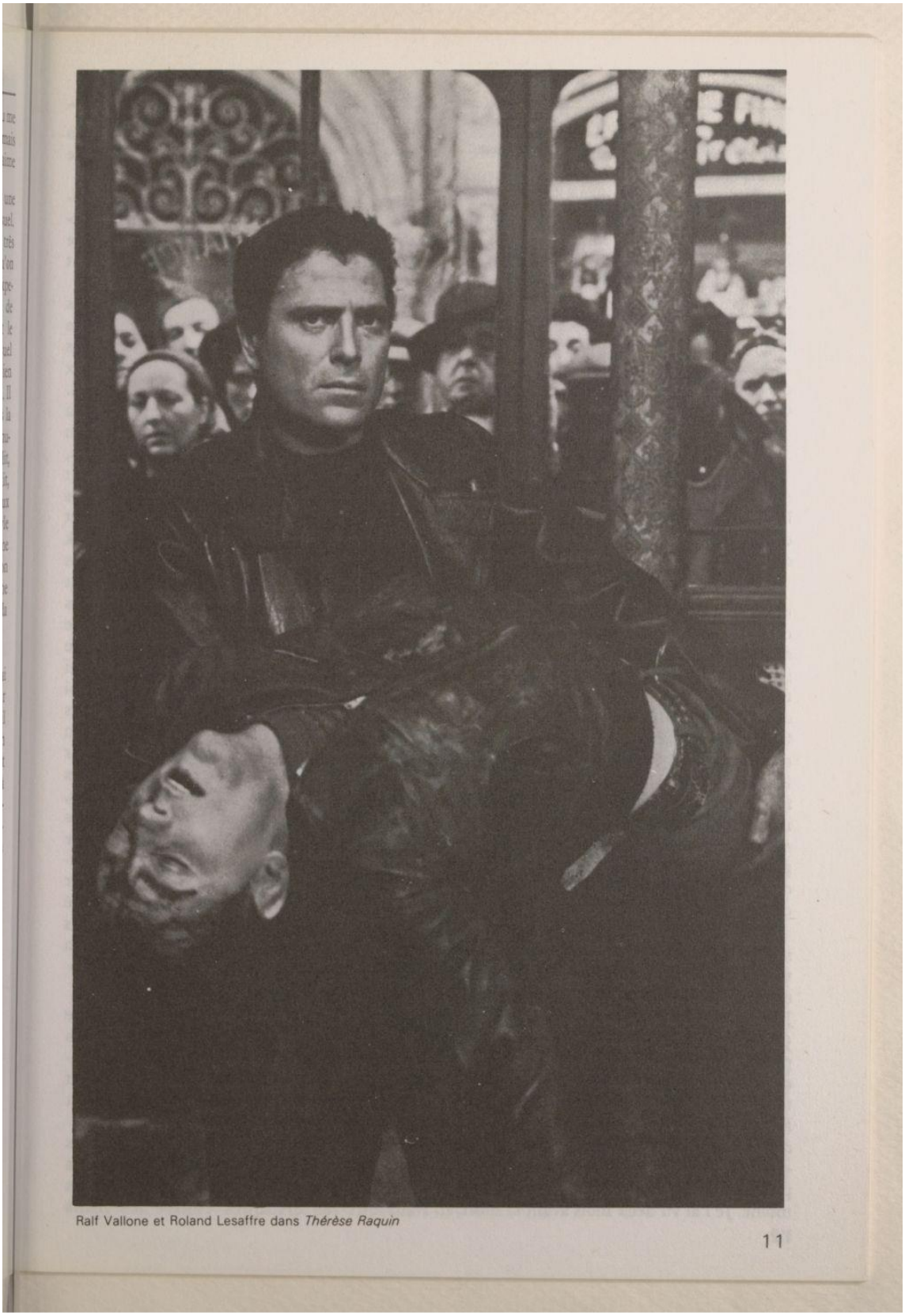
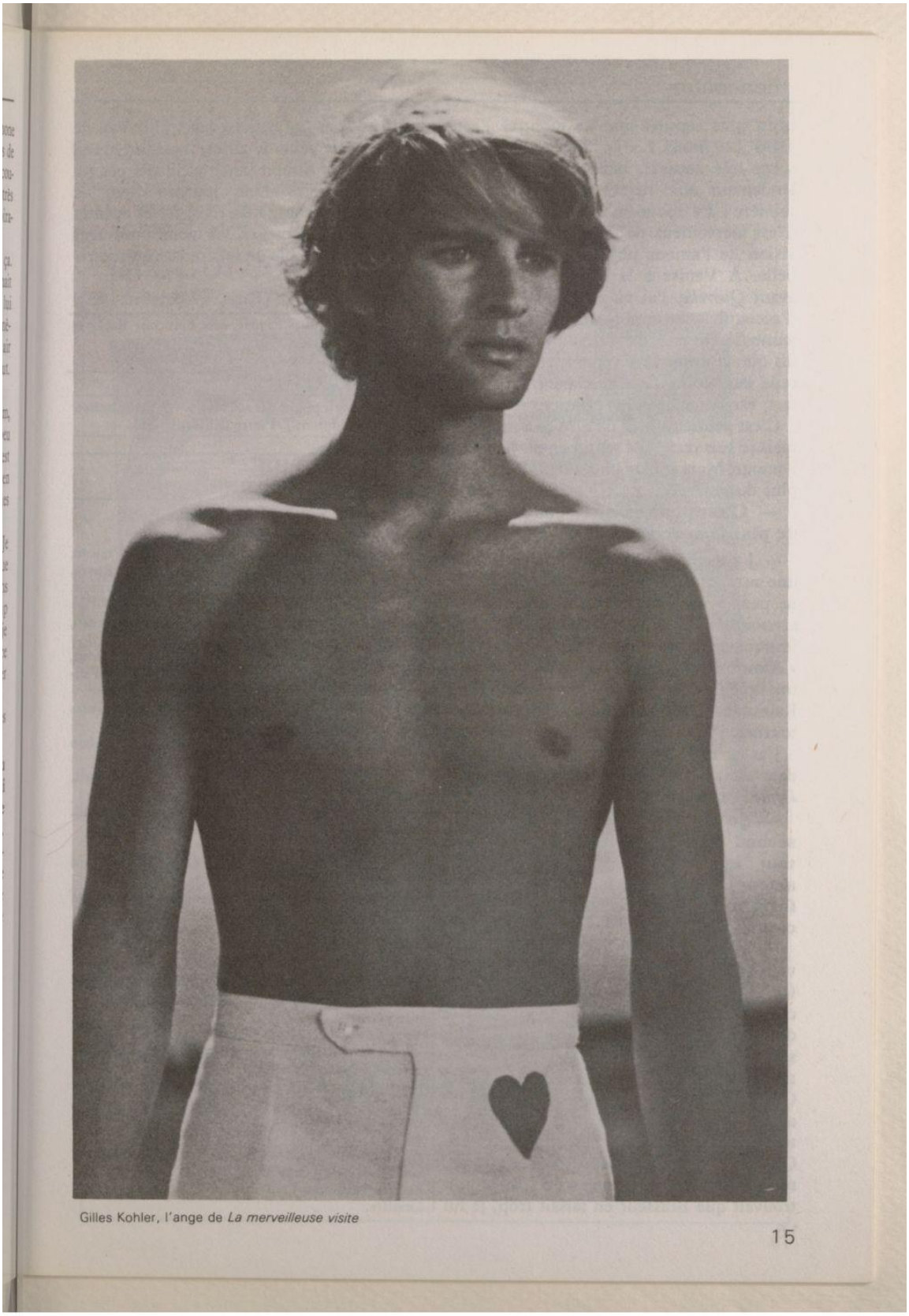


Figure 21. Homoerotic images from Carné's films fill the pages of the Masques *interview, conditioning a reader's understanding of his responses. This shot is taken from* L'Air de Paris *(1954).*



Source gallica.bnf.fr / Les Amis de Masques et de Persona

Figure 22. A homoerotic shot from Thérèse Raquin *(1953).*



Source gallica.bnf.fr / Les Amis de Masques et de Persona

Figure 23. A handsome young man in La Merveilleuse visite *(1974).*

Carné's identification of Lacenaire as homosexual, then, takes place in a complex text in which the question of gay identity is anything but "net." Importantly, it isn't simply a question of projecting back homosexual identity anachronistically onto Lacenaire the historical figure from the 19th century. The statement relates at once to Lacenaire's sexuality in the 1830s, the character Lacenaire's sexuality in the 1945 film and Carné's willingness to represent it explicitly, and to Carné's sexuality in 1982. The identification of Lacanaire's homosexuality occurs in Carné's answer to the most direct question the interviewers pose about the topic. After Carné mentions that he sees "masculine" and "feminine" love as the same, the interviewer follows up:

> **—Vous dites que les histoires d'amour entre hommes et femmes c'est pareil, alors pourquoi n'avez-vous jamais tourné d'histoire d'amour entre hommes ?**
> —Je savais que vous y arriveriez ! Ça ne me gêne pas du tout, remarquez.
> **—Je ne vous pose pas cette question pour essayer de traquer un manque en vous, mais pour que vous parliez encore de votre sensibilité à vos personnages.**
> —Je n'ai peut-être jamais tourné d'histoire d'amour entre hommes, mais ça a été souvent sous-jacent.[19]

The identification of Lacenaire as homosexual occurs in the paragraph that follows, along with a range of other characters from his films that Carné identifies as homosexual. This moment in the interview is often cited as an identification of the historical figure of Lacenaire as homosexual, but in fact when we look at the quote carefully, the dominant context of the answer is about the explicitness of the representation of Lacenaire *the character's* homosexuality in Carné's *Enfants du Paradis*. The historical Lacenaire's sexuality actually serves rhetorically only to make a point about the film: "Dans *Les Enfants du Paradis*, c'est très net, et historique, que Lacenaire est homosexuel, et qu'il couche avec Avril."[20] Presented as a simple historical fact, it serves as an alibi for the explicitness of the representation of homosexuality in *Enfants*. The sexuality of both Lacenaire the character and Lacenaire the historical figure also relates in a complex way to the sexuality of Carné himself. Carné begins speaking about his characters' sexuality in order to stop talking about his own, although the suggestive phrase "votre sensibilité à vos personnages" suggests that in talking about one he may in fact be talking about the other. Carné's willingness to represent openly homosexual characters represents his comfort with homosexuality, his willingness not to deny or hide homosexuality—"ça ne me gêne pas du tout, remarquez."

We could of course read Carné's evasiveness synmptomatically as just an expression of his own closetedness, his refusal to publicly avow his own homosexuality. To do so, though, reproduces many of the pitfalls I have highlighted in previous chapters. A reading

[19] Carné, 14.

[20] Carné, 14.

that breaks down along the fault line of "modern" homosexuality, that insists that in Lacenaire's time it was impossible *to be gay* and in Carné's time it was impossible *not to be gay* if you were a man interested in other men sexually, misses much of the richness of Carné's thought; as we saw in the last chapter, a modern, identitarian form of homosexuality is not inescapable even after it becomes a dominant mode of thinking about same-sex sexuality—it continues to coexist alongside other models. Certainly it seems like the interviewers are pushing Carné to speak in identitarian terms about his homosexuality, but we don't have to see Carné's refusal within a binary framework, as simply an unwillingness to out himself. I think we should take him seriously when he says that "it doesn't bother him at all." In fact, when we read the text carefully, we can see that Carné is quite insistently presenting an alternative way of thinking about same-sex sexuality, one that is closer to the tradition of loving and sexual friendship that we have seen from July Monarchy prison texts through to Michel Foucault's interview "De l'amitié comme mode de vie," published just a year and a half before Carné's in a similar venue.

Carné elaborates his understanding of friendship in the continuation of the answer where he mentions Lacenaire. After listing all of the moments in which he did represent homosexuality in his films, he concludes,

> Mais des films entre homos, non. Je me suis souvent posé la question : est-ce que c'est un manque d'audace ? Les films homosexuels ne font pas beaucoup d'entrées, c'est un circuit restreint, et je n'aimerais pas avoir un insuccès dans ce domaine, d'autant que je n'aimerais filmer alors qu'une grande histoire d'amour.
>
> Mais je crois surtout que j'aime mieux les choses qu'on devine.[21]

Carné poses a potential closeted reading, a "lack of audacity" to make a "film entre homos." While he leaves fear open as a possibility, he ultimately concludes that it is more because he likes that which requires interpretation on behalf of the audience. Although he doesn't quite have the language to articulate it, it seems that Carné is trying to draw a distinction between two modes of same-sex sexuality, not unlike Foucault does in "De l'amitié" a year earlier. Foucault said, "Le problème n'est pas de découvrir en soi la vérité de son sexe, mais c'est plutôt d'user désormais de sa sexualité pour arriver à des multiplicités de relations."[22] I think, when Carné talks about "les choses qu'on devine," he has something similar in mind. Continuing, he compares two scenes that he had seen earlier in 1982 while serving as the head of the jury at the Venice Film Festival: a very explicit scene of heterosexual sex, which he calls "une scène vraiment d'accouplement […], vraiment sale," and "la scène de sodomisation de Querelle par Nono, faite avec énormément de tacte, […] beaucoup plus

[21] Carné, 14.

[22] Foucault, "De l'amitié," 982.

efficace."[23] He follows with what seems like a bit of a non sequitur: "C'est peut-être bête de dire ça à mon âge, mais je suis resté très sentimental. Je crois à l'amour. Mais encore plus à l'amitié, qui est plus durable."[24] Carné is quite clear here that he is thinking about sexuality and relationality on other vectors besides the gender of the two participants. In terms of the representation of sexuality in films, it's not a question of hetero- or homosexuality that makes Carné uncomfortable: he compares a sex scene between two men favorably to one between a man and a woman. Rather, what's important for Carné is presenting sex "tactfully," not just as the fulfillment of an animalistic desire.

Carné's response is full of surprises. For anyone familiar with Fassbinder's *Querelle*, the characterization of the aptly named "sodomization" scene between Nono and Querelle as sentimental and tactful might be difficult to accept, given that during the scene one man pulls a knife on the other. Querelle and Nono roll dice to see whether Querelle will get to fuck Nono's wife, or whether Nono will get to fuck Querelle. When Nono wins, there is a tense exchange between the two as they set out the parameters of the encounter. "We won't kiss," Querelle tells Nono emotionlessly, to which the latter replies, "Goes without saying." "I'll just give my ass. That's all," affirms Querelle, and Nono concurs simply: "That's right. That's all there is to it." When Nono accuses Querelle of rigging the dice roll so that he can be fucked, Querelle gets angry and tries to attack Nono, who quickly pulls out a switchblade. Querelle, impressed, asks if Nono was a sailor, who we learn was a "legionnaire in a prison detachment." From this point, Nono is in charge. He tells Querelle to lie down, that they need to make it quick. We see him spit, presumably for lube, and then see Querelle's face in considerable pain as Nono penetrates him.

[23] Carné, 15. Important context for this discussion of Fassbinder's film is that Carné had just been a member of the jury at the Venice Film Festival where *Querelle* had debuted. Carné fought ardently for *Querelle* to be awarded the top prize, in an act that was interpreted by some as his own kind of coming out.

[24] Carné, 15.

Figure 24. Nono (left) and Querelle (right) facing away from each other.

Figure 25.

Figure 26. Querelle sets the terms of their sexual encounter.

Figure 27. An unexpected reverse shot from a low angle.

Figure 28. Nono spits.

The scene of penetration itself is conveyed through a series of extreme closeups on the two men's faces and Querelle's body, and this is perhaps what Carné means when he calls it "tactful." However, it can hardly be said that the scene is shot in a "sentimental" way. Much of the initial negotiation is presented in a medium wide shot, with the two men facing away from each other (fig. 24–25). In the exchange about not kissing, Fassbinder sets up what seems like a traditional shot-reverse shot with a close up on Querelle, but disorients the viewer and upsets our expectations when he cuts to Nono in a close up from an odd low angle that cuts off the top of Nono's head (fig. 26–27).

What could Carné have in mind, then, when he calls this scene tactful, when he associates it with sentimentality, and when he implies that it privileges friendship over love? In fact, the scene quite explicitly evokes the form of sensuous friendship between criminals that runs from Hugo and the texts we read in chapter two to Genet and Fassbinder. Carné in turn evokes this tradition in opposition to the kind of homosexual identification that the interviewers push for. In his last answer, Carné pushes back quite vigorously against the interviewers. "Je sens très bien depuis le début que vous voudriez que je vous dise pourquoi je fais ceci ou cela. Vous attendez peut-être des choses définitives, mais je suis le contraire d'un théoricien, je ressens les choses, elles sont au bout de mes doigts."[25] The immediate context is about choices having to do with film form, but I think we can see this response as being about sexuality too. Carné's metaphor of fingertips

[25] Carné, 16.

here recalls his formulation of "tactful" sex scenes earlier, and provides a new meaning to that concept. Like Carné, Querelle and Nono are not theoreticians. These two men, both ostensibly taken with Nono's wife, do not speak about their "sexuality" in abstract terms. They are simply feeling things out. They work out an elaborate choreography with each other and come to find a relational form that suits both of them. It is certainly not about "homosexuality," or even simply an exclusive attraction for men. It does seem to have something to do with the hierarchical relationship between a guard and a prisoner, and the sexual forms of the military and of prisons more broadly. But it is also inventive, not simply a "grande histoire d'amour," as Carné fears he would make. "That's how I like you," Nono says as he has Querelle bent over a table, and the scene in some ways seems to be about nothing more than two men discovering how they enjoy relating to one another, in this case a dangerous interaction tinged with a dom/sub dynamic. "That's all there is to it." The scene, as described by Carné, comes close to what Foucault describes in "De l'amitié":

> Deux hommes d'âge notablement différent, quel code auront-ils pour communiquer ? Ils sont l'un en face de l'autre sans arme, sans mots convenus, sans rien qui les rassure sur le sens du mouvement qui les porte l'un vers l'autre. Ils ont à inventer de A à Z une relation encore sans forme, et qui est l'amitié : c'est-à-dire la somme de toutes les choses à travers lesquelles, l'un à l'autre, on peut se faire plaisir.[26]

I think this is a bit of what Carné means when he says he prefers "les choses qu'on devine," and that he believes in friendship over love.

This has been rather a long detour away from Lacenaire, but the context is important for understanding exactly how Lacenaire is situated relative to the history of sexuality in Carné's text. The first part of the sentence, the part everyone cites when talking about Carné or Lacenaire's sexuality, clearly seems to fix Lacenaire's identity as homosexual, a kind of anachronistic project ("Dans *Les Enfants du Paradis*, c'est très net, et historique, que Lacenaire est homosexuel, et qu'il couche avec Avril.") But the end of the sentence, the part that is rarely cited, points I think to a different understanding of same-sex sexuality: "la dévotion d'Avril, avec sa rose à l'oreille ! etc." Carné is referring to Lacenaire's friend Avril, a minor character in the film who is always following Lacenaire around.

[26] Foucault, "De l'amitié," 983.

Figure 29. Avril (right), with a rose above his air, looks happily at his companion Lacenaire.

Pointedly, Avril is not identified as homosexual, either by Carné in the interview or in the film, but as someone Lacenaire sleeps with, someone who is devoted, who has a rose at his ear, etc. (Carné's description almost recalls the way in which Hugo discussed Claude and Albin's friendship: "Ils travaillaient dans le même atelier, ils couchaient sous la même clef de voûte, ils se promenaient dans le même préau, ils mordaient au même pain. Chacun des deux amis était l'univers pour l'autre. Il paraît qu'ils étaient heureux.") This list of descriptors offers an alternative to the "clear-cut" homosexual that Carné associates with Lacenaire, and the "etc." gets at some of the openness and inventiveness associated with "les choses qu'on devine." Far from simply projecting modern homosexual identity back on the past, Carné's interview gives us a glimpse of the struggle between two ways of seeing same-sex sexuality, well after the moment at which homosexuality was supposed to have become inescapable. Lacenaire is caught between a homosexual epistemology and the tradition of sexual friendship with which he and Genet are associated, and Carné deploys that tradition in the interview as a counter to an insistence that he "theorize" about his sexuality.

Criminals and Collaborators

I would like now to turn more fully to *Les Enfants du paradis* itself. Carné's comments on sexuality in the 1980s are interesting in their own right, and as we will see shortly, they open up a different way of thinking about the film. But the film's representation of

Lacenaire and same-sex sexuality also owes much to the specificity of the context of occupied and recently liberated France. *Les Enfants du paradis* is by far the most famous representation of the criminal, and much of his popularity as a cultural figure since must be put down to the film. (Garance Broca, the founder of the clothing line Monsieur Lacenaire, cites *Enfants* as her inspiration, for example. Incidentally, she was personally named after a character in the film, too.[27]) The film has long been lauded as one of the greatest achievements in French filmmaking, because of its quality, of course, but also because of the way the context of its production and release fed into different national narratives. The film was seen as a triumph over both German occupiers and the invasion of French movie theaters by American films after the liberation. *Les Enfants du paradis* was the most expensive French film ever produced at the time of its release, even though it was shot from 1943–44. The sumptuous sets and costumes were a marvel in a world in which many of the extras in the film didn't even own a pair of shoes. All film production during the occupation involved some extent of collaboration with German cultural officials and censors and compliance with laws that prohibited Jews from working, but *Enfants* was held up as an important example of resistance to German occupiers. While Carné was by no means an active member of the resistance, the screenwriter of the film Jacques Prévert was. Both were lauded for working secretly with Jewish artists, set designer Alexandre Trauner and composer Joseph Kosma, on the film. Seeing the writing on the wall, Carné and his producers delayed the film's release until after the liberation, tying the film to the defeat of the Germans and avoiding having to make changes to the film due to Vichy or German censorship. The film was ultimately a convenient vehicle for the work of forgetting French collaboration that took place soon after liberation, and a rare narrative of French success after a difficult period of defeat and hardship.

The timing of the film's release made some of its allegorical content about the Occupation more obvious, but it also added a second vector of national triumph. The liberating troops brought American films from Hollywood, which had been banned during the Occupation, and reignited a longstanding rivalry between Paris and Hollywood. French movie theaters in 1945 were flooded with years of backlogged American films which crowded out French offerings. The French film industry, which had in some ways flourished during the war due to the sudden lack of competition, flagged. Funds dried up in France's devasted economy (during the war, the French film industry had actually been propped up by German money), and many of those who worked in the industry during the occupation suddenly found their reputations tarnished with the suspicion of collaboration. (The lead in the film, Arletty, was imprisoned for several months and forbidden from working until 1949, since she'd had quite a public affair with a German officer. As we will

[27] Garance Broca, "Mode masculine: les trentenaires au pouvoir," interview by Alice Pfeiffer, *L'express*, May 5, 2013, https://www.lexpress.fr/styles/plaisirs/mode/mode-masculine-les-trentenaires-au-pouvoir_1244652.html.

see, however, Arletty's association with collaboration actually bolster an allegorical reading of resistance in the film.) In this context, Carné's masterpiece seemed like a beacon of hope for the restoration of the French film industry to its former glory, proof that French filmmakers could compete with Hollywood and produce high quality, big-budget films.

This two-directional account of French triumph over other national cultures inflected Lacenaire's story, marshalling Lacenaire's revolt against society within a nationalized narrative. The film, set loosely in the 1820s and 30s, revolves around the actress Garance, portrayed by Arletty. Four men fight for Garance's affection: the aloof Lacenaire, the passionate mime Jean-Baptiste Deburau, the blustering actor Frédérick Lemaître, and the egotistical and jealous Comte de Montray.[28] Garance spends time with each of the men, meeting Jean-Baptiste by chance in a bar and dating Lemaître briefly, before running off with the rich de Montray at the end of the film's first part. Garance has often been read allegorically as a symbol of France and liberty, and her relationship with de Montray has been taken to represent the occupation of France by German troops. (This reading would have been even more obvious for audiences at the time because Arletty, the actress who played Garance, was in prison for sleeping with a German officer when the film came out.) At the end of the film, Lacenaire murders de Montray as he bathes in a Turkish bathhouse. Within the allegorical structure of the film, Lacenaire thus appears as a figure for the French resistance against German occupation. Lacenaire's revolt against society, seen as a potential threat and problem in the 1830s, came to take on a positive valence in this new national context.

This nationalization of Lacenaire's story in the film impacted representations of Lacenaire's sexuality in unexpected ways. Given Carné's portrayal of the film in *Masques*, viewers of the film might expect quite an explicit portrayal of Lacenaire as a homosexual character. Lacenaire's sexuality is portrayed more in negative, as a coldness toward women, than in any positive affirmation that he's sleeping with Avril. Early in the film, Lacenaire frames his revolt suggestively as a kind of refusal of sexuality and love: "Quelle prodigieuse destinée," he tells Garance, "n'aimer personne, être seul, n'être aimé de personne, être libre." (In a deleted scene, Garance also apparently jokes that Lacenaire wouldn't know much about women.[29]) The viewer also gets a strange sense of the way in which Lacenaire doesn't seem to quite fit into his role as Garance's lover. Garance, certainly, never seems to take him seriously, and he only makes one failed attempt to truly woo her late in the film. But he never expresses love for men, and his actions are ostensibly motivated by some kind of love for Garance throughout the film. Perhaps not by accident,

[28] Frédérick Lemaître, remember, was the actor who originated the role of the escaped convict Robert Macaire in *L'Auberge des Adrets* and played the titular role in the Balzac's play *Vautrin*. The first performance of *L'Auberge des Adrets* is actually represented in *Les Enfants du Paradis*.

[29] Edward Baron Turk, *Child of Paradise: Marcel Carné and the Golden Age of French Cinema* (Cambridge, MA: Harvard UP, 1989), 272.

this is in fact the most accurate representation of the *Mémoires*. The representation of Lacenaire's sexuality falls much more in line with the representation of criminal and prisoner sexuality in the 1830s than the open kind of homosexual identity we see the interviewers express in the 1980s in *Masques*. In spite of the significant changes that Prévert's plot makes to Lacenaire's story, in a way he has captured something of the sexual culture of which Lacenaire was a part.

The film is rightly seen as a historical film, and of course in many ways it reconstructs the July Monarchy culture it represents. In other important ways, however, the film is a *continuation* of that culture. This distinction might be a bit obscure, so let's take the example of the figure of Robert Macaire to see how this works concretely. We could see the film's representation of Robert Macaire as the representation of a distinct historical phenomenon, but in fact I would argue that the film is one of the last instances of a representational tradition of the figure that stretched back to the 1820s.[30] Although not as popular as he had been, Macaire continued to be an available figure for writers and artists into the first half of the 20th century. Georges Montorgeuil published *La vie extraordinare de Robert Macaire* in 1926, and in 1933, just a decade before work began on *Enfants*, Marc Berthomieu composed an opera called *Robert Macaire*, which was first performed in Le Havre.[31] The two most significant intertexts for *Enfants*, however, are two silent films, Georges Méliès's 1906 *Robert Macaire et Bertrand, Les rois des cambrioleurs*, and Jean Epstein's 1925 *Les Aventures de Robert Macaire*. Like many of Méliès's films, *Les rois des cambrioleurs* draws on comic pantomime, not unlike the ones recreated by Jean-Louis Barrault in several sequences throughout *Enfants*. (Edward Baron Turk sees the pantomime sequences as "the culmination of Carné's love for silent movies," and sees the sequence of the pantomime *The Lover of the Moon*, with its immobile camera and pasteboard décor, as an explicit homage to Méliès.[32])

[30] The latest that I can find is *Robert et Bertrand*, a comic series by the famed Belgian author Willy Vandersteen.

[31] Georges Montorgueil, *La Vie extraordinaire de Robert Macaire*, (Paris: Delgrave, 1928), https://gallica.bnf.fr/ark:/12148/bpt6k96917593. The opera can be accessed here: https://www2.biusante.parisdescartes.fr/cm/?for=fic&cleoeuvre=294.

[32] Turk, 287.

Figure 30. Anonymous. Poster for a stage production of Lemaître's Robert Macaire in 1888. Paris Musées/Musée Carnavalet.

Figure 31. Epstein's Robert Macaire.

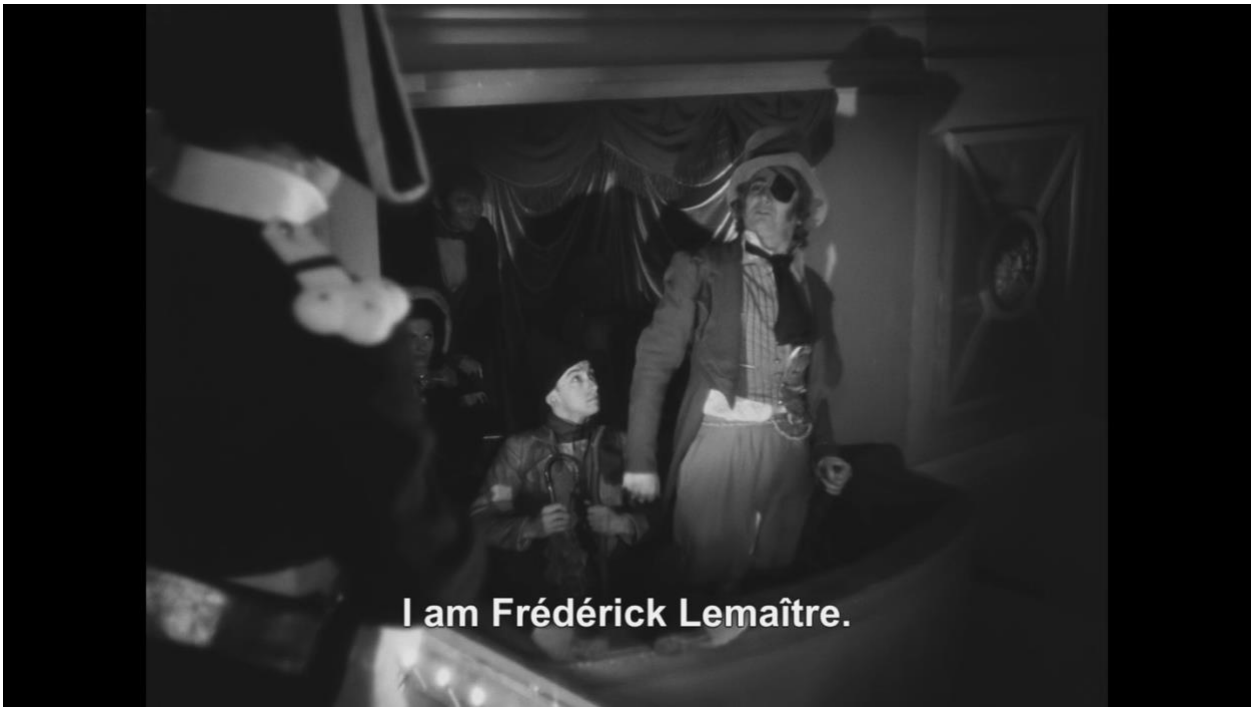


Figure 32. Robert Macaire on stage in Enfants.

Figure 33. Jéricho, le marchand d'habits, talks with Lacenaire and Avril.

Figure 34. The figure of Macaire reappears in Baptiste's pantomime, "Chand d'habits."

Rather than seeing *Enfants* as a historical portrayal of the theatrical culture that produced Robert Macaire, then, we might see it as *participating* in that culture itself. And indeed, the sequence in which Lemaître hijacks *L'Auberge des Adrets* is not the only representation of Macaire in the film. The character of Jéricho, the "marchand d'habits," is clearly a Robert

Macaire figure, with his broken top hat, rucksack, and eclectic combination of clothes. Jéricho is a central figure in the film, in fact the first speaking character we see. The mime Jean-Baptiste also represents Macaire, through an impersonation of Jéricho in his pantomime *Chand d'habits*. (It could be argued too, that Lacenaire's relationship with Avril draws on Macaire tropes, and that Avril particularly recalls Macaire's parter Bertrand, transformed from a pathetic comic character into a tragic one.) In this way, the film not only represents Macaire but produces original instantiations of the character. This observation has important consequences for how we understand Lacenaire's sexuality in the film. Rather than being a closeted representation of homosexual identity, I would argue that *Enfants* is a late example of the criminal/prisoner sexual formation that I traced in chapter two. Lacenaire and Avril's relationship is "clear" in the film in the same way that Claude Gueux's relationship with Albin may have been "clear" to a reader in the 1830s (although the question of which viewers would have still had a sense of this sexual form when watching the film is an open question). Situating the film within the broader history of representations of criminal and prisoner homosexuality ultimately reveals the film's rich engagement with older forms of same-sex sexuality.

But Lacenaire is not the only character in the film who is coded as someone who has sex with other men. The Comte de Montray is consistently coded as homosexual, and here I use that word consciously, since the Count's portrayal draws on a different sexual form than Lacenaire's. Late in the film, Garance implies to Lacenaire that her arrangement with the Count isn't actually sexual, but the clearest indication of de Montray's sexuality comes at the end of the film, when Lacenaire murders him in a Turkish bathhouse. (The detail of the bathhouse picks up obliquely on a detail of the nineteenth century Lacenaire case: Lacenaire and Avril were reportedly found by the police in *bains turcs*.) Although it is obviously a violent encounter, the interaction between Lacenaire and de Montray is also presented with sexual undertones. One peculiar detail of this scene, never commented on in the film directly, puts Lacenaire in the position of being a kind of sexual partner for the Count. In order to gain access to de Montray's private room, Lacenaire tells the attendant that the count is expecting him. The attendant checks with the Count before letting Lacenaire and Avril into the room; for reasons that are unclear, the Count confirms that he is expecting two men. When he sees Lacenaire, however, a close up reveals that he is scared and surprised. Perhaps de Montray was just curious, but the film seems to imply that de Montray was in fact waiting for men to come visit him in the bathhouse. This plot point even suggests obliquely that Lacenaire, as a part of the criminal subculture that includes male prostitutes, may be aware that de Montray is waiting for other men, or would be open to welcoming strange men into his private rooms. Symbolically, of course, Lacenaire's "penetration" of de Montray with the knife that kills him plays out a kind of sexual act, and this symbolism is heightened by the way the scene is shot. We don't see Lacenaire stab de Montray: the camera stays on Avril, and we watch him watch the stabbing rather than seeing it ourselves. However, we do *hear* de Montray moan as Lacenaire stabs him, in a way

that only underscores the potentially sexual nature of this encounter. The final shot of de Montray, his limp hand, wearing an ornate rign, hanging out the side of the bathtub, underlines his effeminacy and opens up a potentially homosexual reading (fig. 37).

However, although it is implied that he may be connected to the criminal world of Lacenaire and Macaire, the film uses a different sexual form to encode the count as homosexual. This scene represents a departure stylistically from the rest of the film, moving from the crowded streets of Paris into the Orientalized fantasy world of the bathhouse. Suddenly, also, the homoerotic subtexts that have been bubbling under the surface of the film come to the front. As Lacenaire and Avril walk through the bathhouse, we see several scantily dressed men paired off in couples behind them, talking closely and lounging together in suggestive positions. Fully clothed, Lacenaire is clearly set apart from the other men, and when the attendant asks if he will be bathing, Lacenaire says no resolutely. And yet the film also draws attention to the fact that Lacenaire, too, is coupled up, the architecture of the bathhouse often framing him and Avril together (fig. 35). De Montray himself is presented in Orientalist drag, the haircut and closely cropped beard he has worn throughout the film suddenly taking on a new meaning in his silk robe (fig. 36). The representations of this bathhouse reproduces several key tropes that Joseph Allen Boone identifies as central to the Orientalist construction of a homosexual Muslim other, especially the hamam and the effeminate tyrant.[33] All of these markers of Orientalized otherness in the sexually charged context of the bathhouse activate tropes of the homosexuality of Muslim cultures and situate the Count within a homosexual subculture.

[33] Joseph Allen Boone, *The Homoerotics of Orientalism* (New York: Columbia UP, 2014). On the hamam, 77–90; on the effeminate tyrant, 96–98.

Figure 35. Couples at the bathhouse.

Figure 36. De Montray as effeminate tyrant.

Figure 37. De Montray's hand lies limp.

This otherized form of same-sex sexuality with fits back into the allegorical reading of de Montray as a figure associated with German occupiers. In fact, French collaborators were denigrated in the press as homosexuals. They were sometimes called "Gestapette," a portmanteau of Gestapo and *tapette*, a pejorative slang word for effeminate gay men. For Sartre, in his famous essay "What is a collaborator?", collaboration consisted of a "curious mix of masochism and homosexuality." He casts collaboration as a passive sexual act, a kind of "giving oneself up" to the occupier.[34] It is important to note that Sartre uses psychological terminology ("mascochism, homosexuality")—this collaborator sexuality is inflected by much more "modern" forms of gay identity, homophobic constructions of psychology and psychoanalysis. When *Enfants* casts de Montray as a foreign homosexual, then, it echoes this association between collaboration and homosexuality. The Turkish, Orientalized form of otherness stands in for German affiliations (of course originally, the filmmakers planned to release the film under German occupation, so a direct critique wouldn't have been possible).

Same-sex sexuality is thus figured in two important ways in the film which cut in opposite directions in terms of same-sex sexuality's relationship to nationalism. On the one hand, Lacenaire's sexuality and the references to Robert Macaire seem to connect it to a longer history of prison and criminal sexuality, the same sexual form we saw emerge

[34] Jean-Paul Sartre, "Qu'est-ce qu'un collaborateur," in *Situations II*, ed. Arlette Elkaïm-Sartre (Paris: Gallimard, 2012), e-book. See also, Olivier Mathieu, *Abel Bonnard: Une aventure inachevée* (Paris: Avalon, 1988), 188.

during the July Monarchy. On the other hand, the portrayal of the Count seems to relate to a different conception of homosexuality, a particularly 20th century form that grew out of sexology, psychology, and psychoanalysis. These two sexual forms imply a different relationship to nationalism. Lacenaire's is part of a French cultural heritage that includes Lemaître, Debureau, Méliès, and Epstein, while the count's is a foreign import. The film stages a confrontation between these two sexual forms, and demonstrates the complex and contradictory ways in which same-sex sexuality can relate to nationalism even within the same text.

The Elegant Criminal

Lacenaire was a somewhat ambivalent national figure in Carné's film, opposed to the society of his time (which was of course French), but who because of the context of production of *Les Enfants du paradis* came to be seen as a figure of *French* resistance to German oppression during the occupation and the pervasiveness of American cultural influence after the liberation. In 1990, the director Francis Girod returned to Lacenaire as the subject of a bio-pic, this time making Lacenaire's centrality to narratives of Frenchness much more obvious. Girod's film was produced in a very different context: the wave of heritage films that flourished around the bicentennial of the French Revolution in 1989, in which French directors made elaborate costume dramas that celebrated French history and identity.[35] It is not only the atmosphere of the bicentennial but the changing economic realities of the film industry that led to an increasingly nationalistic turn in French film: the rise of these films with extremely high production values came about as a response to what Phil Powrie has called a "crisis" in French cinema in the 1980s, with American films overtaking French films within the French market and audiences of French films declining by 31% over the course of the decade. This led to the intervention of the Ministry of Culture under socialist minister Jack Lang, who broke up the monopoly on film distribution held by Gaumont-Pathé, increasing competition, and who invested large amounts of government money in the film industry. This government subvention was quite substantial; by 1988, 9 percent of the total money invested in French films came from investment groups established by Lang, most of which went toward the more prestigious big-budget films, ultimately playing a direct role in the growth of heritage films that celebrated French history. Critics, however, lamented these changes as a shift away from the *cinéma d'auteur* that they saw as the particularity essential to the greatness of French cinema toward a

[35] The term heritage film was first introduced by Andrew Higson to discuss a conservative trend in UK filmmaking in the 1980s, but Phil Powrie identifies a similar trend in France during the same period and applies the term to French production as well. See Phil Powrie, *French Cinema in the 1980s: Nostalgia and the Crisis of Masculinity* (Oxford: Clarendon, 1997).

more commercialized, American-style cinematic production process which took the power out of the hands of the director and placed it in the hands of a group of producers.[36]

In this context, Girod's film casts Lacenaire as a kind of national hero. The film's narrative is structured not around the events of Lacenaire's life in a linear manner but around the production of the *Mémoires* after his death. In fact, we see Lacenaire beheaded by the guillotine early on in the film, penning the final few lines of his memoirs just before he is taken to his death. (These lines, ironically, were probably penned by Bonnellier, demonstrating the novelists continued influence on Lacenaire's story.) The story of his life is then told in flashbacks which come about as different characters read the *Mémoires* at various stages of their production, first in manuscript, then as it is being edited by censors, and finally after it is published (fig. 38–41). This vision of Lacenaire as an author was central to Girod's presentation of the film in interviews. "Il y a ce personnage," he said, "qui fait un travail d'introspection à travers l'écriture, qui d'ailleurs a probablement compris que c'est par l'écriture qu'il va rentrer dans l'histoire."[37] Indeed, the film seems to thematize the crisis of the *auteur* that Powrie identified in the 1980s. As in Carné's film, Lacenaire is a letter-writer for pay, in one scene helping a man express his distaste with both the Revolution and Napoleon's Empire in appropriately flowery language, and the film is careful to show the involvement of editors, censors, and even printers as the book makes its way from manuscript to print.

[36] Powrie, *Nostalgia*, 4–6. The increase in the distribution of films on television, and the increased involvement of television companies in the production process, was also a part of this shift.

[37] "Francis Girod, cinéaste." *Lacenaire*, DVD, directed by Francis Girod, Issy-les-Moulineaux, France: Studio Canal+, 2005.

Figure 38. Censors modifying Lacenaire's manuscript.

Figure 39. Lacenaire's Mémoires *in mass production.*

Figure 40. Daniel Auteuil as the figure of the author.

Figure 41. Distribution: Lacenaire's Mémoires *in a booksellers window, again emphasizing mass production.*

The production of Lacenaire's book comes to mirror the production of a big-budget heritage film like *Lacenaire*. The author's original vision is subject to correction and revision by at each step in the chain of production, and the book itself is rolled out as a kind of media event, with the trial, execution, and discussion of Lacenaire's case by scientists all

presented in the film as justification for the book's success. Indeed, the film can be said to be an ambivalent and nostalgic portrait of auteurship in the age of the big budget, commercially-driven *film-évènement*. It is through this presentation of Lacenaire as a figure of the author that he becomes a kind of French national symbol. In spite of his ultimate failure, his *esprit de révolte* and willingness to buck societal norms harkens back to the figure of the New Wave director, the true *auteur* who was according to critics in the 1980s the distinguishing achievement of French cinema over a cookie-cutter American productions.[38]

At the same time as he becomes a particularly French figure of the *auteur*, however, Lacenaire's links to same-sex sexuality are effaced. Girod chose not to portray Avril and Lacenaire as lovers, although the film doesn't shy away from portraying the same-sex sexuality of other characters. Bâton, a historical figure with whom Girod has taken extensive liberties, is Avril's close friend in prison whose obvious sexual love for Avril is unrequited once the criminals leave the gender-segregated world of the prison. Bâton is even shown at one point seducing men in the woods while Lacenaire watches from a distance, waiting to rob the unwitting victims. The *tante* Chardon's sexuality is also explicit and is even the object of homophobic jokes on the part of Auteuil's Lacenaire. Anne Delabre and Didier Roth-Bettoni claim that Girod's Lacenaire is "bisexuel plutôt que purement homo," but in the film itself Lacenaire's sexual relationships with men are never presented explicitly or even alluded to in a way that makes it obvious that Lacenaire had sex with men at all.[39] There are two scenes, however, in which Lacenaire is presented as having failed sexual relationships with women. The first occurs off-screen: Lacenaire recounts his first sexual encounter to his father, saying that he took no pleasure in sex with a woman. In the second, a woman of loose morals is shown to be reading Lacenaire's *Memoires*, disappointed not to find herself. A flashback scene then shows Lacenaire seducing the woman, attempting to have sex with her while she is wearing a mask, only to suddenly lose

[38] Perhaps it is no surprise, in this case, that Carné looms large the media produced around the film. Carné himself was an ambivalent figure who straddled the line between *auteur* and studio hack. His films were produced in studios with big budgets and high production values, and he was often derided by New Wave directors. Nevertheless, he was still recognized as an *auteur* whose work had a unified style and vision (Truffaut famously said that he would have given anything to make just one film like *Les Enfants du paradis*). Girod explicitly references Carné as an influence in interviews about the film when he notes that he first encountered the figure of Lacenaire in *Les Enfants du paradis* ("Francis Girod, cinéneaste"). Girod's account of the genesis of his film's production also echoes the storied narrative of the production of *Les Enfants du paradis*, centered around the triad of director-actor-poet. In this somewhat self-aggrandizing version of the story, Girod is a new kind of Carné, able to produce a *cinéma d'auteur* within the confines of a big-studio process, a rebel who is able to work within the system to produce a work of genius. This whole narrative, of course, should be taken with a grain of salt — it is neatly packaged in a slick documentary that promoted the film upon its release, and can be chalked up to an attempt to distinguish the film from what critics called derisively "ready-to-wear" big budget films.

[39] Delabre and Roth-Bettoni, *Le Cinéma français*, 125.

interest when she removes the mask, wondering aloud if he will ever "arriver à baiser une femme." This scene has no basis in historical fact, and even within the narrative logic of the film itself the scene seems to come out of nowhere: we are never told who this woman is, she never interacts with the other characters who knew Lacenaire, and the scene makes no direct connection with the scenes that come before and after. We can see this difference in treatment even in the way in which the scenes are represented: the gay seduction scene takes place at night, and the characters are visible only as silhouettes in a darkly-lit forest, while the scene of heterosexual seduction takes place in a well-lit room (fig. 42–45). Girod's presentation of Lacenaire, then, is not really of a "bisexual" man—the director actively suppresses historically clear references to Lacenaire's homosexuality while fabricating scenes that show him explicitly participating in heterosexual sex.

Figure 42. Bâton seduces a man in the woods.

Figure 43. Lacenaire and Bâton steal the man's wallet.

Figure 44. Lacenaire seduces a masked woman.

Figure 45. Lacenaire is taken out of the moment when he removes her mask.

This erasure of same-sex sexuality from Girod's *Lacenaire* is not accidental but rooted in Girod's misreading of the historical figure of Lacenaire. The director commented explicitly in the film's promotional materials that he wanted to portray a more historically accurate Lacenaire, closer to the spirit of the text of the *Mémoires*:

> Vis-à-vis des hommes, il a compris que la séduction pouvait être un moyen de pouvoir. Il a besoin de 'bras' pour exécuter les crimes, lui étant le cerveau. À l'époque, le milieu des voyous qu'il fréquente est composé de nombreux homosexuels, rejetés par la société bien-pensante. Lacenaire est assez fin psychologiquement, son comportement diffère selon qu'il séduit un 'gay cuir' ou un 'gay giton.' Je n'ai pas décelé dans ses *Mémoires* s'il prenait ou non du plaisir dans l'acte amoureux. J'ai surtout cherché à éviter la caricature dans la représentation de la sexualité. Peut-être possédait-il en lui une part de masochisme ? Ou même son plaisir était-il masochiste ! Il avait sûrement la volonté de provoquer la société de son temps.[40]

Girod correctly identifies the links in the July Monarchy between criminality and same-sex sex, but projects both gay identity and the outlaw thesis back onto the text in a way that leads him to read Lacenaire as fundamentally heterosexual. In this enormously incoherent statement about Lacenaire's sexuality, Girod suggests that Lacenaire "seduces" men not for sexual pleasure but only in order to find criminal accomplices. He distinguishes Lacenaire

[40] Francis Girod, quoted Delabre and Roth-Bettoni, *Le Cinéma français*, 125.

from the "homosexuals" around him in his criminal milieu — Lacenaire wasn't homosexual himself but took advantage of homosexual men around him to gain power. Girod also suggests an alternative psychological motivation for Lacenaire's participation in same-sex sexuality, suggesting that it has its roots in masochism. This theory is particularly problematic, since it presumes that no man could ever take pleasure in gay sex, which it figures as a radically humiliating, debasing activity.[41] Finally, Girod suggests a third hypothesis. Drawing on the outlaw thesis, Girod argues that Lacenaire's association with homosexual men was simply a way of "provoking" the society in which he lived. Ultimately, Girod employs several different strategies in order to dissociate Lacenaire from same-sex sexuality. While he doesn't deny that Lacenaire may have participated in same-sex sex acts, he posits an anachronistic view of Lacenaire as fundamentally heterosexual; Lacenaire was not that "caricatural" figure the "homosexual," even if he did sometimes seduce men. As Girod produces Lacenaire as a nostalgic figure for the typically French *cinéma d'auteur*, then, he also erases Lacenaire's associations with gay identity, both within the film itself and in promotional materials around the film.

Girod's acceptance of Lacenaire's same-sex encounters coupled with his profoundly heteronormative and homophobic vision of Lacenaire's psychology might seem strange to American readers, but Girod is actually producing a particularly French form of homophobia which rejects homosexuality not on a religious basis but on the basis of it being a "communitarian" identity — it is alright to participate in gay sex, but anti-republican to try to claim that this sexual preference could be the basis for a political identity.[42] (We will return to this formation in more depth in the next chapter.) Lacenaire's perceived homosexuality, still taken as a fact, is modulated and distanced from the particularism of homosexual identity so that Lacenaire can become a universal figure of revolt—in Girod's construction, he's not a "true homosexual" like the *tante* Chardon, but a fundamentally heterosexual figure who dabbles in same-sex sex as part of his rejection of society.

Anne Delabre and Didier Roth-Bettoni's 2008 *Le cinéma français et l'homosexualité* offers a different image of Lacenaire, as a figure of French identity precisely *because* of his homosexuality in Carné's *Les Enfants du paradis*. Delabre and Roth-Bettoni's presentation of Lacenaire's significance as a historical figure is already determined by filmic representations of Lacenaire—their main source for historical background is the 1997

[41] Girod's account clearly draws on psychoanalytic theories of same-sex sexuality, and the invocation of psychoanalysis gives his statement a kind of pseudo-sophistication (or even pseudo-scientificity). See Didier Éribon, *Échapper à la psychanalyse* (Paris: Éditions Léo Scheer, 2005).

[42] See David Caron, *My Father & I: The Marais and the Queerness of Community* (Ithaca, NY: Cornell UP, 2009), 75-109 and Bruno Perreau, *Queer Theory: The French Response* (Palo Alto, CA: Stanford UP, 2016). I discuss this ideology in the last section of my essay, "'The Moment Is Poorly Chosen': Proust, Same-sex Sexuality, and Nationalism," *Paragraph* 45.1 (2022): 39–57, https://doi.org/10.3366/para.2022.0384.

Homosexuels et bisexuels célèbres : un dictionnaire, which as I have shown seems to draw not on any historical investigation but on representations of Lacenaire in Carné and in Girod's 1990 *Lacenaire*. It is little surprise, then, that Delabre and Roth-Bettoni find this vision of Lacenaire in Carné's film: "Porté à l'écran par un réalisateur homosexuel (aidé, au scénario et aux dialogues, par le très anar Jacques Prévert [...]), joué par un homosexuel, un personnage historique homosexuel impose à tous sa différence, son anticonformisme."[43] Lacenaire's sexuality is overdetermined, understood retroactively through the open homosexuality of the film's director, the closeted same-sex practices of the actor Marcel Herrand, and the same-sex content that was already latent in the story of Lacenaire from the 1830s (read anachronistically as "homosexual"). For Delabre and Roth-Bettoni, Lacenaire's sexuality is intimately tied up with the anti-social reading of Lacenaire as a kind of revolutionary figure. They write,

> On comprend bien là à quel point l'homosexualité a joué un rôle fondamental dans la destinée de Lacenaire, comment elle est devenue le ferment de sa colère contre un monde qui le rejetait à cause d'elle, comment son affirmation publique à travers le crime s'est imposée comme un pied de nez adressé à la société et à tous les bien-pensants.[44]

The authors have totally reversed Girod's reading of the causal links between Laceanire's homosexuality and Lacenaire's attempts to provoke society. Whereas Girod saw Lacenaire's engagement in same-sex practices as just another form of revolt, Delabre and Roth-Bettoni argue that it is because Lacenaire is gay, and thus cast out of society, that he then fosters this *esprit de révolte*. Like Girod, however, Delabre and Roth-Bettoni think it is obvious that "homosexuals" would be "cast out" of society in the 1830s.

Ironically, even though homosexuality is seen as being tied up with Lacenaire's revolt against a heteronormative, homophobic society, in *Le Cinéma français et l'homosexualité* the portrayal of Lacenaire's homosexuality in Carné's *Les Enfants du paradis* is mobilized within a nationalistic argument about the relative *openness* to homosexuality in French film. Their discussion of *Les Enfants du paradis* comes in a chapter centered around representations of gay men as criminals and villains in films from the 1940s to the 1960s. Delabre and Roth-Bettoni begin by striking a comparison between French and American film of the period. Critics have noted that many of the villains in American film noir of the 1940s seem to be coded as homosexual. This fact is often tied to a change in the censorship code that regulated the production of films in Hollywood, which stated that immoral characters (including homosexuals and adulterous women) could only be portrayed in a negative light and had to meet an unhappy ending, so that the public

[43] Delabre and Roth-Bettoni, *Le Cinéma français*, 127.

[44] Delabre and Roth-Bettoni, *Le Cinéma français*, 124–25.

would not be encouraged by films to immoral action.[45] Taking an explicitly morally evaluative stance, Delabre and Roth-Bettoni evoke this distinction with American cinema in the very first page of their book: "Contrairement aux cinéastes américains qui, plus de trente ans durant (entre 1931 et 1964), durent ruser avec la censure pour évoquer l'homosexualité — et quand ils parvenaient à le faire, c'était en général sous des formes peu aimables —, le cinéma français ne s'est jamais interdit de montrer les homosexuels des deux sexes, bien souvent même avec bonhomie et bienveillance."[46] Their reading of Carné's Lacenaire is motivated by this nationalist recuperation of the openness of French cinema relative to its American counterpart. Lacenaire and other figures like him in films like *Quai des Orfèvres* (directed by Henri-Georges Clouzot, 1947) and *Impasse des vertus* (directed by Pierre Méré, 1955) are, Delabre and Roth-Bettoni argue, "au cœur même de l'exception française pour ce qui est de la représentation homosexuelle."[47] Like Girod, Delabre and Roth-Bettoni recuperate Laceanaire within a nationalist narrative that promotes French exceptionalism. The national narrative here though is quite different. For Delabre and Roth-Bettoni it is precisely the openness and frankness with which homosexuality has been portrayed within French cinema that distinguishes France from other countries, particularly from the United States.

Because Lacenaire was associated with revolt against society, and because he had always been associated with same-sex sexuality in some way, in the 20th and 21st centuries Lacenaire became a locus for questions about the French state's relationship with homosexuality. From his entrance onto the public scene, Lacenaire was a divisive figure, seen by some already in the 1830s as a powerful symbol of revolt against an unjust society and by others as a monstrous abomination and anomaly. Carné's representation of Lacenaire in *Les Enfants du paradis* proved to be a decisive turning point for the understanding of Lacenaire in the late-20th and early 21st centuries; future generations saw Lacenaire's revolt refracted through the prism of Vichy France within this French masterwork, and Lacenaire by the 1990s came to be recuperable again as a French hero, whose spirit of resistance and revolt was presented as characteristic of the French people at large. At the same time, Lacenaire was a figure haunted by the specter of same-sex sexuality. His "true" sexuality has remained an enigma. And yet precisely because of this

[45] Delabre and Roth-Bettoni rehearse this reading at the beginning of their chapter, *Le Cinéma français*, 123-125. See also Richard Dyer, *The Matter of Images: Essays on Representation* (New York: Routledge, 2002), 63-67. Robert J. Corber, *Homosexuality in Cold War America: Resistance and the Crisis of Masculinity* (Durham, NC: Duke UP, 1997), offers a more generous reading of this representation as a kind of act of resistance to attempts to make homosexuality invisible during the early Cold War period.

[46] Delabre and Roth-Bettoni, *Le Cinéma français*, 9.

[47] Delabre and Roth-Bettoni, *Le Cinéma français*, 128.

ambiguity, Lacenaire became a locus for understanding the relationship of the state and homosexuality, and his example demonstrates that there is no one way these two terms relate to each other.

The account I have offered here offers an important corrective to the narratives of homosexuality and the nation-state commonly expressed in the popular media around the "droitisation" of the homosexual electorate over the past decade. The history of the figure of Pierre François Lacenaire that I have sketched above demonstrates that there is no one way that same-sex sexuality and state power are related to each other over time—Lacenaire was always, at least to a certain subset of individuals, a kind of national hero; Lacenaire was also always an outsider figure, a symbol of the outsider who abhors the hypocrisy and injustices of the society into which he has been born; finally, he was always a figure associated to a greater or lesser degree with same-sex sexual practices, if not gay identity. If we simply began our story with Girod's film and ended it with *Le Cinéma français et l'homosexualité*, we might be tempted to see a progression in the dominant conception of French national identity—in the 1990s, same-sex sexuality was definitively on the outside of the French community, but by 2008 a new homonationalist régime had appeared, promoting the idea that tolerance of homosexuality is a central part of French identity. As opposed to this teleological narrative, my long history of the figure of Lacenaire within the French imaginary has revealed a messy history. Delabre and Roth-Bettoni's homonationalist Lacenaire participates in a tradition that stretches back through Carné's interview in *Masques* in the 1980s and to *Les Enfants du Paradis* in 1945. Lacenaire's various incarnations throughout history demonstrate ultimately the need for rethinking the relationship of same-sex sex and state power that I've been advocating for in these pages.

There is a kind of presentism in the view that homosexuality must always have been associated with the left because it is now so. In previous chapters, I have demonstrated the need to suspend this presentist view in order to get a clearer picture of the past, but the inverse is also true. Having a richer picture of the various ways in which same-sex sexuality could relate to the state and nationalism throughout history can help us better understand the present as well. In fact, the problem of presentism is not limited to popular conceptions of the outlaw thesis, but also exists within queer theoretical accounts of right-wing homosexuality in the contemporary moment. The queer and feminist critic Jasbir K. Puar has coined the term homonationalism to describe what she identifies as "a historical shift marked by the entrance of (some) homosexual bodies as worthy of protection by nation-sates, a constitutive and fundamental reorientation of the relationship between the state, capitalism, and sexuality."[48] I agree fully with Puar's critique of the view

[48] Jasbir Puar, "Rethinking Homonationalism," *International Journal of Middle Eastern Studies* 45, no. 2 (2013): 337, https://www.jstor.org/stable/43302999. The intellectual genealogy of the term homonationalism begins with Duggan's coining of the phrase "homonormativity." Puar, inspired by Duggan,

that "the nation is heteronormative and that the queer is inherently an outlaw to the nation-state."[49] But Puar ends up undercutting her critique of the anti-conformist thesis in the present by projecting it into the past, producing homonationalism as a particularly 21st-century phenomenon that distinguishes us from a pre-contemporary moment in which homosexuality was indeed always outlaw, outside of the state. As we see in the citation above, homonationalism for Puar marks a "shift" and a "reorientation," putting it into a historical narrative *away from* a past in which homosexuality was indeed queer. Puar presents this idea of the past in the opening pages of *Terrorist Assemblages*, the book in which she first develops her theory of homonationalism. "The terms of degeneracy," she writes, "have shifted such that homosexuality is no longer a priori excluded from nationalist formations."[50] Here Puar implies that, although it is not now, previously homosexuality *was* "a priori excluded from nationalist formations."

My account of the intertwining history of understandings of Lacenaire's sexuality and his celebration as a national hero tell a different story, however. My research demonstrates that Lacenaire has been an important figure around whom various constellations of relationships between the state and sexual identity have concatenated throughout history—what does it mean that a sexually-ambiguous Lacenaire could be both an outlaw and a national figure in 1835, or in 1945, or in 2008? Certainly, it shows that we need to be much more attentive to the complexity of the relationship between same-sex sexuality and state power throughout history. Rather than assuming that dominant political aligments in the present have always existed as popular commentators do when they assume that homosexuals are necessarily on the left or assuming that the present is in fact deeply unique as Puar does when she asserts that the alignment of gay men and the state is something new, we need a theoretical apparatus and a historical methodology that leaves the relationship between same-sex sexuality and the state as an open question, one that itself constitutes an important subject of historical and theoretical inquiry.

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coined the term "homonationalism" to describe a more particular iteration of homonormativity in the United States during the "war on terror" in her book *Terrorist Assemblages.* El-Tayeb has taken up Puar's analysis in a European context. See Fatima El-Tayeb, *European Others: Queering Ethnicity in Postnational Europe* (Minneapolis, MN: University of Minnesota Press, 2011), and "'Gays who cannot properly be gay': Queer Muslims in the neoliberal European city," *European Journal of Women's Studies* 19, no. 1 (2012): 79-95, https://doi.org/10.1177/1350506811426388.

[49] Puar, "Rethinking Homonationalism," 336.

[50] Puar, Terrorist Assemblages, 2.

Chapter 6.
Claude Gueux and Regimes of Obviousness

In the first chapter, I explored recent debate around same-sex sex in Victor Hugo's *Claude Gueux*. We noted a kind of incoherency in 20th and 21st century interpretations of the text: readers insisted that everyone knew that the "real" Claude had a sexual relationship with Albin, but that Hugo nevertheless could not represent a same-sex relationship. Ultimately, I demonstrated a way of thinking about same-sex sex in 1834 that grasped the synchronic complexity of same-sex sex in the July Monarchy. In this chapter, however, I'd like to return to those 20th and 21st century interpretations, not as secondary sources for understanding Hugo's text but as primary texts in their own right.

By way of introduction, let's start by looking at Jacques Seebacher's note about Hugo's comment that the relationship between Claude and Albin was similar to that of a father and son in his 1985 edition of the text. I want to take seriously the idea that this is an utterance about same-sex sexuality by a state agent (Seebacher was a professor at Paris VII, a state university), and see what such an analysis can tell us of the relationship between same-sex sex and state power in the late 20th century. Hugo's text reads,

> Ils partagèrent en effet de la sorte tous les jours. Claude Gueux avait trente-six ans, et pars momens, il en paraissait cinquante, tant sa pensée habituelle était sévère. Albin avait vingt ans, on lui en eût donné dix-sept, tant il y avait encore d'innocence dans le regard de ce voleur. [Seebacher's note comes here] Une étroite amitié se noua entre ces deux hommes, amitié de père à fils plutôt que de frère à frère.[1]

Seebacher writes, "Effort pathétique de Hugo pour « écarter » le plus possible deux personnages réels que l'âge, les mœurs et la délinquance rapprochaient bien autrement que père et fils. Reste qu'ainsi, l'affirmation d'innocence brave souverainement et

[1] Hugo, *Claude Gueux* [2002], 866.

courageusement le conformisme du public plus encore que le témoignage des faits."[2] First we might ask what this statement says about same-sex sex, and about same-sex sex in 1985 in particular. The note itself seems contradictory. On the one hand, it argues that Hugo prudishly "separates" the two characters from each other by stressing the difference in their ages; on the other, it seems to indicate that Hugo is brave for declaring the innocence of the relationship and of Albin. Either Hugo was obscuring the sexual relationship between Claude and Albin to make Claude into a more ideal hero for his political message, or he is courageously facing a "conformist public" in assuring that the two men are "innocent" in spite of their "mœurs" and their "délinquance." Both of these options are united in being undergirded by a version of what I am calling the outlaw thesis: the assumption that men sexually involved with other men are viewed by both state agents and the general public as *hors la loi*. Although Seebacher associates this repression with July Monarchy readers, it is interesting to note the ways in which his text itself suppresses any reference to same-sex sex. Like many of the July Monarchy authors we analyzed in earlier chapters, Seebacher refers to same-sex sex elliptically rather than naming it directly, using understatement to suggest the "real" nature of Claude and Albin's relationship. What is interesting about Seebacher's note as an artefact of writing about same-sex sex in 1985, then, is the way in which it doesn't feel "modern" at all but seems to draw on an older way of understanding same-sex sex. His mobilization of the concept of *moeurs* and delinquency to indicate same-sex sex reproduces in many ways the sexual form we saw in the July Monarchy that associated criminality and same-sex sex, not as an historical account but as an active way of thinking about same-sex sex in the present. Indeed, the reader's comprehension of the factual content of the note depends on her ability to activate this form for herself. In its very density and obliqueness, it is difficult to understand what exactly the note is saying about same-sex sex. Its mobilization of the link between same-sex sex and delinquency seems to be homophobic, but the assertion that Hugo is courageous for representing Albin as innocent seems to represent same-sex sex in a positive light.

Given the fundamental messiness of Seebacher's note, how would we go about situating this utterance about same-sex sex in Hugo's text within a dynamic field of power relations? First, of course, we would need to account for the power dynamic between the text and the paratext, between Hugo and Seebacher. Seebacher's note seeks to establish its own authoritative vision of the text and of the reality it represents, interjecting in the midst of Hugo's paragraph in order to frame our interpretation of the sentence, "Une étroite amitié se noua entre ces deux hommes." But Seebacher's authority also depends on Hugo's status as the author of the text: he became a person worthy of having an obituary in *Le*

[2] Hugo, *Claude Gueux* [2002], 951, n. 9.

Monde by establishing himself as the "maître incontesté des études hugoliennes."[3] This dynamic is particularly interesting in the case of this note. Although it is supposedly part of the genre of the explanatory note, Seebacher seems to be doing more than explaining Hugo's text: in fact, he seems to be contradicting it (if we take seriously the narrator's belief in the fidelity of his account). Seebacher intervenes as a neutral arbiter to help the reader understand the facts of the "real" Gueux story, and to note the ways in which Hugo deviated from the factual record, thus establishing himself as an authority *above* Hugo in a certain sense. In attempting to establish the "témoignage des faits" which would serve as the basis of any interpretation of the text, the note also serves as part of the broader scientific project of editing the text. Bourdieu writes that the scientific field is the "locus of a competitive struggle" for "scientific authority," which he defines as "a particular agent's socially recognized capacity to speak and act legitimately (i.e. in an authorized and authoritative way) in scientific matters."[4] In this way, we could understand the field of establishing editions of the text as a scientific one. Seebacher is engaged in a struggle to produce an authoritative version of the text, and to produce himself as the kind of agent who is authorized to produce such an edition. It is in this light that we might understand some of the formal features of Seebacher's note as the product of his engagement in this struggle. We could interpret the elliptical nature of Seebacher's note not simply (or not even) as his own kind of prudishness around same-sex sex but as a literary mode of writing that demonstrates Seebacher's *finesse* and mastery of language, further establishing him as a kind of literary expert. Finally, we would need to account for the ways in which this dynamic process of establishing himself as an authority relates to Seebacher's position within the field of state power more broadly. As a professor at Paris-VII, Seebacher was after all technically a state functionary. Is Seebacher working as an agent of the state in writing this footnote, in publishing a definitive edition of the complete works of Victor Hugo? How would the perception of whether Seebacher was or was not an agent of the state impact how a reader understood his authority to make claims about how same-sex sex was repressed in nineteenth-century France? Certainly, his position within the field of state power would relate to his "capacity to speak and act legitimately." Is the project of establishing the reality of Claude Gueux the person and *Claude Gueux* the text related to the state power to produce the official truth? How does a state agent's mobilization of certain structures of obviousness around same-sex sex help to (re)produce those ideas as a kind of "official truth" about same-sex sex?

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[3] "Jacques Seebacher," *Le Monde*, obituary, April 22, 2008, https://www.lemonde.fr/disparitions/article/2008/04/22/jacques-seebacher_1036965_3382.html.

[4] Pierre Bourdieu, "The Specificity of the Scientific Field and The Social Conditions of the Progress of Reason," trans. Richard Nice, *Social Science Information* 14, no. 6 (December 1975): 19, https://doi.org/10.1177/053901847501400602.

These questions give a sense of the complexity of the relationship between same-sex sex and state power. This approach is a far cry from the simplified terms of the outlaw thesis, in which a "heteronormative state" has a certain disposition toward same-sex sex, in which that state "acts" in certain ways to achieve certain ends. In the ways that it pushes at the bounds of intelligibility, Seebacher's note reminds us that, in Jyoti Puri's words, "states are fragmented and deeply subjective," characterized by "messy discourses, inconstant practices, and competing laws and policies."[5] I argue for an understanding of the state centered on the dynamic and productive interaction between discursive constraints and individual creativity that plays out within a differentiated field of power. Seebacher's note simultaneously draws on an existing structure of authority, performatively produces his own authority, and shifts the structure of authority that would condition future utterances and actions. The state does not "have" a particular view on same-sex sexuality, and state agents are not simply vessels for a state-imposed view of same-sex sexuality: it is made up individuals, like Seebacher, who have their own unique social trajectories (prejudices, investments, goals, desires) that impact their views and beliefs about same-sex sex, even as those are constrained and conditioned by the conceptual limits and symbolic values of their historical moment and social milieu.

In the chapter that follows, I want to apply this mode of thinking to a range of people who have interpreted *Claude Gueux* since the 1950s. In the first section, I will look at more literary critics in order to understand the important role of that discipline in producing an official vision of reality through the adjudication of the boundary between reality and fiction. In the second section, I will turn to Robert Badinter to understand the role of literature in structures of power outside the literary field.

Sexuality, the Literary Field, and the State

Let's return to the corpus of editorial responses to same-sex sex in *Claude Gueux* that we analyzed in chapter one. Here are the editors, and the name and type of edition they produced:

- Paul Savey-Casard produced a scientific edition of *Claude Gueux* in 1952, which accompanied the publication of his thesis on "crime and punishment" in Hugo's works
- Georges Piroué edited the text of Claude Gueux for the *Club Français du livre*'s 1967 edition of Hugo's *Œuvres complètes*
- Jacques Seebacher edited Hugo's *Œuvres complètes* for Robert Laffont in 1987, slightly revised in 2002 (which is the only edition currently in print)
- Étienne Kern edited a pocket edition of the text for Garnier-Flammarion in 2010

[5] Puri, 5.

We will be able speak with some specificity on the degree to which these individuals can be considered agents of the state and think more generally about the power of their utterances within 20th and 21st century society. In fact, our four editors represent a wonderful cross-section of exactly the world in which such texts are produced. Savey-Casard was a professor at the private Catholic University of Lyon, Seebacher at the public Paris-Diderot University. Although the Swiss Piroué had a doctorate, he worked not in a university but as a fiction author and editor at Editions Denoël. Kern, a graduate of the prestigious Ecole Normale Supérieure, now works as a professor of *lettres* in an elite post-*bac* institution in Lyon. He is also an author. Both Piroué and Kern received prestigious literary awards for their own fiction.

The important point for our purposes here is that the literary world of these editors is an institution that is affiliated with and underwritten by state power, even as it cannot be said to be fully part of "the state." Seebacher and Kern are literally agents of the state, in the sense that they are employed in the national education system, while Savey-Casard and Piroué are employed by private institutions. All of them have an expertise that is conveyed by the state-backed system of university degrees and examinations, and many are the recipients of awards which are not officially run by the state but which help to ratify their originality and expertise. We might think of the institution of literary editions as "parastatic" institution, one which demonstrates the blurred lines, the relationships of mutual imbrication and reinforcement, that characterize the relationship between the state and civil society. As such, it is an excellent case study for thinking through the relationship between literary readings, same-sex sex, and state power in a way that resists reifying the state and taking its power for granted. As Kimberly J. Morgan and Ana Shola Orloff have written, "The state is not a thing, hovering above society; instead, its very contours reflect ideological and cultural work shaping how officials portray the lines between state and non-state and how citizens perceive them."[6] In other words, we cannot take the boundaries of the state to be fixed or given; they are themselves *en jeux*, part of the stakes of the struggle for state power. (The most obvious example of this phenomenon in recent years in the United States is the question of police violence. At stake in the trials, protests, and political position-taking around instances where the police have killed citizens is whether they were acting as agents of the state, and thus justified in using its monopoly on violence, or whether they exceeded the boundaries of state action and thus can be punished as individual citizens.)

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[6] Kimberly J. Morgan and Ann Shola Orloff, "Introduction: The Many Hands of the State," in *The Many Hands of the State: Theorizing Political Authority and Social Control*, ed. Kimberly J. Morgan and Ann Shola Orloff (New York: Cambridge UP, 2017), 10. Morgan and Orloff are at this moment paraphrasing Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics," *The American Political Science Review* 85.1 (1991): 77–96, https://www.jstor.org/stable/1962879. But I find their formulation more compact.

As analysts of state power, then, we need to take "the state" and its boundaries as a variable in a dynamic analysis of that struggle.[7] We might think of this dynamism across three vectors, which I will illustrate with details from our case:

1. *The perception of others.* Others might perceive us to be acting as agents of the state even when we ourselves do not, in a way that is highly dependent and conditional and might vary across geography and time. Let's take the example of Savey-Casard. As a professor at a private, Catholic institution, he was not technically a state employee. But how would he be perceived by his students? Perhaps they generally saw him as the authority figure that would convey a state-sanctioned degree, and thus more or less as an agent of the state. Perhaps, if the university's Catholic identity was very salient to them, they understood him to be very pointedly *not* to be an agent of the state but an agent of the church, depending on what their understanding was of the relationship between those two institutions, and in spite of the reality that their university degree's validity was ensured by state rather than ecclesiastical power.[8] How Savey-Casard's students saw him might differ, too, from how he would be seen by his French colleagues, or American readers of his critical edition of *Claude Gueux*. Perhaps the distinction between public and private institutions would seem less salient to someone reading in the US, where the question of *laïcité* in education is much less marked, and where even private religious colleges nevertheless often receive federal funding.
2. *Self-perception*. We might have quite complicated and nuanced understandings of our own relationship to state power. Kern is in fact an employee of the state as a teacher in the national education system, and it is his position of authority within that system and his expertise, as ensured by degrees issued by that system, that likely made others to view him as qualified to edit an edition of *Claude Gueux*. And yet, he may plausibly have considered his work as an editor of *Claude Gueux* for a private publishing house to be work in his capacity as a private citizen, not as part of his work for the state. Although "state agent" is in some ways a binary category (you either are or aren't employed by the state), it is not a totalizing identity, and state agents may draw a distinction between their private and public actions. (Similarly, private individuals may understand themselves to be acting in the interest of the state even if they are not paid to do so: a private editor of Hugo

[7] See J. P. Nettl, "The State as a Conceptual Variable," *World Politics* 20.4 (1968): 559–92, https://www.jstor.org/stable/2009684.

[8] The context is far removed from Savey-Casard, but think of the way in which university professors' status as agents of ("deep") state power has been highly emphasized and become highly salient for many on the right in the contemporary United States, while for many on the left there may be a (less salient, more implicit) idea that professors are independent actors, who are able because of the tenure system to produce research and thought without being beholden to any state entity.

might think vaguely about protecting and promoting the French literary *patrimoine*. Private individuals can also be designated as state agents temporarily, as with people appointed experts by courts, for example.)

3. *Salience.* We also have to be open to the possibility that whether someone is or is not an "agent" of state power, as a binary question, is not always salient to every interaction. The average reader of an edition of *Claude Gueux*, who hasn't obsessively traced the educational and employment profile of every editor and cross-referenced all editions as I have, may have vague ideas that the editor is an authority in a way that is undergirded by but not directly beholden to the state, without thinking too much about it. Or indeed, they make simply think of the world of nineteenth century French literature as completely separate from the question of state power.[9]

Of course, it is beyond the scope of my work here to try to reconstruct the exact way each of these editors may have thought of his own relationship to state power, or how others might have perceived them. My point is rather that we can't simply say that any one of them was or wasn't acting a state agent in editing their volume of Hugo as a matter of objective fact. The answer to this question is not binary but rather subjective, conditional, cumulative, and differential. Subjective, in that the answer might change depending on whom you ask; conditional, in that under certain conditions they might be perceived as state agents while under other conditions not; cumulative, in that the more often someone is perceived to be an agent of the state, the more likely they are to be perceived to be so in other situations; and differential, in that the state agent-ness of any one agent only ever exists in relationship to the state agent-ness of others. Acting as a state agent, in other words, is a complex game of believing yourself to be acting in the name of the state, convincing others that you are endowed with the power to do so, and convincing them that state power is salient in this specific debate. (Think of a debate about the meaning of a particular passage in a novel between two literature professors, one from a private and one from a public institution. The latter might well convince her interlocutor that she is technically a state agent in a way that the former is not, and yet it is hard to imagine that this fact would do anything to convince the private professor that the public professor's interpretation is more correct.)

And yet, in spite of all of this complexity, we are still able to think in quite concrete ways about how state power might undergird and influence the perceived standing of these editors. Particularly in their capacity as the compilers of editions and the authors of the

[9] In other scenarios, the question of state agency might become highly salient. When, as in Florida in 2022, the state government tries to impose a certain way of talking about same-sex sex onto teachers, it precisely activates the identity of those teachers as state agents, and their positioning within a certain hierarchy of state power.

paratexual apparatus for a reputable publishing house, Savey-Casard and the others are seen as *authorities* on the texts that they produce, able to establish the factual basis on which study, debate, interpretation, and appreciation of the text can take place. Savey-Casard's is the only "scientific" edition of the text, the product of years of research, minutely comparing the manuscript with the printed edition of the text, and cross-referencing all of the relevant source material. All of the subsequent editions build on his work; his painstaking research serves as a guarantor of the objectivity of the editions that came after. Of course, this objectivity is not something that we should take for granted. Indeed, in looking at the content and the formal features of the endnotes themselves, we can see that these paratexts in fact produce their own authority through the careful and intentional deployment of form.

Let's turn to the note on sexuality in Arnaud Laster's 2015 edition of the text for the pocket edition of Folio Classique. I did not include Laster's note in my corpus for chapter one, primarily because its literary grandiosity muddies the specificity of its claim about same-sex sex in *Claude Gueux*. It is for this reason, though, that his note is such a rich source for understanding the ways in which endnotes produce their own authority:

> Ces *deux amis* semblent avoir suivi les conseils de La Fontaine aux « heureux amants » : « Soyez-vous l'un à l'autre un monde toujours beau, / Toujours divers, toujours nouveau ; / Tenez-vous lieu de tout » (*Fables*, livre IX, « Les Deux Pigeons », v. 67–69). Cette référence implicite pourrait suggérer que les deux hommes étaient non seulement amis mais amants.[10]

Arnaud was a professor of French literature at the Sorbonne (part of the public university) before becoming president of the *Société des amis de Victor Hugo*. (Robert Badinter, the author of the opera *Claude* and the subject of the final section of this chapter, is currently the honorary president of the *Société*.) Although the purpose of Laster's note is ostensibly factual, the quite extensive and tangential reference to La Fontaine has little factual basis. Amazingly, Laster *does* seem to be suggesting that Hugo had this passage in mind when he wrote, "Chacun des deux amis étaient l'univers l'un pour l'autre. Il parait qu'ils étaient heureux." But there is virtually no textual evidence for the claim that Hugo is intentionally making a reference here to an obscure poem about the dangers of seeking novelty outside of your relationship. Laster offers no evidence for his claim beyond the co-presence of the word "heureux," in a completely different syntax from La Fontaine's original, and the clichéd idea present in both texts that lovers are "the world" for each other (even though in fact La Fontaine uses "monde" and Hugo "univers"). This second point depends already on Laster's factitious equation between *amis* and *amant*, and yet, as Laster himself highlights, the key term for La Fontaine is precisely not *ami* but *amant*. The fact that an obscure reference from a text of heterosexual love written 150 years earlier would be a more

[10] Victor Hugo, *Claude Gueux*, ed. Arnaud Laster (Paris: Folio, 2015), footnote 24, e-book.

important point of reference for understanding Claude and Albin's relationship than the immediate philosophical and sexual content of the concept of "amitié," as I analyzed it in the previous section, is absurd. But in some ways the factual basis of the claim matters little, since Laster's invocation of La Fontaine serves other important purposes. The citation is a performance of Laster's own erudition, underwriting his cultural capital: it demonstrates that he's the kind of person who can hear echoes of classic texts in the things that he reads and quote poetry spontaneously, and thus it bolsters his cultural authority. (More implicitly, the reference also depends on the existence already of a stable text for La Fontaine down to the verse, such that Laster can cite it without reference to a specific edition. This further ratifies the existence and power of the literary-scientific editing apparatus and Laster's embeddedness within it.) Although Savey-Casard, Piroué, Seebacher, and Kern are all more circumspect in the free association of texts, they each in their own way produce the same kind of *effet du littéraire* through their ostentatious circumlocutions.

This circumlocution has a parallel impact on how same-sex sexuality is conveyed in the text. We might note that, nearly two centuries later, and in spite of all the changes in sexual conceptions, Laster uses exactly the same ironizing italics as the anonymous author of the *Journal* to indicate Claude and Albin's sexuality in the first sentence of his note: "Ces *deux amis*." Even Laster's more explicit denomination of the relationship, "amants," is rooted in the contrived parallel that Laster draws with La Fontaine. It serves to universalize and idealize the relationship, and to deny it either any historical specificity or any connection to the kind of homosexuality that is making political demands in the present. (This universalizing impulse is particularly noteworthy, as I will demonstrate in more detail in the following section its prominence in contemporary French modes of understanding same-sex sexuality in a Republican context.) Importantly, this elliptical circumlocution is not, or at least not only, the product of prudishness on Laster's part; his phrase is not simply the expression of a heteronormative, homophobic aversion to representing same-sex sexuality. Rather, Laster's motivation here is complicated, situated in a series of power struggles into which sexuality may enter only tangentially. Which motivation is primary: the need to demonstrate his literary prowess, or the need to avoid direct reference to sexuality? (A third option: to avoid speaking directly about sexuality may in fact be just another convention of the genre of the type of literary speech Laster enregisters here. And indeed, looking across Savey-Casard, Piroué, Seebacher, and Laster, I think that this hypothesis seems probable, although it would require a fuller demonstration than I can give it here.)[11] These questions only serve to underline the fundamental

[11] We could ask questions along a different axis, not about the editors' stature within the literary field but about their investment in and promotion of that field in its struggle with other fields for authority and importance. What are the other nexuses of symbolic power with which the editors are competing? How does the production of this specific kind of literary language serve the literature professors and editors in their

theoretical point I'm trying to make here, though: there is no "heteronormative state" imposing a sexual ideology on any of these editors. Sexuality is not necessarily or even likely to be the primary motivator for Laster's elision. Rather, his utterance is situated within a broad and almost infinitely complex field of power relations. In this case, writing in a certain way about sexuality in a footnote for an edition of classic literary text enables Laster to produce a kind of power that has little to do with any kind of heteronormativity or sexual ideology, although it may depend on those structures in a very distant way.

This reading of Laster's footnote gives us a sense of the fractal but nevertheless concrete ways in which sexual ideology is part of the editor's situation within a field of power, how his speech is conditioned by certain ways of talking about same-sex sex. But power works in both directions: it conditions the actions within the field, and those actions simultaneously help to reinforce, shift, or challenge those conditions. How does the way in which these editors speak about same-sex sex impact the broader situation of same-sex sex within the field of state power? Again, the answer is not direct or simplistic. We might say at the very highest level of analysis that such discussions perpetuate heteronormative and homophobic ideologies. But can we be more concrete about how they do so?

The answer, I will argue, lies not directly in the way in which these editors speak about same-sex sex, but the way in which that discussion fits into a larger project of categorization centered around the concepts of *vraisemblance*, verisimilitude, and realism. If these editors can be considered state or parastatic agents, it is because they wield the symbolic, rather than the physical, force of the state. "A state's power," write Morgan and Orloff, "lies not only in its ability to prevent exit and coerce compliance, but also in its ability to induce agreement—to manufacture categories, standards, and principles of social, economic, and political organization that penetrate deep into individual consciousness."[12] It is important not to conflate the state's symbolic power with its monopoly on violence, and indeed such a conceptual murkiness is at the root of many of the errors of the outlaw model. But these two distinct forms of power are nevertheless interrelated and mutually reinforcing. When they come from an individual with a sufficient claim to authority, as grounded in the field of state power, such acts of categorization end up having profound effects on the lived experience of individuals, especially when they are coupled with the violent power of the state.[13] Think, for example, of the psychologist who is endowed with the power to determine who is sane and who is insane, and who thus might lose certain legal autonomy, or even be "committed" against their will and confined to an institution.

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struggle for the ability to tell the reality about the social world in conflict with, say, the author himself, or social scientists, or physical scientists, or politicians?

[12] Morgan and Orlaff, 13.

[13] Bourdieu, *Sur L'État*, 28.

In the case of our literary editors, the links between symbolic power and physical violence are much more attenuated than in the case of the court psychologist. But their symbolic power is nonetheless important, underwriting the power of that psychologist and any other state agent, and we can discuss its functioning concretely.[14] One of the key powers of the *professeur de lettres*, at least of the tradition of literary criticism that we see active in these examples, is to adjudicate between reality and fiction, and, implicitly through the category of *vraisemblance*, to produce a consensus version of reality. There is something profound in Foucault's diagnosis of "the old exegetical tradition" that I cited in chapter one: "l'idée simple qui consiste, devant un texte, à ne se demander rien d'autre que ce que ce texte dit *véritablement* au-dessous de ce qu'il dit *réellement*."[15] This is not simply a bug in the system, a bad way of reading literature; it is in fact one of the central powers of literary criticism within the field of state power in the modern state. Indeed, it is no accident that the debate about *Claude Gueux* in the press in 1834 that I analyzed in chapter one circles around precisely the question of the factual basis of Hugo's text. Does Hugo's fiction tell us something about the "real" world, meaning that we should take Hugo's political claims at the end of the text seriously? Or can it be circumscribed as a fiction, a bad imitation of the "real" that does nothing but inflate Hugo's ego? (And, of course, we have to constantly remind ourselves that the category of the "real" is not itself a given but one of the *enjeux* of this struggle.) There were of course important changes in the literary field between 1834 and 1952. Most notably, by the 1950s the field of literary criticism had been professionalized; in other words, it is most especially professors, and then authors and other denizens of the *monde des lettres françaises*, that asserted a monopoly on the symbolic power to dictate what kinds of fictional writings had bearing on the world and which were *invraisemblable*.[16] Nevertheless, the stakes of the debate, *les enjeux de lutte*, are

[14] Of course, a particular state agent might decide to challenge the particular kind of symbolic and physical power that a court psychologist has. A literary critic might work explicitly to deconstruct the concept of mental health, for instance. The state of course is as Puri says "fragmented and deeply subjective." This doesn't change the fact, however, that participants in both sides of the argument are invested in the structure of the state itself.

[15] Foucault, "Sur les façons," 619–20.

[16] We can see a very early attempt at such professionalization in the "Prospectus" of the first edition of the *Journal des Artistes*, cited partially in chapter one: "Chaque classe de la société a, pour ainsi dire, un journal qui lui est spécialement destiné. La class nombreuses des *Artistes* semblait cependant avoir été oubliée […]. Les Artistes étaient donc réduits, jusqu'à présent, à chercher dans des journaux étrangers à leur profession ce qui les intéresse par-dessus tout, c'est-à-dire, l'annonce des productions nouvelles, leur examen critique et la discussion des principes sans lesquels les arts sont toujours en danger de s'égarer. A la vérité, la plupart des journaux traitent de tems à autre, des Beaux-Arts, mais ce n'est pas leur affaire spéciale ; ils en parlent parce qu'ils parlent de tout ; et, dans ce conflit de matières politiques, judiciaires, scientifiques, commerciales, les Muses ne peuvent se montrer qu'à la dérobée, à l'improviste." In claiming that the Muses only appear in a paper fully dedicated to artistic questions, the authors of the *Journal* are attempting here to stake out a legitimate claim to define the core "principles" of art, which, unsurprisingly, end up being centered

similar, suggesting that an important value of literature within the larger state project of establishing the official truth has been to adjudicate the lines between reality and fiction.

The question of sexuality enters into the frame in a larger debate about the success of Hugo's didactic text, the degree to which it was *vraisemblable* enough to convince the reader that the political changes it called for were warranted and just. This debate began with Savey-Casard, who was the first critic to look in a "scientific" way at the discrepancy between Hugo's *Claude Gueux* and his sources in *La Gazette des tribunaux*.[17] Savey-Casard's critical edition of the text, and his thesis, *Le crime et la peine dans l'œuvre de Victor Hugo*, which he published more or less simultaneously, initiated a tradition of thinking about the connection between the work's relationship to its sources and the plausibility of its political project. According to Savey-Casard's interpretation, Hugo heard about Claude Gueux from a group of individuals already sympathetic to him, and then let his imagination embellish the story as he saw fit.[18] Savey-Casard is ultimately sympathetic with Hugo's project in *Claude Gueux*, and yet he finds that Hugo's deviations from the "truth" of Gueux's story in his novella make his argument less persuasive, ultimately decided that Hugo was misled in his Romantic fervor by the partisans of Claude Gueux in taking on this subject at all. After Savey-Casard, who produced the only modern scientific edition of the text, this question of the relationship between the text and its source material became the central

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on precisely the question of the relationship between the real and the fictional, the ability to see more than just marble in the Apollo Belvedere (5).

See especially on this count the complicated interface between, "le vrai," nature, the imaginary, and the beautiful, in the apparently fictitious fragmentary writings on art cited in the first article: "I. Beaux-Arts, domaine de l'imagination. II. Imagination, don de la nature. III. Elle a besoin d'être réglée par l'étude du beau. IV. Le beau, proclamé par l'assentiment général. […] VIII. Le vrai, le natruel n'est donc pas le seul beau ? IX. L'attribution principale de l'imagination est donc d'embellir ?" (4) It is precisely the project of the *Journal* to set itself up as the arbiter of that *assentiment général*, what Bourdieu would call a *consensus*, in order to mediate properly between the true, the natural, and the beautiful.

[17] As I have demonstrated with my reading of the *Journal*, however, this debate about the relationship between Hugo's text and the real story on which it was based began two months after he published his story.

[18] Savey-Casard, 42. My account here owes a lot to Paul Comeau's, in "La Rhétorique du poète engage du "Dernier Jour d'un condamné" à "Claude Gueux," *Nineteenth-Century French* Studies 16.1–2 (1987/1988): 70–5, https://www.jstor.org/stable/23532082. This is not to say that I agree with Comeau, whose homophobic treatment of the text I will get to shortly.

I will also note here in passing that the degree of similarity between Savey-Casard's vocabulary and that of the *Journal* is remarkable. "Le livre de Victor Hugo s'annonce comme le récit d'événements contemporains, et non comme une œuvre d'imagination," he writes in his introduction to the text (39). He continues, "Il ne s'est pas fait scrupule de développer certains passages au gré de son imagination, de laisser tomber des faits qui le gênaient, de modifier certaines phrases et d'arranger certaines dates" (42). It is difficult to tease out whether Savey-Casard takes up the concept of imagination, so central to the authors of the *Journal*, as a historical category, or whether his deployment of it represents a historical continuity between the aesthetic categories of 1834 and 1956. Perhaps we can see his act of recirculation as a way of reiterating and reinforcing those categories across time.

question which all editors had to align, and importantly the central lens through which same-sex sexuality was understood in the text. Let's take a look, for example, at this citation from Piroué's preface, published about a decade after Savey-Casard's:

> En dépit de ses beautés, *Claude Gueux* est une œuvre discutable, hybride, une demi-réussite, un pas de clerc et un cul-de-sac, dans la mesure même où Hugo aura tiré son sujet d'une très réelle « Gazette des tribunaux » et n'aura pu, pour l'essentiel, s'en écarter. Que ce récit soit l'histoire d'un crime est son handicap majeur. Cette violence gêne. Ce sang, à juste titre, fait horreur. Il change les données du problème. D'une part, l'idéologue, afin de prêcher utilement, est porté à considérer ce délit comme le signe extrême de la dégradation. Mais, il est clair qu'il aura alors eu tort de ne pas en retracer toutes les étapes, antécédents et déviation sexuelle y compris. C'est à ce prix seul que sa démonstration eût acquis tout son impact persuasif.[19]

Piroué's account is interesting here for several reasons. First, this citation gives us a clear picture of the way in which the question of same-sex sex in *Claude Gueux* is wrapped up in the question of the relationship between text and reality, and its success in representing that reality. Quite literally, the question of Claude's "déviation sexuelle" is relegated to an aside within the syntax of the sentence, and made equivalent to Hugo's omission of Gueux's previous crimes (his "antécédents").

Secondly, it gives us a sense of the way in which an ostensible dissensus can mask a more profound consensus, the production of which relates back to the question of the symbolic power of the state I mentioned above. Although in my genealogical analysis of the responses to *Claude Gueux* Piroué is only the second link in the chain, we can already see the way in which the question of *vraisemblance* has become the central "problem" of the text. Piroué makes no direct reference to Savey-Casard in this moment, although of course the latter is cited more broadly as an important source for Piroué's edition. And yet, Piroué's entire argument depends on the factual basis established by Savey-Casard.[20] To a careful reader, Piroué is ostensibly disagreeing with Savey-Casard. The latter finds Claude's story distasteful, ultimately a poor choice for Hugo's just political cause. Piroué, on the other hand, cultivates a taste for the grotesque. Hugo shouldn't have shied away further from the bloodiness of Gueux's story, but leaned into it, for only then could he fully show the reader the depths to which an unjust society had pushed a fundamentally good man.[21]

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[19] Piroué, 230.

[20] This basis appears all the more factual because the editor's own personality is deemphasized. It is no accident that it took extensive research to reconstruct the social positions of each of the editors studied here—the editor is designed almost to be imperceptible, to produce the objective truth of the text through the abnegation of his (and it is also no accident that all these editors are men) own subjectivity.

[21] Although Piroué's account is manifestly homophobic, it also shares some similarities with the "queer" model, which views the supposedly inherent non-normativity of same-sex sex as a resource which can be used to challenge the status quo. (I would identify this similarity as a commitment to the outlaw

Behind what seems like a fundamentally opposite interpretation of the text, however, lies a deeper structure of consensus. Although he quibbles with Savey-Casard's ultimate interpretation of what would make Hugo's text more effective, Piroué's argument grounds its authority in the categorization of reality and fiction set out by Savey-Casard.[22] In this way, the structure of the literary paratext shares structural similarities with what Bourdieu calls the "acte d'État," which is characterized by a regression to a founding mystery (in the religious sense of that term, a kind of secret into which the new believer is always promised to be initiated). These acts are "des actes autorisés, dotés d'une autorité qui, de proche en proche, par une série de délégations en chaine, renvoie à un lieu ultime."[23] The question of whether Claude and Albin had a sexual relationship follows this pattern. Savey-Casard has to establish the facts as a first-order question: he gives the citations from the source material which, according to him, prove that the "real" Claude and Albin had sex. For Piroué, however, Claude's "deviation sexuelle" is already a given. He can simply cite it as a part of his larger argument about the aesthetic failure of Hugo's novella. This regression in fact constitutes a kind of shell game, in which a debate about the particulars magically produces the *fond* as a kind of given that "autorise […] les catégories selon lesquelles le jugement est constitué."[24] Hiding behind Piroué's disagreement about the strategies Hugo should have taken to achieve his political ends is a fundamental consensus on the question of what constitutes the "reality" of Gueux's case.

It's worth just pointing out here again that the concept of the "real" story of Claude Gueux is just as much a constructed vision of reality as Hugo's. The account in the *Gazette des tribunaux* is hardly objective—it shares Hugo's admiration for Gueux's surprising rhetorical skill, and the persuasiveness of some of his arguments. It is also not any more definitive on the question of same-sex sex. In the original account of Gueux's trial, it uses the term *ami* to refer to Albin just as Hugo does. As we've seen, in this context this term would likely have been understood to refer to some kind of same-sex sex, but then by this logic Hugo's would have too. Thus, the idea that the Gueux of the "real" record was having sex with Albin while Hugo's fictional Gueux wasn't is factitious.

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thesis.) His position is close to Sylviane Agacinski's in *Politique des sexes* (1998), which argued against granting gay rights by highlighting and celebrating the supposedly fundamental outlaw status of same-sex sex.

[22] Here I'm approaching Rancière's concept of the *partage du sensible*, which I have discussed at greater length in my article on Renaud Camus. Blakeney, "Outlaw." My primary source for thinking about "consensus" is Bourdieu, although it is interesting here that Bourdieu and Rancière seem to be aligned in their diagnosis of how state power works, given that Rancière is quite critical of Bourdieu.

[23] Bourdieu, *Sur l'État*, 28.

[24] Bourdieu, *Sur l'État*, 28.

But then this is precisely the way in which literary criticism of this genre participates in the state projection of symbolic power, the production of "categories, standards, and principles of social, economic, and political organization that penetrate deep into individual consciousness."[25] In defining the boundaries between the fictional and real, the literary critic both calls upon and produces a vision of what "the real" is. Although it seems like the emphasis of the argument is on the fictional text, this is another kind of shell game. The concept of the fictional, and especially of the *vraisemblable* fiction, depends implicitly on an established vision of the real. The literary critic calls upon this vision as if it already existed, was already obvious, in order to produce his judgment of the text's realism. But crucially, as either an agent of the state directly and/or as an individual endowed with a great deal of symbolic power by a whole host of credentials guaranteed by the state, he also perpetuates and produces it.

Great Minds Think Alike

In this final section, I will turn to a set of utterances that had slightly more reach: a set of statements by Robert Badinter about same-sex sex, politics, and Victor Hugo. Badinter further demonstrates the way in which the symbolic power of the state produces structures of obviousness that ultimately help to define the national community and the types of politics that are considered valid within that community. The reader will recall that in chapter one, I analyzed Badinter's operatic interpretation of *Claude Gueux*, titled simply *Claude*, and a statement that Badinter made about same-sex sexuality in Hugo's text. Badinter claimed that in his opera, he addressed "ce qui ne pouvait être abordé évidemment à l'époque, c'est-à-dire la question de l'homosexualité en prison."[26] Badinter makes this claim in an interview he gave Laura El Makki for *Les Beaux Esprits se rencontrent*, a radio program subsequently published as a podcast on France Inter, one of the most popular public radio stations in France. El Makki invites a contemporary thinker to speak about "l'auteur qui lui a donné le goût du rêve et de la création." This leads to "une rencontre entre deux personnes que souvent le temps sépare mais qu'un mot ou un texte réunit."[27] Badinter's episode, which aired on July 12, 2014, is titled "S'engager — Robert Badinter et Victor Hugo." While the program is ostensibly meant to convey information about Hugo, I argue that in fact it performatively instantiates *what "we" already know about Hugo and politics in the nineteenth century*, in a way that mirrors the circular logic of the endnotes. It is in the production of this "we" that the program fits in to the dynamic of state

[25] Morgan and Orlaff, 13.

[26] Badinter, "S'engager."

[27] Badinter, "S'engager."

power I am analyzing here. The outlaw thesis, through Badinter's reading of *Claude Gueux*, fits in to this consensus of what "we" already and obviously know.

Let's take a look at Badinter's statement about same-sex sex in prisons in its broader context. Badinter begins by talking about the aspects of Hugo's text that he wanted to convey in his adaptation, particularly focusing on the violence of the political struggles of the 19th century:

> C'est toute la violence de la question sociale au XIXe siècle. Ça n'a rien à voir avec ce que sont aujourd'hui les conditions d'un affrontement politique autour d'une grève. Là, c'est directement la violence jusqu'à l'extrême. N'oubliez jamais que dans *Les Misérables*, le célèbre chapitre sur les barricades, c'est face à face, les ouvriers et de l'autre côté, la petite bourgeoisie. Et cela va de part et d'autre jusqu'à donner la mort à l'adversaire. La lutte des classes, là ce n'est pas un *slogan* pour *meeting* repris avec nostalgie. C'est la réalité impitoyable du XIXe siècle. Et on le sait, Hugo, en juin 1848, est allé là, pour se battre, pour essayer précisément que les hommes des barricades déposent les armes, que la troupe ne charge pas. L'intensité de la violence sociale au XIXe siècle, nous l'avons complètement perdue de vue, et c'est cela que j'ai voulu rendre en même temps que j'y inscrivais ce qui ne pouvait être abordé évidemment à l'époque, c'est-à-dire la question de l'homosexualité en prison.[28]

Underlying Badinter's claims here is the same question of the "reality" of Hugo's text that animated the literary editors and critics. Unlike those critics, Badinter finds that Hugo effectively conveys "la réalité impitoyable du XIXe siècle." Ironically, even as he advocates for the realism of Hugo's text, Badinter's account of Hugo's politics and his participation in the June Days uprising of 1848 is historically inaccurate, blending Hugo's real actions, his own self-mythologization, and his novels. Hugo did indeed rush to the barricades in 1848 "pour se battre," but he fought firmly on the side of the troops, whom as mayor of the 8th arrondissement he led against the protesters.[29] Badinter freely moves between Hugo's fictionalized account of history and his own semi-ficitonalized account of Hugo's real life: the "famous chapter on the barricades" from *Les Misérables* is given as historical evidence of the violence of 19th century political struggle before Badinter gives us a false account of Hugo's involvement in the events of 1848. Note how Badinter slips, with no recontextualization, from Hugo's fictional account of the revolt of 1832 in *Les Misérables* to Hugo's actual participation in the June Days uprising of 1848. This elision from the literary to the historical serves not just to rewrite Hugo's history along the lines of *Les Misérables*

[28] Badinter, "S'engager."

[29] For a succinct account of Hugo's participation in the June Days Revolt, see Graham Robb, *Victor Hugo* (New York: Norton, 1999), 273–78. For more context on Hugo's participation in the Revolutionary government, see Robb, 262–70.

but also allows Badinter to give a hugely simplified account of the events of 1848.[30] Far from black-and-white divisions between "workers" on one side and the "petite-bourgeoisie" on the other, the June Days uprising was a complicated and dynamic situation. Republican liberals invested in the new government like Hugo intervened on the side of the troops, while monarchist extremists who wanted to undo the effects of the revolutions of 1830 and 1848 (some of whom were Hugo's former allies and friends) joined the fighting *against* the government, tactically united with the socialist workers in their aim of bringing down the liberal government but envisioning a very different world after the downfall of the Second Republic.

When we pick through Badinter's statements carefully and subject them to the rigor of careful analysis, we see that his claims are quite outlandish. And yet, I would wager that to the average listener, to the "general audience" that France Inter claims to seek, such a passage would seem unremarkable. On a practical level, of course, a radio listener does not have the luxury to slow down, to rewind, to pick apart each of Badinter's claims and test them as I have done here. But there is also a way in which Badinter's claims are underwritten by a kind of circular logic. The equation between literature and political struggle is the very premise of the program. "Plus d'un siècle sépare ces deux hommes, mais un combat les réunit : l'abolition de la peine de mort," says El Makki at the top of the program. Although Hugo is a "poet" and Badinter "the former attorney general," both men are united in a single political struggle. Badinter then argues that Hugo's literary interest in representing the social ills of nineteenth century France led him "tout naturellement" to a form of political engagement. But these are not new propositions. They are already contained within the program's title: "S'engager : Robert Badinter et Victor Hugo." The equating conjunction between a politician and an author, the reference to Sartre's concept of *engagement*, already proposes the elision between literary and political action.

As with the endnotes, then, what seems like a purely factual exercise, the presentation of the "reality" of politics in the nineteenth century, actually comes to serve other purposes. Although it ostensibly takes the form of a program in which we will learn something or the speakers will develop a new theme, this episode of *Les beaux esprits se rencontrent*, like the title of the series itself (the French equivalent to "great minds think alike"), takes the form of a sort of dictum, a performative act of telling us what we already

[30] Here we also need to the think about the role of Republicanism as an ideology that allows Badinter to produce a cohesive historical narrative across France's tumultuous political history. The Fifth Republic, the institution in which Badinter was the Minister of Justice and under which he abolished the death penalty, wasn't established until 1958, and arguably didn't become fully Reupblican until Charles de Gaulle's resignation in 1969 foreclosed the until then very real possibility of the establishment of a militaristic regime. Republicanism is the ideological framework that allows Badinter to paper over France's patchy history of political upheaval and present Hugo within a cohesive and unbroken narrative that runs from his advocacy against the death penalty in 1848 to Badinter's repeal in 1981. For a historicist view of Republicanism which emphasizes the relative newness of contemporary understandings of the concept, see Émile Chabal, *France* (Cambridge, UK: Polity Press, 2002), 115–27.

know, what Pierre Bourdieu calls a *state*ment.[31] "Et *on le sait bien*, Hugo est allé là, pour se battre." Even as it introduces a literal historical falsehood, this phrase "et on le sait bien" also has some truth to it. "We," and it's important to figure out exactly who this *on* refers to, *do know* the famous chapters from *Les Misérables* on the barricades—perhaps "we" read them as a child in an abridged version of the text, or studied them in high school, or saw them one of the many film adaptations of the novel, or know all the words to the song that memorializes the battle in the musical. "Alors, la langue de Victor Hugo est **connue de tous**," says El Makki at the beginning of the show, "ses principales œuvres aussi. Je **rappelle** rapidement ses dates : il est né en 1802 ; il est mort en 1885," to highlight that this information is a part of the "on le sait bien." "We" *do know* vaguely that Hugo was involved in politics in the 19th century on the side of the people, if only because he wrote such works as *Les Misérables*, *Le Dernier Jour d'un condamné*, *Claude Gueux*, *Quatre-vingt Treize*, or even *Notre-Dame de Paris*. And if "we" do not already know, Badinter's sentence serves as a kind of magical performative, instantly transforming us into one of that "on" that does know precisely by telling us the information.

Rather than to give us any particular information about Victor Hugo, I would argue that the purpose of the program is to produce the magical effect of belonging to this "we." And what exactly is this community, this "we" to which the program makes the listener feel as if they belong? "L'État est aussi du côté de la magie," says Pierre Bourdieu in his first lecture on the state, drawing on Durkheim's conception of religion as "une illusion bien fondée."[32] The state, similarly, is a kind of well-grounded illusion; it has a "réalité mystérieuse" that exists "par ses effets et par la croyance collective dans son existence, qui est le principe de ces effets."[33] This belief is rooted in what Bourdieu, following Marx, calls an "illusory community," "qui est la communauté d'appartenance à une communauté qu'on appellera une nation ou un État, au sens d'ensemble de gens reconnaissant les mêmes principes universels."[34] The state *states*, it produces *statements*, Bourdieu says, citing the sociologists Philip Corrigan and Derek Sayer. *Les beaux esprits se rencontrent* shares some of the same magical circularity that Bourdieu ascribes to the state: it engenders a sense of belonging in this community of the "on le sait bien" even as it calls the "on" that knows into

[31] Bourdieu, *Sur L'État*, 27. There are echoes here of Laster's recirculation of the La Fontaine dictum in his footnote. In fact, there are generic similarities between the *magazine littéraire* (in podcast form) and the footnote, especially of a generalist edition like Laster's. The interpenetration of these worlds is apparent in El Makki's own trajectory. She began as an author at *Le Magazine littéraire* and then published similar content for France Inter before becoming, in 2017, professor of literature at Sciences Po, one of the most important public schools in France.

[32] Bourdieu, *Sur L'État*, 29.

[33] Bourdieu, *Sur L'État*, 29.

[34] Bourdieu, *Sur L'État*, 29.

existence by its very assertion. If the state functions as a kind of secular religion, as Bourdieu suggests with his reference to Durkheim, then this edition of *Les beaux esprits se rencontrent* is a liturgy, a reminder (and the speakers in the program are always *reminding* us rather than telling us) that we belong, a calling back (*rappeler*) to the imagined moral community of the French nation. *Les beaux esprits se rencontrent*. (The idea of *re*membering, of doing something that has already been done, is already implicit, although barely perceptible, in the verb *r(e)encontrer*.) It's no accident that earlier in the program Badinter calls himself "Hugolâtre" instead of "Hugolien," for Hugo is none other than a national saint, and the work Badinter performs in this program is one of secular hagiography. (Incidentally, the program also does the work of canonizing Badinter alongside Hugo.)

This is not to say that Badinter and El Makki's intentions here are explicitly or consciously to produce this magical community. There's a mutually imbricated self-interest at play here: as Badinter's status increases through the program because he is compared with Hugo, so might El Makki imagine that her own status would also increase because she has an eminent thinker on her program. Both also gain status from producing themselves as arbiters of the consensual "we." At the same time, this appeal to the consensual "on le sait bien" is also a way to lend authority to the concrete interventions that Badinter does make around literature, politics, and even sexuality. Like the regressive structure of reference we saw in the endnotes, the appeal to this consensual community serves to ground his other statements in a chain of authority.

Now that we understand the structure of Badinter's comments, we can turn our attention more fully to what Badinter does say about literature, politics, and sexuality. As with the editors and literary critics, what is at stake here is the division between reality and fiction; however, in this case, Badinter effectuates a kind of reversal in which the "reality" of politics in the nineteenth century, conveyed successfully for Badinter in Hugo's text, is opposed to the irreality of politics today. "Ça n'a rien à voir avec ce que sont aujourd'hui les conditions d'un affrontement politique autour d'une grève," Badinter says, apparently making reference to political quietism of the so-called "death of politics" in France after the 1980s. The election of the center-left government of François Mitterrand in 1981 (the government for which Badinter was minster of justice) represented an end to the tumultuous political challenges of the late 1960s and the 1970s; more radical groups on the left that had been central to politics throughout the twentieth century were marginalized as the socialist party moved to the center. This liberalization of the left led to a new technocratic order of centrist parties that differed from each other only on superficial questions. For Badinter, politics at the turn of the 21st century in France have become a purely formal exercise, where "slogans" are taken up nostalgically in ineffectual "meetings" but without any real effect: "La lutte des classes, là ce n'est pas un *slogan* pour *meeting* repris avec nostalgie. C'est la réalité impitoyable du XIXe siècle." (Note Badinter's use of anglicisms to render these new forms of defanged politics other, "Anglo-American," and

thus not French.[35]) Never mind that Badinter's prime example of the "reality" of class struggle in the nineteenth century is Hugo's fictionalized account of the June Rebellion of 1832 in *Les Misérables*, a text that is itself a nostalgic look back at a period of social upheaval from the political stagnation of the Second Empire, when political change seemed impossible under the demagogic rule of Napoléon III.[36]

Never mind, too, that to talk as if French politics after 1980 were completely peaceful is to cast the political community as entirely white; it is to ignore and erase the violence to which non-white members of the French community have frequently been subjected, and to figure the struggle of minorities (racialized and immigrant minorities, especially, but also LGBT people) as a "fake" or "irreal" politics. And indeed, it is here that same-sex sexuality reenters the frame. "L'intensité de la violence sociale au XIXe siècle," concludes Badinter, returning to his goals in writing *Claude*, "nous l'avons complètement perdue de vue, et c'est cela que j'ai voulu rendre en même temps que j'y inscrivais ce qui ne pouvait être abordé évidemment à l'époque, c'est-à-dire la question de l'homosexualité en prison." Badinter figures a kind of chiasmatic relationship with the past, where the "reality" of political violence comes to reappear in the present through Badinter's opera at the same time that the opera makes visible the past reality that could only be said in the present, "the question of homosexuality in prisons." It might seem at first glance that Badinter wants to make the new social question of homosexuality a kind of inheritor to the "real" political struggles of the nineteenth century, but I think what's more important is that he separates out the question of homosexuality from the question of "real" politics: "en même temps que…." These are two separate projects, moving in inverse directions, that further highlights the distance between today's politics, focused on the illusory categories of identity, with "reality" of class struggle in the nineteenth century.

This conclusion may seem counterintuitive, and although I will give more details from Badinter's other statements and the text of *Claude* itself to support this interpretation below, I would like to pause here for a moment to reflect on a difference between Badinter

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[35] For one example of French exceptionalism and the Anglo-American countermodel, see Blakeney, "The Moment," 52–54.

[36] See for example Hugo's veiled critique of the quietism of the Second Empire in his pointed retelling of the political life of the early July Monarchy: "Une harmonie voulue à contre-sens est souvent plus onéreuse qu'une guerre. De ce sourd conflit, toujours muselé, mais toujours grondant, naquit la paix armée, ce ruineux expédient de la civilisation suspecte à elle-même. […] Cependant, à l'intérieur, paupérisme, prolétariat, salaire, éducation, pénalité, prostitution, sort de la femme, richesse, misère, production, consommation, répartition, échange, monnaie, crédit, droit du capital, droit du travail, toutes ces questions se multipliaient au-dessus de la société. En dehors des partis politiques proprement dits, un autre mouvement se manifestait." *Les Misérables, Tome II*, Part IV book 1 chapter 4 (Paris: Gallimard, 1995), 143–4. For more on the relationship of Hugo's historical fiction to its contemporary context, see Angelo Metzidakis, "On Reading French History in Hugo's *Les Misérables*," *French Review* 67, no. 2 (1993): 187–195, https://www.jstor.org/stable/397362; and, Pierre Popovic, *La Mélancolie des* Misérables*: Essai de sociocritique* (Montréal: Le Quartanier, 2013), especially chapters 4 and 5.

and the editors and critics that I have so far not made an important part of my analysis. Badinter, unlike the other figures analyzed in this chapter, makes it his explicit goal to restore homosexuality to *Claude Gueux*.[37] Badinter is explicitly engaged in a political project of combatting homophobia and prejudice against gays and lesbians in a way that the editors were not. Although Badinter has not been as readily associated with gay rights as with his work against the death penalty, he was an important figure in the history of that movement. As the minister of justice under Mitterrand, Badinter was responsible for eliminating the differential treatment of gay and straight relationships under the law in 1982.[38]

But while Badinter has often been seen as a champion of gay rights, he has advocated not for the *expansion* of rights to include gays and lesbians but rather the *elimination* of any prejudicial laws that prevent gays and lesbians from accessing their full rights as citizens of the French Republic. His view of homosexuality and how it should be treated legally has ironically led to the depoliticization of gay identity, creating the conditions for the rightful effacement of the particularism of gay identity within an abstract and equal Republic where all citizens are equal before the law. Such a view complicates our idea that "the state" has a single view on same-sex sex, and that it is always hostile to same-sex sex. In fact, in the construction of French republican universalism that Badinter espouses, the state should simply have no view on same-sex sex at all. (This is not to deny that such a view doesn't enact its own sort of violence.)

Take the scene from Badinter's *Claude* that I analyzed in chapter one in which Claude and Albin's relationship finally becomes sexual. It seems like the fulfillment of Badinter's claim, the liberation of homosexuality from a repressive regime in which it couldn't be represented explicitly. And yet, on closer examination, the opera in many ways erases the specificity of gay sexuality within the prison. As we have already seen in chapter one, the complex interplay between a heterosexual text and a homosexual *mise-en-scène* produce a murky view of Gueux's sexuality in the opera, but the sexual politics of the scene are even more complicated. Although the staging leaves no doubt that Claude and Albin are going to have sex, we can still learn a lot about the sexual ideology of the opera by

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[37] Here I am paraphrasing Sharon Marcus's phrase: "Critics intent on restoring lesbian desire to Victorian fiction have asserted that the marriage plot puts an end to all same-sex bonds—but Victorian marriage plots depend on maintaining bonds of friendship between women. Since Victorians neither repressed female friendships nor policed them as rigidly as they did heterosexual relations, it makes no more sense to produce symptomatic readings of female friendship in Victorian literature than to argue that marriage is the repressed content of nineteenth-century British realism" (75). I ultimately agree with her analysis that same-sex sex was just as much a part of thinking about prison life in the 19th century as female friendship bonds were to the plot of the Victorian novel.

[38] Badinter was actually much more involved in the question of gay rights than is often noted; he was friends with the founder of the "homophile" movement André Baudry, and gave conferences to the "homophile" association. See Julian Jackson, *Living in Arcadia*, 195–241; and Antoine Idier, *Les Alinéas au placard: L'abrogation du délit d'homosexualité* (Paris: Éditions Cartouche, 2013).

attending to exactly how their encounter is represented. In fact, in some ways, *Claude* seems to be intentionally quite demure in its portrayal. Their kiss takes place in a huge set that represents the prison of Clairvaux anachronistically as a nine-by-nine square of cells, each containing two prisoners. Claude and Albin are in the central cell, and the viewer's attention is drawn to the two men by the fact that all of the other prisoners have hung up a brown sheet to cover their cell, backlit by an exposed lightbulb. The opera draws our attention to the dynamics of the visibility of the sexual relationship between the two men at this moment. As they embrace on the bed, the director enters stage left, standing in front of the cell set. He looks up at the two men as they embrace, and then makes a silent gesture of disgust and anger. Narratively, Badinter makes explicit that the discovery of the sexual relationship leads to the director's decision to separate Claude and Albin, not so much that he sees the relationship as a moral problem, but more that he sees it as a tool that he can use in his struggle against Claude. Although they seem to be unaware of having been seen by the director, Claude and Albin nevertheless seem to want privacy as they become more intimate. The bright white lights in Claude's cell dim, casting the two men's bodies in shadow as only the single exposed lightbulb remains lit. The two hang up their own sheet, and we see them come together in a more intimate and caring embrace in silhouette.

Figure 46. The set emphasizes the idea of privacy.

Figure 47. Claude and Albin's intimate embraces are hidden from the viewer.

The implication here is that sex between men, like Claude's sexual and romantic relationship with his partner outside of the prison, is a fundamentally *private* matter. Claude's homosexual and heterosexual relationships are put on equal footing. In both the original and the operatic adaptation, the director tells Claude that his partner outside of prison has become a prostitute in order to torture him (indeed, in *Claude* this is one of the triggers that leads to the romantic scene between Claude and Albin). Similarly, once the director discovers the sexual and affective connection between Claude and Albin, he has Albin transferred to another wing. The injustice in this case is not that same-sex sex cannot be spoken; rather, it is unjust that their private relationship is publicized and politicized, transformed from what should be a free act between consenting individuals to a matter of the intervention of state officials, taken from the private sphere into the public, political conflict between Claude and the director.[39] Same-sex sex should be left out of the public sphere, the text implicitly argues, out of the realm of government intervention.

This is precisely how Badinter speaks explicitly about gay rights in interviews and publications on the topic. In an interview he gave to *Le Temps* in 2014, Badinter says that the right to private sexuality is at the core of his fight against homophobia and discriminatory laws internationally:

> J'ai toujours lutté contre l'homophobie, expression odieuse d'une discrimination à raison d'une inclination sexuelle. La sexualité entre adultes consentants ne relève

[39] The political dimensions of this conflict are highlighted and heightened in Badinter's version: Claude is imprisoned not for stealing food but for left political activism "sur les barricades."

> que de leur libre arbitre et du droit de tout être humain à disposer librement de son corps hors la vue des tiers. Les pratiques sexuelles entre adultes relèvent de l'intimité de la vie privée et le législateur n'a aucune qualité pour intervenir dans ce domaine en édictant, par des sanctions pénales, une police des corps. Je tire fierté d'avoir, en 1982, comme ministre de la Justice, soutenu devant le parlement le texte abolissant en France le délit d'homosexualité.[40]

For Badinter, "the right to manage your own body, outside of the view of third parties," is a fundamental human right, one which supersedes any cultural or religious prejudice against those with different "affinités sexuelles." It is unjust to penalize "des comportements qui relèvent seulement de la vie privée et du libre choix de chacun." The interview, which speaks on the history of struggles by "les homosexuels des États occidentaux," demonstrates that such a conception of same-sex sex has been at the basis of a certain strand of gay rights activism in Europe. Indeed, it has a long history that dates back to the work of the nineteenth-century German sexologist and activist Karl Heinrich Ulrichs.

However, the insistence on the private nature of same-sex sex has also been used to regulate and stigmatize same-sex sexuality, and to counter gay rights movements based on minority rights. David Caron notes that, in wake of the AIDS crisis and the emergence of debates about gay marriage rights in the 1990s, the gay community of the Marais neighborhood in Paris came to be seen as a threat to universalist principles. "The French Republic," he writes,

> tends to have a problem with community, which it has a hard time distinguishing from essentialized identity. In a universalist nation such as France, where the structuring poles of society are the State at one end and free and equal individuals at the other, intermediate markers of identity—religion, ethnicity, sexuality, national origin, and the like—must be confined to the private sphere and never *ever* serve as the basis for political claims. Indeed, it is thanks to their privatization that such traits are supposed to be protected so that the people who possess them may enjoy individual freedom.[41]

We can now understand why Badinter in the interview cited above can only treat same-sex sex in the negative, through the concept of homophobia, or in strictly non-identitarian terms like "inclination" or "affinités sexuelles." He is formulating a strictly universalist, rather than "communitarian" or identity-based, concept of gay rights. This allows Badinter, for example, to relate the seemingly unrelated topics of gay rights and the death penalty, both of which are derived from "respect absolu de la vie humaine dans une démocratie […],

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[40] Robert Badinter, "La lutte contre l'homophobie sera victorieuse," interview by A. M.-K., *Le Temps*, March 9, 2014, https://www.letemps.ch/monde/lutte-contre-lhomophobie-sera-victorieuse.

[41] Caron, *My Father*, 76.

l'égale dignité des êtres humains quelles que soient leurs affinités sexuelles."[42] The appeal for equality must come not on the basis of particularist exception, the protection of a minority community, but on the basis of universal principles like human rights (in French, "les droits de l'homme"—I cite the French term since I'm not sure that the two are quite synonymous). In a response to a question about "reticence" to depenalize homosexuality in "les pays arabes ou en Afrique" because of cultural traditions, Badinter responds,

> Les droits de l'homme sont, par définition, les droits de TOUS les êtres humains quels que soient leur sexe, leur couleur, leurs croyances, leurs convictions religieuses ou non, ou leurs mœurs. Les différences culturelles ne sauraient justifier les atteintes à la personne humaine et à ses droits fondamentaux, ou c'est en fini de l'universalisme [sic], c'est-à-dire des droits de l'homme eux-mêmes.[43]

Universalism is equated with human rights, and both are threatened by provincialist appeals to maintain traditional or religious prejudice in the face of rational, *laïc*, Enlightenment reason. The flip side of this argument is that the appeal against homophobia and the penalization of gay sex (rather than an appeal *for* gay rights) must be formulated in strictly universalist terms, rather than on the basis of the exceptional needs of a particular sect or community. Gays and lesbians come into the universalist frame only when denuded of all that makes them particular, the kinds of particular "affinités sexuelles" that need to be left in the bedroom.

As Caron notes, French universalism's promise of individual freedom is not always a reality, in part because the boundary between the universal and the particular, between the public and private spheres, is not nearly as self-evident or fixed as French Republican rhetoric makes it seem. The concept of the universal depends, of course, on a kind invisible majority identity: a nun's habit is seen as an acceptable display of religious dress in public, while a Muslim "voile" is seen as "ostentatious;"[44] in a similar way, a heterosexual kiss in

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[42] Badinter, "La Lutte." The full citation reads, "L'abolition de la peine de mort témoigne du respect absolu de la vie humaine dans une démocratie. La suppression des lois répressives ou discriminatoires contre les homosexuels et les lesbiennes repose sur l'égale dignité des êtres humains quelles que soient leurs affinités sexuelles."

[43] Badinter, "La Lutte." See Caron, *My Father*, 77: "In a nutshell, all politicization of community, to the extent that it is understood to be a social manifestation of identity against or before Enlightenment values, is condemned in French culture as barbaric—that is, as archaic and/or fascist and therefore anti-Republican, if not un-French, by definition."

[44] See the recent outrage over an elderly nun's rejection from a public retirement home because she refused to remove her habit. The town mayor quickly intervened and reversed the decision, while a member of the government agency *L'Observatoire du secularisme* called the case "the very demonstration" of a "wrong interpretation of laïcité" because you can only ban a religious symbol "if it is objectively disturbing the public order" (like, implicitly, the burqa and the niqab, banned in public in 2010) Aurelien Breeden, "Retirement Home Told a Nun She Couldn't Wear Religious Attire," *New York Times*, November 21, 2019, https://www.nytimes.com/2019/11/21/world/europe/france-nun-secularism.html. The priest who publicized the event said the quiet part out loud in his church newsletter, now removed from the Internet:

public is almost invisible, while gay kisses may be stigmatized and shamed.[45] Because the very definition of the private is social and political, it is impossible according to Caron "to experience the private in isolation from the very public discourses that have constituted it and keep constituting it as such" (78). This collective understanding of what is "private," minoritarian, communitarian, identitarian, and what on the other hand is "universal," neutral, "human," serves to exclude certain types of issues, indeed certain types of people, from public and political discourse. Importantly, however, we are very far removed from an idea in which the state is "against" gay rights, which must be won in an antagonistic struggle. Badinter's views certainly express and shore up a particular view of the national community and the way that the state should relate to its citizens, but we cannot say that this state power is "anti-gay" exactly, nor that it depends on an identitarian vision of homosexuality that enforces a certain way of thinking about same-sex sex and its relationship to individual psychology. It depends, in fact, on precisely a *non-identitarian* view of same-sex sex ("une inclination sexuelle"), a view of same-sex sex based on action ("les pratiques sexuelles entre adultes") rather than identity. It is important, too, to note that such a construal of same-sex sex has direct effects on the lives of those who have same-sex sex, in many ways same-sex sexuality only seems to enter obliquely into the picture here. As with Hunt's intervention earlier, same-sex sexuality seems in some ways here to be incidental, a tool in the larger project of constituting a fundamental "reality" of the equality of French republican citizens and the universalism of human rights within the French republic.

"What is secularism? Surely it's allowing everyone to live their faith without disturbing anyone else. I don't think a nun's veil is disturbing because it's not a sign of submission but of devotion." Cited in Kim Willsher, "French nun misses out on retirement home place over veil ban," *The Guardian*, November 20, 2019, https://www.theguardian.com/world/2019/nov/20/french-nun-misses-out-on-retirement-home-place-over-veil-ban.

[45] See Kim Willsher, "Lesbians' goodbye kiss leads to 'humiliation' in Paris," *The Guardian*, March 14, 2015, https://www.theguardian.com/world/2015/mar/14/lesbian-kiss-leads-to-humiliation-in-paris.

Conclusion.
Amis de la gaieté

Central to this dissertation has been the question of how to recover the voices and experiences of prisoners themselves from an archive that is made up largely of the materials produced by prison officials and other outsiders. Through the different chapters, I have modeled and theorized different modes of reading that might help. But I don't want to erase the traces that do exist in the archive, reproducing the supposed absence and suppression of same-sex sex in prison that is undergirded by the repressive hypothesis and the outlaw thesis. One of my key arguments has been that when we look carefully at the texts left behind about prisons in July Monarchy France, we find representations of same-sex sex and intimacy between prisoners everywhere. Most of these representations may be coded in a language of moral judgment, but we can nonetheless reconstruct a part of the materiality of life for these prisoners and perceive their agency. In concluding, I want to return to a moment in the archive where we can hear prisoners' voices, even if it is only a brief glimpse into their world.

Victor Hugo's description of the young acrobat about to be carted off to prison, the passage that I analyzed in the opening pages of this dissertation, is in fact not the only representation of that particular prisoner in the archive. In the *Gazette des tribunaux* article on the *départ de la chaîne* in October 1828 from Bicêtre, the one where Hugo witnessed the young acrobat Tourade dancing, we learn of another prisoner, Maurice. "C'est un jeune homme de 22 ans, vêtu d'une blouse bleue et portant une barette grecque sur la tête."[1] Maurice was apparently a poet, whose songs had been passed around the prison written out on paper. As they were chained up and marched from Paris to Toulon (the same *bagne* where Lauvergne would soon work), the prisoners sang these songs. The *Gazette* reproduces the first stanza of "Le Vrai Voleur," but the author of the article notes that as he

[1] "Départ," *Gazette des tribunaux*, October, 23, 1828.

heard the songs, he became horrified by this figure who at first seemed interesting: "Les indices de démoralisation que ces chansons offrent à chaque ligne, de honteux antécédens, et d'intimes familiarités avec les autres forçats, ont bientôt éloigné de Maurice le premier sentiment d'intérêt qu'il avait inspiré."[2] This complex text contradicts traditional understandings of the repression of same-sex sex in the 19th century and in prison. It is clear from this account that the prisoners were surreptitiously circulating poetry and singing quite explicitly of "intimate familiarities" among *forçats*, and singing these songs openly in front of guards, prison officials, and Parisian onlookers.

The fragment of Maurice's song that the *Gazette* does reproduce is interesting in its own right, as a rare document written and voiced by prisoners themselves. Even though the *Gazette* author's intervention would make it seem that any explicit references to same-sex intimacies between prisoners has been erased, I think it is an important expression of a kind of prisoner intimacy that I have been tracing throughout this dissertation:

> Fuir la mélancolie,
> Chérir la volupté,
> Haïr l'hypocrisie,
> Ami de la gaîté ;
> Toujours de l'opulence
> Se montrer la terreur,
> Mais de la bienfaisance,
> Rechercher la douceur,
> Savoir de l'indigence,
> Soulager la douleur,
> Voilà, voilà, le vrai voleur,
> Le vrai voleur, le vrai voleur.

Maurice's poem mobilizes some of the tropes that were used to represent the excesses of prisoner behavior, *volupté* and *opulence*. He does not simply queer these categories, embracing what society has rejected, however. Rather, he introduces a distinction. *La volupté*, a pleasure in the experience of the body and the senses, should be cherished, while *l'opulence*, excessive wealth and riches, is abhorred. *La volupté* is evocative precisely in its capaciousness: it could refer to pleasure in eating, in sleep, in sex, in masturbation, in the pure joy of banal sensation (feeling the sun on your skin, for example). Sex is surely a part of *la volupté*, but we shouldn't read the word as being a one-to-one euphemism for sex either. The poem links this pleasure in bodily sensations (including sexuality) with a larger project of what today we might think of as "self-care" and the care for others. *Fuir la mélancolie*, *rechercher la douceur de la bienfaisance*. The poem speaks to a practice of the prisoner of finding joy and relief in a situation of extreme violence and pain, one connected

[2] "Départ," *Gazette*.

with the scene Hugo represented in *Le Dernier Jour d'un condamné* with which this dissertation began. These texts attest to a kind of *savoir-faire* of prisoners: what defines "le vrai voleur" is knowing how to "ease the pain" of their "indigence."

There are two ways to read the poem: as a description in the third person, or as an address in the second person. The stanza contains a list of verbs in the infinitive, which may be function either as descriptive participles or as imperatives. There are two exceptions. The poem's refrain, "voilà le vrai voleur," contains no verb, and reinforces a descriptive reading of the poem. In its descriptive mode, the poem seems to be oriented to those outside the prison. "Voilà le vrai voleur" could almost be a response to Lauvergne, and Frégier, and the directors of the prisons in the *Analyse* who all construed *voleurs* and prisoners as lazy, self-serving, inhuman, uncaring. It is a testament to the power and agency these prisoners had, even when it seemed like they had none; a testament to their creativity and resourcefulness, to their intelligence, to their humanity.

In the middle of the stanza, however, is another noun phrase, "ami de la gaîté," whose status is ambiguous. Is it simply a non-parallel element in the list, a quality of the "vrai voleur" like hating hypocrisy or fleeing melancholy, or is it a vocative? "Friend of gaiety, [you should] flee melancholy, cherish sensual pleasure, etc." In the second person, the poem is oriented toward the creation of a community of friends of gaiety, advice and reminders to the prisoners to live their lives oriented toward joy and pleasure in spite of their horrible conditions. What is interesting about this reading of the poem is its performative quality. It doesn't simply *describe* the practice of *soulager la douleur*. As the poem circulated among the prisoners, as they perhaps sang it out together as they were chained up, it became itself a kind of practice of *soulagement*. The poem helped create a group of friends, united in their pleasure, *volupté*, of singing and appreciating art together, an art that defined their culture. "Voilà notre poète ! Voilà notre Béranger," the prisoners told the journalist, almost like a response to the poet's "voilà le vrai voleur."

Amis de la gaîté is an apt name for this group, and points to the important ways in which same-sex sex and intimacy was an important part of the joy and pleasure of prison life for many prisoners in the July Monarchy. *Gaîté*, of course, has no relationship to the English word "gay," which didn't become popular in French until the 1970s. But my research in this dissertation has shown that the word *ami* was rich with meaning during this period, particularly when it referred to prisoners. Maurice, with his "barette grecque," is also associated with same-sex sex and intimacy by the authors of the *Gazette* account. In fact, he is chained up with Tourade, the acrobat Hugo describes. Tourade is the embodiment of an *ami de la gaîté*, and the description of his behavior in the Gazette account confirms both the reality of the prisoner's practices of *soulagement de la douleur* and the open way in which same-sex sex was a part of that culture. He is constantly laughing and making jokes throughout the ceremony and voyage. "Allons, mes amis, de la joie, de la gaîté, et la fine chanson avant de partir," he yells "avec un air de fanfaronade" just after being chained around the neck. He is also clearly coded as a prisoner who engages in

same-sex sex and who revels in his femininity (we might also think of him as an "être homologue de Frédéric"). He has little "pudeur" left, the *Gazette* tells us. His physical appearance is feminine and childish, with "ses cheveux blonds et bouclés, sa figure enfantine." As the chain is attached to his neck, he makes a joke: "Je n'ai jamais eu de cravate de soie de cette qualité là…. Ah, nous l'avons. De ce coup, on m'envoie faire mes tours à Toulon."[3] (."[4]) Of course, the 7 kg chain was not a silk scarf, but the practices of joking, imagining, playing perhaps served to make the prisoners "indigent" situation more bearable. In an earlier account of the *départ de la chaine* in the *Gazette*, another prisoner explains the logic behind this levity in an exchange with the reporter:

> Vous marierez-vous en revenant du bagne ? — « Ah ! Par exemple, non ! je n'irai pas reprendre une chaine nouvelle, après avoir quitté celle que je porte aujourd'hui. » Comment pouvez-vous conservez tant de gaieté en songeant au sort qui vous attend ? — « Il faut bien nous amuser pour nous distraire : si nous pleurions, ça ne nous ôterait pas une minute. »[5]

These accounts show that the reality of sex in prison during the July Monarchy was not hidden away, and does not need any special effort on the part of a queer theorist to recover. The very words of these prisoners are available for us to hear, and attest to the practices of repair and self-care they used to make their situation more bearable. It cannot now be denied that, at least for a certain set of prisoners, intimate and sexual bonds with their fellow prisoners were a key part of those practices. These accounts are not hidden by those in the July Monarchy, but they can be masked by an insistence in the 21st century that same-sex sex must have been outlawed, repressed, hidden in the 19th century. We need a way of thinking about same-sex sex in this period that doesn't presuppose the relationship between same-sex sex and state power. Rather than looking for the queer, we need to "just read" the materials from the archive to see whether and how state agents responded to same-sex sex in prison. In this dissertation, I have tried to offer such a theory of power, one that moves away from the assumed norms of a queer lens and offers a more supple analytics that is open to the diverse orientations of state agents toward same-sex sex.

The picture that has emerged contains horrors, of course: just days before he was chained up, Tourade was branded with the letters *T. F.* in a public square. But it also contains joy, friendship, love, pleasure. Tourade's words express this aspect of the archive

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[3] "Départ," *Gazette*. The comparison of punishment with a vacation or pleasurable trip is a common theme transhistorically across this archive. We saw in chapter three that the prisoners of Melun referred in this way to time in the cachot, which was in the courtyard, and Carco notes that in the slang of the a certain set of women in Paris, Saint-Lazare prison is called "la maison de campagne."

[4] Carco, *Prisons*, 8.

[5] "Chaine des forçats," *La gazette des tribunaux*, October 24, 1826, https://enapagen3.bibenligne.fr/opac/catalog/bibrecord?id=enapagen3_I39490.

of prison sex best, and it is fitting that the dissertation should end with them: “Allons, mes amis, de la joie, de la gaîté, et la fine chanson avant de partir.”

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