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Ecstasy or Justice?

The Sexual Author and the Law, 1855-1885

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It is really dangerous in England to allude to such a subject [...]

I shudder to think what the result would be if I divulge my treatise to the public – [...].

If after this warning, you would like to read it, I will send it, trusting to your discretion.

John Addington Symonds to Horatio Brown, 1884

Introduction

The Advocacy Tradition and Two Victorian Sexual Discourses

In 1855, a self-published volume of poems, *Leaves of Grass*, by a little-known American journalist named Walt Whitman, elicited shock waves on both sides of the Atlantic. This shock was due to its freedom of cadence and its frank, indeed unprecedented, treatment of many kinds of sexual love. The book became a touchstone for writers and readers seeking liberation of many kinds. Legal in America until 1873 and illegal, as of 1857, in Britain, the book awakened and agitated two generations of the British avant-garde. The authors whom I will examine in this thesis, Christina Rossetti and John Addington Symonds, and with a less central focus, such poets as Swinburne and, later, Wilde, sought ways to talk about the body and about sensual experience, outside of the Pauline dichotomy that cast the body as being opposed to the spirit, and that positioned the body as profane versus the soul as sacred. All of these poets and writers set for themselves, as a central literary task, the imagining of an integration of body and spirit in their literary cosmologies, and the coining of new discourses that could sacralize the body and sexuality. A completely imagined literary world in which that unity was presented as normative had not been available to British writers in 1855.

Enter *Leaves of Grass*. A central appeal of Whitman to these middle-class British Victorians, raised in a dualistic, Church of England, Pauline, and, as we will see, often

Tractarian, model of spirit and body divided, was Whitman's developed cosmology that seamlessly integrated both, expressed in a rich vocabulary communicating the spiritual nature of body, sex, and attraction. An element of Whitman's spiritualization of the physical and natural worlds in *Leaves of Grass* is his relaxed assumption, in the 1855 and 1860 versions of the volume, that male-male love is also a natural part of that divine and physical order.

This assumption would change in important ways in subsequent editions; the record of Whitman's revisions of *Leaves of Grass*, revisions which extended until the poet died in 1892, is a subject of considerable archival documentation.¹ The book went through between seven and ten distinct editions, depending on how one defines a print run (Myerson 3). As Joel Myerson, the editor of *The Walt Whitman Archive* at Duke University, put it, "Perhaps no American poet revised his poems as much as Walt Whitman. He wrote drafts and fair copies; he revised in proof; and he revised again for new editions of his work" (2). Myerson notes that in the latter part of Whitman's career, the poet actually set the type for his own poems and hand-revised the page proofs. Whitman's physical involvement with the printing process was unique as well; a former journeyman printer, "Whitman fully embraced the process by which his handwritten words were cast into metal [...] physically assisted in the setting of type [...] chose the font styles and type sizes [...]" (1). Whitman chose bindings, set up shop in the offices of his publishers, and hand-sold the finished books himself. Myerson points out that "[t]o trace the history of these editions of *Leaves of Grass* is to see Whitman's process of revision in action" (2).

¹ See Joel Myerson, ed. *The Walt Whitman Archive II: A Facsimile of the Poet's Manuscripts* (New York: Garland, 1993) 2.

I will argue in this thesis that the record of Whitman's revisions and the complex publication history of the volume also traces and reveals a history of the effect of censorship and obscenity law on literature in this period, an impact which constitutes my primary theme. From the fact that the 1855 edition, issued by publishers Fowler and Wells, lacked a publisher identified on the title page, to the expansion of *Leaves of Grass* in the 1856 edition to include many of the more erotic poems that would both make and mar Whitman's reputation in Britain, to the third, 1860, edition, the only one by a commercial publisher, Thayer and Eldridge of Boston, which contained the "Calamus" poems so central to this thesis' argument, to the 1867, 1872 and 1876 versions that were self-published, to the sixth edition, which Whitman did not authorize or control -- the influential pirated edition of 500 copies facsimiled from the American 1872 edition by British publisher John Camden Hotten -- to the seventh edition issued by publisher James R. Osgood, declared "obscene literature" by the Massachusetts district attorney—and whose plates Whitman took back, only to issue the book himself on the title page "as the publisher" — all of these publications and revisions reveal, I will argue, reveal the pressure of sex crime and obscenity laws on this author, and the other authors, his British peers, whose work is also part of the subject of this thesis (Myerson 2-3).

Readers on both sides of the Atlantic claimed ownership of the 1855 and 1860 versions of *Leaves of Grass* in highly personal terms, and in many ways. Notable about the reception of this book is that sectors of people did not just read it, but rather they "owned" it, insisting that it manifested something authentic and unique to them about their own autobiographies. Some heterosexual, feminist women such as the British writer Anne Gilchrist and the American columnist "Fanny Fern" — women to whom Whitman's vision

represented a male acceptance of women as moral, sexual and intellectual equals to men—rallied to its defense. The volume was reviewed in establishment periodicals, often harshly. Jan Marsh, Christina Rossetti’s biographer, records that the poet read many of these highbrow literary periodicals, including *The London Review of Politics, Society, Literature, Art and Science*, *The Critic*, *The Literary Review*, *The Literary Gazette*, *The Saturday Review* and *The Athenaeum*.² Indeed, nearly all the British reviews of the 1850s and 1860s ranged from bemused to hostile, with the critical tone darkening after 1857. (The importance of Christina Rossetti’s immersion in the literary and political reviews of her day will be relevant in Chapter Three, where we make the case that far from being a retiring nunlike figure, she was sharply engaged with and competitive within her peers’ literary marketplace, and thus was very likely to have been at least aware of the wide coverage in such periodicals of *Leaves of Grass*.)

In spite of the attacks in the popular press, the volume was embraced by many. Organizations of working-class men, subcultural groups of bohemians and idealists, circles of homosexual men, and other constituencies, all claimed and developed versions of “their” Whitman and “their” *Leaves of Grass*, as we will see. I will look in this thesis at the years 1855 to 1885—that is, from the publication of the first *Leaves of Grass* to the passage of the Labouchere Amendment—to mark the arc of Britain’s introduction of sexually and literarily repressive legislation and map this legislation against the literary picture in Britain.

² See Jan Marsh, *Christina Rossetti: A Writer’s Life* (New York: Penguin, 1994) 108 (*Athenaeum*), 149 (*Athenaeum*) 248 (*Athenaeum, Once a Week*), 282 (*London Review, Literary Gazette, Literary Review, The Critic*), 283 (*The Saturday Review*), 284 (*Literary Review*).

In 1868, William Michael Rossetti brought out a version of the book that could pass the newly established British literary censor so as to ease the poet's way into increasingly hostile legal and cultural territory. As Whitman letters editor Edwin Haviland Miller put it, "with some misgiving the poet accepted this bowdlerized edition of his poems which through its omissions minimized his tough-mindedness and sexual frankness."³ A pluralistic and advocating reception of *Leaves of Grass* in the late 1850s, through the 1860s and into the 1870s, extended far beyond the immediate Rossetti circle, as David S. Reynolds's analysis of the impact of *Leaves of Grass* on various subcultures, *Walt Whitman's America: A Cultural Biography*, confirms. In fact he shows the hand-to-hand transmission that would characterize British intellectuals' treatment of the book as well: "Emerson also alerted the famous Boston liberal William Henry Channing, who in turn introduced Leaves of Grass to his sister-in-law Mary Jane Tarr Channing and her sister Ellen (Nelly) Tarr O'Connor [...]" and so on.⁴ William Rossetti would remain an enduring British champion of the poet and serve in the role as diplomatic ambassador for the work which he had to bowdlerize.

In the early 1870s, John Addington Symonds, who had been searching for a way to think about male homosexual love that was not tainted with dread and contempt, embraced—among friends, in the context of private letters—the "Calamus" poems of Whitman's 1860 edition, with the fervor of someone who had found literary and personal deliverance of a kind: Michael Robertson, in *Worshipping Walt: The Whitman Disciples* . notes that

³ See Walt Whitman, *The Correspondence Vol. II, 1868-1875*. Ed. Edwin Haviland Miller (New York: New York UP, 1961) 1.

⁴ See David S. Reynolds, *Walt Whitman's America: A Cultural Biography* (New York: Vintage, 1996) 196.

“Symonds rhapsodically described the “superb friendship” and “democratic chivalry” of the “Calamus” poems, which hold the potential to elevate same-sex love in the same way that medieval chivalry idealized love between the sexes.”⁵ Symonds’ direct engagement with Whitman would span two decades and spark at last Symonds’ final literary breakthrough, into pioneering the genre of direct polemical advocacy for the rights of a sexual minority.

Some poets’ reaction to Whitman wavered, and both advanced and retreated with current events. Swinburne’s fervent embrace of Whitman in his 1871 *Songs before Sunrise*, in the poem “To Walt Whitman in America,” gave way to his repudiation of the same poet in his 1887 essay “Whitmania.”⁶ Oscar Wilde’s public embrace of the poet in 1882 as the young poet travelled on a lecture tour along America’s Eastern seaboard, are both examples of public positioning that reveal that writers, during the decades we will examine, engaged in public declarations of support for or equally public rejection of, *Leaves of Grass*. These positionings were socially understood markers to be read as support for or rejection of sexual *avant-gardisme* or inclusiveness in general. The various editions were regularly reviewed by major British periodicals, including *Punch*, *The Westminster Review* and *The Dublin Review*, dating from 1855.⁷

The biography of *Leaves of Grass* in Britain from 1855-1882—the real and the excised, the fake and forged and the pirated, *Leaves of Grass*, the censor’s licit *Leaves of Grass* and the closeted gay teenage poet’s smuggled, illicit version, the respectable middle-

⁵ See Michael Robertson, *Worshipping Walt: The Whitman Disciples* (Princeton: Princeton UP, 2008) 162.

⁶ Terry L. Meyers, “Swinburne and Whitman: Further Evidence,” *Walt Whitman Quarterly Review* 14 (Summer 1996) 1-2.

⁷ “Commentary.” *The Walt Whitman Archive*, <http://www.whitmanarchive.org/criticism/reviews/leaves1855/index.html>. Accessed Jan 13, 2013. Web.

class lady's respectable *Leaves of Grass* and the workingman's volume that affirmed the beauty of the laborer — all these interpretations, editions and projections together form a parable for reception theory: the needs of audiences call a book into its life within a nation and for a time.

The “queerly-shaped” book that Whitman printed himself in 1855, arrived, judging from the dates of the first British reviews, soon after publication, by having been smuggled into Britain, as after 1857 that edition and subsequent ones would be illegal to import or distribute in England. The 1860-1 Thayer and Eldridge American edition, with its Byronic electroplated portrait of the author on a frontispiece and its hauntingly homoerotic “Calamus” sequence of poems, numbered One to Forty-five, would ripple through the imaginations of two generations of British homosexual writers.⁸ These two early editions remained in the imaginative life of the nation in various guises for the next thirty years, trouble-making and unforgettable to some writers and readers; they were continually called forth in letters, reviews, poems and polemics, in spite of law after law against their quotation or direct explication. This imaginative work was performed by readers, writers and publishers; but in turn it continually called forth the counter-reactions of lawyers, Parliamentarians and even gaolers.

This thesis will trace the reception of *Leaves of Grass* in a period, 1855-1885, when sexual speech in print and certain sexual actions were both being criminalized in new ways. It will also explore one kind of literary reaction to this criminalization, which I will

⁸ Walt Whitman, *Leaves of Grass*. (Boston: Thayer and Eldridge, 1860-1.) *The Walt Whitman Archive*, <http://www.whitmanarchive.org/published/LG/1860/images/index.html>. 341-78. Accessed January 12, 2013. Web.

call part of “the advocacy genre.” This thesis sets out to examine the advocacy genre within certain mid-Victorian to late Victorian fiction, essay forms and poetry. I wish to relate this category to what I will call “the advocacy tradition,” site that discussion in turn within existing literary theory and legal/medical studies theory, and place the poems, fiction and essays that I will examine against a backdrop of obscenity and homosexual sex crime legislation, primarily in Britain, in these three decades.

As a subsidiary argument, I will at times follow parallel legislation in these years in the United States, and use that analysis to elucidate key literary choices made, in various editions of his work, by Walt Whitman. I will analyze how Whitman’s work, especially the self-published 1855 edition of *Leaves of Grass*, was received by his British audience, which was reading him in a more restrictive legal context than was his US audience at the same time. I will trace the ways in which Whitman’s work served as a literary challenge to British legal suppression of “obscene publications” with male homosexual themes, while also serving as a catalyst for literary reactions against such suppression. I will examine the ways in which Whitman’s literary and publication choices elicited responsive literary and publication choices by a group of British writers in a dialectic with his volume, who began their careers as a sexual and literarily avant-garde group, but who fell under increased legal pressure, scrutiny and risk of prison, as the decades unfolded from 1855 to 1885.

The Sexual Transcendentalist Discourse

As noted above this dialectic with Whitman was sustained for three decades in the work of William Rossetti and Algernon Charles Swinburne, appeared briefly in the education and first North American tour of the young Oscar Wilde, and, for two decades, provoked the

evolving genre choices in the work of Whitman's interlocutor and sometime acolyte, the critic, poet and essayist Symonds. It is Symonds' example which I will treat with particularly sustained focus. I will call the male homosexual discourse around increasingly penalized desire, a discourse of "sexual transcendentalism." This arena has been established theoretically in the context of scholarship on Victorian Classical discourses relating to homosexuality in such core texts as those by Richard Dellamora, in 1990, in *Masculine Desire: The Sexual Politics of Victorian Aestheticism*; by Linda Dowling in 1994, in *Hellenism and Homosexuality in Victorian Oxford*; by Stefano Evangelista, in *British Aestheticism and Ancient Greece: Hellenism, Reception, Gods in Exile* in 2009; and by Daniel Orrells, in *Classical Culture and Modern Masculinity*, 2011.⁹ To these foundational and persuasive literary-critical arguments establishing the redemptive task of Classical discourses around homosexual practice and for homosexual writers in the Victorian period, I will add a layer of legal reading, to show why Greek referents also helped address a series of specific legal problems and threats aimed at male homosexual writers in Britain, dating from the passage of the first Obscene Publications Act, 1857, through to the 1885 Labouchere Amendment.¹⁰ My conclusion will glance forward at legislation penalizing homosexuality up until 1897, and will look ahead at some genres and strategies that

⁹ See Linda Dowling, *Hellenism and Homosexuality in Victorian Oxford* (Ithaca: Cornell UP, 1994); Richard Dellamora, *Masculine Desire: The Sexual Politics of Victorian Aestheticism* (Chapel Hill: University of North Carolina Press, 1990); Stefano Evangelista, *British Aestheticism and Ancient Greece: Hellenism, Reception, Gods in Exile* (London: Palgrave Macmillan, 2009); and Daniel Orrells, *Classical Culture and Modern Masculinity*. (Oxford: Oxford University Press, 2011).

¹⁰ M. J. D. Roberts, "Morals, Art and the Law: The Passing of the Obscene Publications Act 1857." *Victorian Studies* 28.4 (1985): 609-29.

emerged in the 1880s and 1890s following Labouchere – genres and strategies that we inherit today.

The Justice Discourse

I will track a parallel legal struggle alongside the literary record, as different laws around sexuality in this period also put different pressures on female heterosexual writers. I will show that laws relating to marriage and to prostitution led to the development of a very different sexual discourse in the work of heterosexual women writers in this period, and in the work of sensation novelist Wilkie Collins, whose audience was overwhelmingly female. I will refer to this separate tradition as the “justice” discourse. This discourse in the female heterosexual tradition was one that extended back within the history of the novel to the late seventeenth century, as we will see in looking at Ros Ballaster’s work, but reached a crisis of development in the mid-nineteenth century. It was formalized for this period in such texts as Elizabeth Gaskell’s *Ruth* (1853) and George Eliot’s *Adam Bede* (1859); it moved forward into the 1860s and 1870s in the sensation novel, as well as in the advocacy speeches of such activists as Josephine Butler. This “justice” discourse is predicated on Victorian women’s feminist analysis of marriage as an unjust marketplace, their criticism of the treatment of prostitutes, and their cynical assessment of a double standard for sexual mores in relation to women. This analysis was, we will see, extremely prevalent and systematic in certain key texts of Victorian feminism. The “justice” discourse is also now well-established in current feminist and Marxist analysis of the Sensation novel; the trope of the unjust sexual marketplace, for instance, is a standard tool of analysis, as in such modern critiques as Philip O’Neill’s in *Wilkie Collins: Women, Property and Propriety*:

“Women cannot be discussed in Collins in isolation from the authority exercised by property and mediated by a sense of propriety” (5).

As Victorian feminists organized a political and cultural movement around gender injustice for the first time in the 1860s, and built campaigns around laws that treated women as objects or as property in various ways, they developed this set of “justice” tropes around heterosexual sexuality and desire. The advocacy language of activist Josephine Butler in the 1860s and that of Christina Rossetti in the 1860s and 1870s reflected this language, as I will demonstrate. Key Sensation novels such as Wilkie Collins’ 1861 novel *The Woman in White* and his 1864-6 *Armadale*, made this discourse culturally iconic. The tropes are systemic: “I was alone with him, Marian – his cruel hand was bruising my arm – what could I do?” complains Laura of her abusive husband Sir Percival, in *The Woman in White*, in a year when abuse by a husband was not legally actionable (317). Women’s interaction with and resistance to the law is a continual theme in Collins: as Andrew Lycett points out in *Wilkie Collins: A Life of Sensation*, *The Women in White* is structured as if evidence is being given in a court of law (227). Laura’s absolute inability to access her legal rights is a drumbeat throughout the narrative: “You are helpless with your wicked husband” is both a literal quote and a summing-up of the larger social message of such novels of outrage, for a female audience: any husband can legally lock up any woman, and steal her property, and abuse her (Collins 276).

And these outrages were not just fictively but also legally the case. Before 1857 in Britain, if a woman was to secure what had to be an ecclesiastical divorce, (civil divorce did not yet exist), abuse of a wife would have to be severe enough to threaten her life or health. Sybil Wolfram analyzes this situation in “Divorce in England: 1700-1857.” After 1857,

subsequent to the Divorce Act of that year, adultery would have to be added to physical abuse in order to make the physical abuse cause for divorce initiated by a woman: violence alone was not sufficient. It took the Matrimonial Causes Act of 1878 to give magistrates authority to grant physically abused wives separations from violent husbands without the high bar added of an additional marital offense. The iconic Sensation novels appeared, not, I will argue, coincidentally, after the Divorce Act of 1857 and before the Matrimonial Causes Act of 1878.¹¹

The feminist battles around the Matrimonial Causes Acts which first codified civil divorce law in Britain (1856-7) and which granted women more rights to divorce for cause in 1878; the battles against the Contagious Diseases Acts (1866-8) and against the various Married Women's Property Acts (1870, 1885) -- all used this "justice" discourse, as Josephine Butler's famous 1874 essay, "The Voice of One Crying in the Wilderness" makes clear: "The voice of one crying in the wilderness! A woman's voice, and she cries among the wilderness in "this vast multitude of men'!"¹² This rhetoric worked effectively in the political arena. It is seldom stressed sufficiently that Victorian feminists were ultimately quite successful in these early campaigns. The string of legal victories they won were in great part won by this siege of tropes, this battalion of literary scenarios of violation, and of metaphors of feminine distress.

This set of tropes, of male animality and feminine outraged sensibility, would advance into the future -- ultimately, finding its way into the work of George Egerton and other New

¹¹ Sybil Wolfram, "Divorce in England: 1700-1857," *Oxford Journal of Legal Studies*, Vol. 5, No. 2, Summer 1985, 155-86.

¹² See "The Voice of One Crying in the Wilderness," originally published as "Une Voix dans le Desert, 1874" in *Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic*. Eds. Jane Jordan and Igrid Sharp (London: Routledge, 2003) 131.

Woman writers in the 1880s and 1890s: “why,” as Egerton asks in *Keynotes*, “a refined, physically fragile woman will mate with a brute, a mere male animal with primitive passions [...]” (40). This discourse developed themes of sexual victimization and betrayal of women by men, and cast women, in relationship to heterosexuality and male desire, as both innocent and victimized.

This thesis, therefore, examines the development of two Victorian advocacy traditions, one masculine/homosexual engaged with the idea of transcendence; and one feminine/heterosexual, pursuing “justice” as its central trope. Both of these discourses served these two groups to allow them more safely to address prohibited themes of sexuality in an increasingly contested legal atmosphere. These two discourses were at times themselves in a dialectical relationship with one another, with important outcomes.

The Advocacy Genre

The project in which Symonds repeatedly engages -- his sustained testing of various genres in his mission of finding a positive discourse around male homosexual love -- I will theorize in relation to the concept of “the advocacy genre.” I will make the case for a more distinct way of contextualizing a specific, currently undertheorized, literary form: the genre of advocacy. I will argue that new laws drove literary choices in works of nonfiction essays, privately published polemics, and poetry: works that were intended by their authors directly to contest, or to seek to invalidate, these laws.

The focus of my investigation is the intersection between public and private. Since I am arguing that the levels of public to private were, due to these legal conditions, far more layered in the mid- to late-Victorian period than they are now, I will show how word

choices in letters and manuscripts, and choices in elisions, reflect responsiveness to social conditions as well as to the making of fine literary decisions, and should not be misread as “merely” literary choices. My method involves placing literary texts about sexuality side by side with legal texts and courtroom outcomes, and adding to that context of analysis other historical influences on how sexuality was written about, such as sexual purity campaigns, newspaper reportage of public trials, medical trends, and public health developments.

I will demonstrate ways in which, as we use this framework, the literature in question spoke back to the law—not in a mirror image, but rather, given the dangers of this literary task, often dialogically, in a dance of challenge and evasion.

My task is necessarily a double one: it calls for literary analysis, and we will examine the formal, rhetorical, stylistic, editorial and publishing choices made by the writers whose work on forbidden sexuality or aspects of sexuality we will be exploring. The theorizing of advocacy literature is necessarily a subcategory of reception theory. But my methodology also involves political, legal and historical analysis, since we must scrutinize the actual social, legal and publishing contexts that conditioned what could and could not be said around this subject matter.

My argument seeks to call into question the sufficiency of certain kinds of contemporary literary theory to deal with some of the silences and evasions around Victorian sexuality in British literature. I will argue that many contemporary literary/theoretical lenses, including some poststructuralist, some Marxist, and some contemporary feminist theory positions, as well as some psychologically-oriented literary biographers’ ways of dealing with reception theory, are often using forms of analysis that are likely to overlook, or to theorize away, extremely significant historical/legal influences on literary silence, evasion

and euphemism in this period. I will show that legal influences essentially manufacture as a positive social and literary good, certain literary silences, evasions and euphemisms.

Currently, theoretical camps around this sort of material are siloed: legal, social and medical history does indeed document the penalties I describe, and literary theory analyzes the silences and omissions that, I argue, resulted from these legal penalties. But currently literary theory generally pursues its critical task this without specific reference to these laws. These discrete disciplines thus seldom communicate with one another. This situation creates a blind spot in our ability as literary critics to analyze the issue of silence in its full dimensionality. I will argue that only a theoretical stance that integrates literary and legal information streams can make dimensional and accurate sense of these silences and omissions. Literary texts, in this period, increasingly also became legal texts with legal valence, as, for instance, private letters became recontextualized with legal significance in threats of cases of blackmail, as laws began to criminalize textual references to sodomy; or as certain passages in books led to indictments on obscenity grounds, as laws began to criminalize aspects of the distribution process around books in the marketplace.

Laws are literary texts too; they are literary texts that are designed to do something in the “real world.” In this period, laws can be seen to have acted in literary ways, “editing” lives, publications, letters, editorial choices, and the final versions of literature itself. If we keep at the forefront of our analysis the advocacy genre, we will see that over the course of two generations, Whitman, Christina Rossetti, Symonds, William Michael Rossetti, Swinburne on occasion, and the young Wilde in America, were at times both creating literary texts, and also self-consciously constructing advocacy for social and legal change. I will argue throughout the thesis that the task of writing about forbidden sexuality, and

against sexually-related laws, was continually a dual one for the writers in question, and for their readers and publishers: there was always the imagination, and then there was always also the censor. Reading the Victorians when they wrote about sexuality, therefore, should always be a dual task for us as readers, scholars and critics, as well.

I wish to use the advocacy genre, and especially this subcategory of advocacy writing about forbidden sexualities from 1855-1885, to challenge the conclusions of some post-structuralist, Marxist, Queer and feminist theorists such as Michel Foucault, in one context, and of those of Terry Eagleton, Alan Sinfield and Michele Barrett, in others. I will also address the historicizing approach of Richard Dellamora, the psychologizing framework chosen by Kate Flint, and the analysis of patriarchy in relation to literary production foregrounded by such feminist critics as Lyn Pykett, Mary Daly and Sheila Rowbotham. I will argue that an additional dimension of analysis centered on understanding legal as well as social constraints is often necessary to complete these critical approaches to analysis.

Even the more political of these theoretical approaches tend to have a tightly circumscribed, even despairing view of the ultimate potential of language to intervene directly in history. But I will argue that the advocacy genre involves a “speech act”, in J. L. Austin’s phrase, from his 1962 volume, *How to Do Things with Words*. Terry Eagleton, in *Literary Theory: An Introduction*, addresses Austin’s “speech act theory,” but Eagleton does not address the potential of an advocacy genre to intervene in idealistic ways in material relations. Eagleton critiques various strains of recent literary theory from a Marxist perspective, but questions the naïve “Utopianism” that, he argues, inheres in most of them. He develops this argument further in *Why Marx was Right*, though notes that such writers as William Morris, in *News from Nowhere: Or an Epoch of Rest: Being Some Chapters from a*

Utopian Romance, were actually concrete in detailing a program for political change; here Eagleton acknowledges the Utopianism, of some radical texts, but ways of theorizing the potentially interventionist role of such sentences as Morris' remain little explored by Marxist critics. In general, Eagleton resists the notion that a text can directly intervene in history – pointing out that even Karl Marx never sketched out the future in detail, let alone create texts for the ideals of that future. To Eagleton, the text is still non-interventionist in history—at least at the level of the individual author's intentions and of outcomes from publication: “[f]or literary texts are not literally speech acts: Flaubert is not actually talking to me” he writes.¹³ Many other Marxist critics also often see a pessimistic class dualism at work, but miss or dismiss the hopeful Utopianism of the advocacy genre. This Marxist pessimism about the potential of language to elicit historical change fails to take on board the advocacy genre's often, as we will see, ultimately successful intervention in material relations and in history itself. We will see how John Addington Symonds' almost willfully stubborn Utopianism—his certainty that one day, perhaps after his death, there would be readers worthy of reading his sexually uncensored autobiography, for instance, and a world that would permit such reading—was ultimately consequential, for literature as well as for social norms. The advocacy writers we will analyze show a traceable record of intention to alter states of consciousness among their readers, followed, they hoped, by their readers' then altering institutions of power and altering the very law.

I will argue that a theoretical/genre category for texts that addresses just this intentionality is necessary. An Edenic or idealistic dimension of literary discourse that lets readers “think toward” a kind of personal or sexual Utopian future is essential to the

¹³ See Terry Eagleton, *Literary Theory: An Introduction* (Oxford: Blackwell, 2008) 103.

advocacy task: from the world invoked by Walt Whitman in the 1855 *Leaves of Grass* in which men and women of every race, sexuality and religion meet as “comrades”—a vision that critics into the 21st century would describe as “prophetic”—to the eros-tinged Elysian fields of young men sporting freely with other young men imagined in Symonds’ unpublished 1878 *Eudiades And A Cretan Idyll*, to Symonds’ poignant achievement of writing an entire erotically frank autobiography that was not published until after long his death, the advocacy text draws its energy from its Utopianism.¹⁴ “The known universe has one complete lover and that is the greatest poet,” wrote Whitman in a long “preface” to the 1855 *Leaves of Grass*, in a daring, almost trance-like meditation that was not included in subsequent editions: “[...] All expected from heaven or the highest he is rapport [...] with his arm round the neck of a man or a woman [...] His experience and the showers and thrills are not for nothing. The greatest poet does not moralize or make applications of morals [...] You shall stand by my side and look in the mirror with me.”¹⁵ This is not language that is hopeless of language’s ability to change the future world; it has full faith in the transformational power of language, and a brashly American Transcendentalist faith in the unsketched future as well, which may have been why this volume was so transformational for its mid-Victorian British readers.

While the fantasized futuristic worlds such as those in *Eudiades and a Cretan Idyll* can seem cloying today, the power of this Utopian discourse is that these scenes and mission statements allow readers to imagine along with the authors, “with his arm round the neck

¹⁴ See John Addington Symonds, *Eudiades And A Cretan Idyll* (1878). Privately published. The copy is housed in the Pierpont Morgan Library collection in New York. See also Phyllis Grosskurth, *John Addington Symonds: A Biography* (London: Longmans, 1964).

¹⁵ See Walt Whitman, *Leaves of Grass: The Original 1855 Edition* (Mineola: Dover Publications, Inc., 2007) 8-10.

of a man or a woman”, a world without certain kinds of oppression, in order to take more effective action toward those futures.

In this thesis, I will make the case that some authors are indeed writing directly against the law so as to intervene in historical outcomes and in fact some whom we will examine, such as John Addington Symonds, succeeded in doing so. I will advance the position that Austin’s “speech act,” defined as language that is intended to have an effect on the real world and in fact does so, was developed in specific ways in the third quarter of the nineteenth century in Britain, by homosexual male and heterosexual female writers, to change certain laws.

We will see that Symonds tested, for the duration of three decades of his career, the limits of the sayable in forbidden sexual content; this testing, which is both literary and legal, is, I would argue, one version of Austin’s “performative utterance ,“ within the advocacy genre.

In contrast to literary-critical perspectives that are ahistorical in terms of their failure to account for either the legal penalties of sexual speech in the nineteenth century, stand what I will argue are the more materially accurate perspectives of such legal historians as H. G. Cocks, who in *Nameless Offenses: Homosexual Desire in the 19th Century*, uses legal and criminological records to track the Victorian criminalization of sodomy. Also more accurately reflecting material conditions for Victorian literary creation are medical historians such as Scott Long, who, in his essay “When Doctors Torture: The Anus and the State in Egypt and Beyond,” explores the history of the abusive use by the State of venereology, a largely imaginary but influential discipline centered on the work of venereologist Auguste Ambrose Tardieu (1818-1879). This field, by the 1870s, compelled

men in Britain accused of “pederasty and sodomy,” terms used by Tardieu interchangeably, to submit to humiliating anal examinations with results published in the public record, as key testimony in sodomy trials. Tardieu, whose *Etude Medico-Legale sur les Attentats aux Moers*, was published in 1857, spelled out the ““precise and certain declaration of signs which can make pederasts recognizable [...] material traces on the forms of organs,”” and this added to the witch-hunt quality of sodomy accusations after 1857 (114-18). To recap: what is missing from these medical and historical scholars’ work, from the point of view of this thesis, is simply that their tasks do not include the systematic application of their data to literary analysis, and what is missing from the literary critics’ analysis we will examine is that they generally do not include the legal, penal and medical record.

Looking at the work of Walt Whitman, William Michael Rossetti and Christina Rossetti, Algernon Charles Swinburne and John Addington Symonds, and briefly at the appearance in America of the young Wilde in 1882, I will trace the way that literary shifts in how these writers phrased sexual subjects, resisted or conformed to shifts in the wording of obscenity law and sex crime law. I will argue that these writers probably were not driven primarily by unconscious psychological repression about sexual matters, a common misreading by many critics of their elisions about sexuality, but rather that these writers more likely knew exactly what they were doing in relation to legally actionable sexual material, and that their audiences were likely to have well understood references that critics today often misinterpret as being psychologically veiled to the author. This thesis will track these legal benchmarks, or rather, turns of the screw—as we will see legal penalties escalating. My methodology will analyze the literary response to each escalation in criminalization and in sentencing.

Jonathan Dollimore, in *Sexual Dissidence: Augustine to Wilde, Freud to Foucault*, has rightly invoked dissent as the key metaphor with which to read subversive literature in this period. The model of dissent in a partly closed society is the correct frame, I believe, for reading these writers, and the Victorians in general, after 1857. Criticism must address the issue of writers writing and editors editing in a context of great legal risk.

William Michael Rossetti and Christina Rossetti, Symonds, Whitman and Wilde all dealt with this fear of prosecution and these dangers of incarceration, with different literary and genre strategies. William Michael Rossetti utilized direct bowdlerization; Christina Rossetti used allegory to sidestep legal constraints, and religious symbolism to allow herself free rein in her exploration of physical passion; Symonds projected his voice into distant cultures and biographies, and eventually sought to use another writer in a freer legal context as a mouthpiece —Whitman himself; the young Wilde sought to visit a proscribed author as a form of public theatre, and to subvert the terms of the legal limits on speech, by using physical self-presentation to the American press to mock norms then encoded in the laws in Britain that could convict or free a man on the basis of his “character”, and by invoking paradox in ways that exploded the very premise of 1857’s obscenity law: the premise literature could have a moral cause and effect that were directly identifiable at all, let alone subject sensibly to prosecution.

Michel Foucault, in *The History of Sexuality: Volume 1: An Introduction*, objects to the notion that there was “a censorship of sex” (23). He writes that “[r]ather than a massive censorship, beginning with the verbal proprieties imposed by the Age of Reason, what was involved [in the nineteenth century] was a regulated and polymorphous incitement to discourse” (34). Discourse proliferated, to be sure; but there was also, I would argue here

against Foucault, in Britain at least, indeed, “a massive censorship”. While Foucault is right to focus on the power of the state, Foucault’s faith in the power of discursivity to enter into a dialectic with structures of repression lacks, I argue, engagement with the reality of censorship penalties in the period aimed at British writers, editors, reviewers, publishers and booksellers, penalties which included, as we will see, destruction of printing presses, destruction of print runs, warrantless searches, fines, denial of custody to a mother of at least one child, and imprisonment at hard labour. “First doubt: is sexual repression truly an established historical fact?” Foucault asks (10). “There was permissiveness,” he writes, “if one bears in mind that the severity of the codes relating to sexual offenses diminished considerably in the nineteenth century and that law itself often deferred to medicine” (40). But he asks this of a period that in Britain saw, as we will see, Old Bailey prosecutions for sodomy triple.

The translation into English from the original French of Foucault’s argument as if it were “pure” literary theory which somehow transcends its material context—without attention, that is, to the differences in different countries’ legal conditions—means that most English-speaking readers are unaware that this sentence is quite true in France in the period to which Foucault refers, but completely, in fact drastically, untrue in Britain. As Lewis Crompton points out, in *Homosexuality and Civilization*, sodomy was decriminalized in France in 1791, though formerly it had been capital offense. After 1791 in France, it was “no crime at all,” and the 1810 Napoleonic Code, writes Crompton, “retained the innovation” (528). So this lessening of severity for penalties against sexual “deviancy” was indeed the case in France; but in Britain the opposite situation was the case. We will see that codes relating to sexual offenses proliferated, expanded and metastasized in Britain

(as well as Germany and Prussia) during the same three decades that they dwindled and almost died out in France and Italy.

Because of his understandable omission to incorporate British legal history in this period, Foucault's famous elaboration of suppression of sexual speech as a form of expression, in *The History of Sexuality Volume 1: An Introduction*, is less strongly grounded in fact than it should be (34), and less universalizable. Though "discursivities" were surely incited about sexuality, the historical record also shows the establishment from 1857 to 1885 of an ever-growing edifice of statute, case law and Acts of Parliament in Britain that did indeed build up around the writers, publishers, reviewers and booksellers of this period "a massive censorship" with penalties ranging from hard labour for decades, to the death penalty.

Many feminist critics, for their part, often ascribe to cultural and domestic constructions of patriarchy, what I will argue are often in this period legal norms suppressing writers of both genders, if in different ways. Michele Barrett, for instance, in *Women's Oppression Today: The Marxist/Feminist Encounter*, analyzes the proscriptive roles of capitalism, division of labour, ideology and the family, but does not analyse the role of the law in suppressing the female voice. Christine Delphy and Diana Leonard, in *Close to Home: A Materialist Analysis of Women's Oppression*, both depict women writers in the context of all women struggling in what they call "a dual labour market" in which women are forced "to enter domestic relations of production, mainly by getting married" and taking on a division of labour that is materially oppressive as well as being oppressive in terms of domestic relations (20). While this Marxist-feminist argument accounts for much of the repression, including repression of thought and speech, facing the female writer in Victorian Britain,

the argument does not address how legal forms of oppression can intrude on even more egalitarian unions, such as that between George Eliot and George Lewes, nor does it account fully for the rare situation of single women with some minimal financial autonomy, such as Christina Rossetti. Marxist feminists, in focusing on material forms of suppression, tend to posit the issue of the suppression of speech as a battle of one gender censoring the speech of another through domestic and material relations, education, religion and ideology, while missing the fact that legal codes in the Victorian period literally suppressed certain kinds of speech for both genders who crossed certain boundaries.

Literary readings and publication events benefit from being placed against a timeline of pressure on male homosexual writers and on female heterosexual writers, from progressively restrictive obscenity law, sex crime and sexual deviancy law. One such timeline is at the start of the Appendix section of this thesis. From the Vagrancy Act of 1827 to the Obscene Publications Acts of 1857 and 1867-8, to the Matrimonial Causes Act of 1856-7, to the 1864 and 1868 Contagious Diseases Acts, to the Indian Penal Code of 1860 amended in 1873, to the 1873 Comstock Laws, to the 1876 Indecent Advertisements Acts, to the 1885 Labouchere Amendment, and with the many statutes in between, we will see legal benchmarks and conviction trends for sex crimes reflected clearly in literary texts.¹⁶

These two traditions—the sexual-transcendentalist and the “justice” tradition—as I noted, both flowed out of the advocacy genre. I will trace the liberationist tradition from Whitman into the subsequent generation of male homosexual writers; this liberationist

¹⁶ See the 1860s-1880s criminal records database for convictions for sodomy in the Old Bailey. *The Proceedings of the Old Bailey, 1674-1913*. 6.0. 17. Accessed March 30 2013. Web.

tradition was a subtheme within the Aestheticist movement of the second half of the nineteenth century.

The 1855 vision of a transcendentalist, liberationist male sexuality, which sees the divine within the physical and has a place within the natural world— repudiating convention and shame—cast light, as well as shadows, across the entire spectrum of mid-Victorian to late-Victorian literary discourses about sexuality. Of the Queer Theory commentators most concerned with Victorian homosexuality, it is Richard Dellamora in *Masculine Desires: The Sexual Politics of Victorian Aestheticism* who analyses the role of Whitman as catalyst in the most sustained way. Dellamora makes the case that for Gerard Manley Hopkins, Whitman was so archetypal a figure for male-male desire that he entered the symbolic realm for that poet. Dellamora cites Robert K. Martin’s argument that Whitman’s identification of the natural world, the male body, and the persona of Jesus, influenced Hopkins. Swinburne too, Dellamora notes, writes about his admiration for Whitman, dating from 1856; his friends William Bell Scott and William Rossetti read *Leaves of Grass* on its first publication in 1855, and in 1862 Swinburne wrote of its “skill and power” (88-89).

We will look at Whitman’s sexual-transcendentalist influence on two generations of writers, from Christina Rossetti working with the seductions of the natural world in the 1862 *Goblin Market and Other Poems*, to John Addington Symonds who sought for twenty years, in letter after letter to Whitman, to drive the American poet into a public declaration that the “Calamus” section in his great poem was about homosexuality, and whose co-author, Havelock Ellis, wrote with him the first major sexological work to “normalize” homosexuality, the 1897 edition of *Sexual Inversion*.

I will demonstrate that John Addington Symonds, along with other male homosexual writers of this period, sought to serve as a vanguardist for Whitman, for his persona and for his sexual philosophy—though Symonds would do so with self-censorings, elisions and redactions. I will also argue that these two generations of linked discourse—Whitman’s challenge to Christina Rossetti in the 1850s and 1860s, and his role as an heroic figure to John Addington Symonds in the 1870s and an iconic one to the young Wilde in the 1880s—all constitute a single literary inheritance.

I will also explore, as noted above, how the “justice” discourse developed in the 1860s and 1870s among heterosexual women writers such as Elizabeth Gaskell, and writers for heterosexual women such as Wilkie Collins, allowed female protest against key laws regulating perceived legal/sexual inequities, such as the Matrimonial Causes Act of 1857, the Contagious Diseases Acts of 1864 and 1867-9, and the Married Women’s Property Bills of 1870 and 1882, to surface.¹⁷

¹⁷ For an overview of British matrimonial law in 1857, see Kelly. Hager, “Chipping Away at Coverture: The Matrimonial Causes Act of 1857.” *BRANCH: Britain, Representation and Nineteenth-Century History*. Ed. Dino Franco Felluga. Extension of *Romanticism and Victorianism on the Net*. Accessed August 15 2014. Web. To review the bills themselves, see “Matrimonial Causes Act, 1857,” *Hansard 1803-2005*, http://hansard.millbanksystems.com/lords/1857/jun/23/third-reading-bill-passed#S3V0146P0_18570623_HOL_6. “Contagious Diseases Act, 1864,” *Hansard 1803-2005*, <http://hansard.millbanksystems.com/acts/contagious-diseases-act-1864>; Accessed August 15, 2014. Web. “Contagious Diseases Act, 1869,” http://hansard.millbanksystems.com/lords/1869/jul/23/contagious-diseases-bill-hl#S3V0198P0_18690723_HOL_21. Accessed June 13, 2013. Web. “Married Women’s Property Bill, 1870,” <http://hansard.millbanksystems.com/commons/1870/may/18/bill-16-second-reading>, Accessed July 20, 2013. Web. “Married Women’s Property Bill, 1882,” *Hansard 1803-2005*, <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080306/debtext/80306-0019.htm>. Accessed June 11, 2013. Web.

I will maintain that as the advocacy genre does seek to “speak to” its audience and legal and political moment with an intentionality unique to the genre, it should be read through a combination of reception theory and Marxist/feminist attention to material relations. We will see that such texts as the unexpurgated *Leaves of Grass* editions (1855, 1860) were also received, by acolytes as well as reviewers, as if they were advocacy texts about sexuality, and that their publication was often followed by debates about laws, and by campaigns to alter power relations within institutions. I will argue that such texts as John Addington Symonds’ *A Problem in Modern Ethics: Being an Inquiry into the Phenomenon of Sexual Inversion, Addressed Especially to Medical Psychologists and Jurists*, (1891) and Symonds’ and Havelock Ellis’s *Sexual Inversion* (1897) demonstrably intervened, in their phrasing and choices of rhetoric, against law, by developing a medicalizing genre around sexuality, to counter the abuse, in Symonds’ view, of medical testimony in the service of convictions of homosexual men in the sodomy trials of 1870s and 1880s. I will follow Michel Foucault, in agreeing that sexual ideologies of a given period construct subjects and subjectivity. But I will argue against him, and against the commitment to a position regarding the “purely” theoretical nature of the text and the meaninglessness of authorial intentionality posited by some postmodern critics, to insist that many of the texts in question deliberately sought to challenge and did ultimately alter the period’s sexual ideologies and, by doing so, ultimately did change the law.¹⁸

¹⁸ However, as the decriminalization of obscenity and of homosexuality had to wait for new statutes and case law that were not established until the late 1950s and early 1960s in Britain and America, this ultimate outcome lies outside the scope of this thesis. Literary censorship in Britain under the 1857 Obscene Publications Act came to an end in Britain effectively only with the passage 1959 Obscene Publications Act, which made “literary merit” a defense against a charge of obscenity. The *Lady Chatterley’s Lover* trial of 1960, in which Grove Press was acquitted of obscene publication, set the precedent for subsequent

The approach of some Marxist, poststructuralist and feminist theorists to the possibility of the advocacy genre's role in literature is Audenesque: "poetry makes nothing happen."¹⁹ For many critics of these schools, politically involved literature at its best sees texts as reflecting unequal power relations, and allowing "slippage" and "play" within received gender relations; or else texts either call attention to or subtly critique existing power/gender relations. These schools of criticism tend to see the most hopeful role of literature merely as being able to help us to be alert to these oppressive systems, or at best to serve as propaganda for mass action, as in the case of agitprop.

I will make the case, against these Marxist, feminist, Queer and poststructuralist critics, and following Percy Bysshe Shelley's manifesto in "A Defence of Poetry" (1821), that "Poets are the unacknowledged legislators of the World"—at least in terms of the category of literature with which I am concerned here (701). Shelley had issued his manifesto when the elevated Romantic conception of the poet was intermingled with idealization of movements for national independence, and with idealization (the "Sublime") itself. But in the high Victorian period, when obscenity legislation had stripped writers of some of their Romantic tools to generate social disruption, the popular cultural archetype of the poet—see Robert Browning, and Christina Rossetti—underwent political domestication; as the century advanced, poets were perceived as elevators of morals, more often than as disruptors of the status quo.

liberalization. Christopher Hilliard, "Is it a Book that You Would Ever Wish Your Wife or Your Servants to Read? Obscenity Law and the Politics of Reading in Modern England," *The American Historical Review* (2013) 118 (3): 653.

¹⁹ See Ed. Edward Mendelson, *W. H. Auden: Collected Poems* (London: Faber and Faber, 1976) 76.

Michele Barrett and Christine Delphy, to return to their work, reflect the relative hopelessness described above. Delphy, again in “A Materialist Feminism is Possible,” casts the woman writer as being trapped within such rigid patriarchal power relations, that it is illusory to imagine her as having the power to alter those relationships altogether. While some feminist critics, such as Sheila Rowbotham (notably, an historian), do analyse the potentially transformational role of literary texts in history—Rowbotham, for instance, explores the historical influence of the work of Edward Carpenter, in *Edward Carpenter: A Life of Liberty and Love*—I would suggest that this approach became unfashionable, abandoned as naïve, in literary-theoretical circles, after the advent of poststructuralism in the mid-1980s.

Marxist and feminist critiques of the kind cited above, leave incompletely answered the question, “What can literature do *vis a vis* material reality?” In contrast, the new field of censorship studies, and the established fields of legal and medical history, do at times valuably explore the interactions between specific literary texts and specific historical outcomes; Wayne C. Booth, writing in the field of censorship studies; Ivan Crozier, in “Striking at Sodom and Gomorrah: The Medicalization of Homosexuality and its Relation to the Law” in the field of medical history; Scott Long, writing from a legal advocacy basis; and H. G. Cocks, from the perspective of the history of criminology, as we saw, all do so, from their respective fields of analysis.²⁰

²⁰ See Wayne C. Booth, “Censorship and the Values of Fiction.” *The English Journal* 53.3 (1964): 155-164 and Ivan Crozier, “Striking at Sodom and Gomorrah: The Medicalization of Homosexuality and its Relation to the Law” in *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage* Eds. Judith Rowbotham and Kim Stevenson (Columbus, Ohio State UP, 2005) 126-39. Scott Long, “When Doctors Torture: The Anus and the State in Egypt and Beyond”, *Health and Human Rights*, Vol. 7, No. 2, 114- 140. <http://www.hhrjournal.org/wp-content/uploads/sites/13/2013/07/7-Long.pdf> ,

Some queer theorists can share at times in this pessimistic attribution of hopelessness to the non-elite subject wielding language: Alan Sinfield, in *The Wilde Century: Effeminacy, Oscar Wilde and the Queer Moment*, agrees with Delphy's and Barrett's pessimism, in asserting that dissidence "will always end up with the exploitation and incorporation of the subordinate."²¹ I will argue against these views in the cases of the writers whom I will cite. Symonds' work on male homosexual desire did not end with the "incorporation of the subordinate," but rather with his having achieved, if posthumously, his constant lifetime literary goal: the cultural and legal reframing of what homosexuality connotes, from its exemplifying moral degeneracy, to being viewed by the dominant culture as an "orientation," as unremarkable as variations in the natural world.

Society did not take over a literary text, in this case. Contrary to Sinfield's, Eagleton's, Barrett's and Delphy's overly bleak view of the powers of literature, it might be argued, rather, that a literary text, even if gradually, changed social views, and ultimately perhaps even took over society.

The female "justice" tradition also ultimately "won": its tropes of male sexual aggression and female sexual victimization, their exposure of the sexual double standard in the law, as novel and challenging at the time to male sensibilities as they were when Christina Rossetti, Elizabeth Gaskell, Josephine Butler and Willkie Collins coined and developed

Accessed January 15, 2-14. Web; and H. G. Cocks. "Making the Sodomite Speak: Voices of the Accused in English Sodomy Trials, c. 1800-98," *Gender and History*, Vol. 18, Issue 1. April 2006. 87-107.

²¹ See Alan Sinfield, *The Wilde Century: Effeminacy, Oscar Wilde and the Queer Moment* (New York: Columbia UP, 1999) 15. For more on an historicist approach to sexual subjectivity, see also Jeffrey Weeks, *Sex, Politics and Society* (London: Langdon Press, 1989) 101.

them, are now standard tropes invoked to write both novels and statutes about the sexual abuse of women.

I will argue that a theoretical/genre category for texts that change reality, especially legal reality, is necessary. These schools of thought tend to cast ideology as being always negative. But ideology can play a constructive role in history, replacing reified belief systems with more open ones.

Jacques Derrida represents the position of deconstruction vis a vis the authorial subject when he writes in *Of Grammatology* that "[...] the development of the practical methods of information retrieval extends the possibilities of the message [...] to the point where it is no longer the 'written' translation of a [...] signified which could remain spoken in its integrity [...] making [the message] function without the presence of a speaking subject" (10). This stance contravenes the theoretical possibility of the advocacy genre, in which intention is definitive, and a relationship between the logos and the material world is arguably traceable. In disavowing any significance to authorial intention in favor of liberation of the signifier from the signified, Derrida and deconstruction can't engage with the primary role of authorial intentionality in the kind of advocacy literature that, I will argue, is meant by the author to skirt and contest the boundaries of real-life legality. This evidence of high authorial intentionality will, I will argue, be visible in the literary record, in the cross-hatchings out of phrases in first manuscript drafts, in the cut-out manuscript pages of bound illicit poems, in the translations into Greek of certain illegal words, in the uses of artistic or classical references to sexuality as forms of code, and in the differences between manuscript pages and published books, or between a first edition and a subsequent edition. These traces, I will claim, reveal to us that these authors were forced by the law to weigh

with intention each advance against the bounds of legality, and each retreat; indeed, at times, to weigh each word, each phrase, on any given page.

Queer theorists, for their part, in their focus on the concept of the construction of sexual identity, can over-read into the past a freedom to construct identity that assumes a contemporary Western legal space in which to do so. Sinfield, for instance, reads the creation of male homosexual identities in this period as being primarily a system of “discursive practices,” and he criticizes what he calls the “paranoia” of Michel Foucault’s view that the state in this period regulated and controlled alternative sexualities (72, 142). But I would argue that critics who situate Victorian writing about forbidden sexuality in a purely cultural matrix, are being insufficiently “paranoid.” Cultural norms supportive of sexual modesty certainly existed, but we will see that legal pressures were often dispositive in the literary record. We will also see flurries of literary and publishing evidence of reaction to escalating legal turning points in 1857, 1866-7, 1872-3, and 1885.

Indeed, most literary critics who address elisions in these writers’ work, miss the severity of the legal dimension: Sinfield’s reading of one of Tennyson’s silences, for instance, reveals what is gained by adding legal background to a reading of this period’s suppressions. Sinfield reads the 1889 public self-distancing Tennyson did from any “excessive intimacy” in his 1850 tribute to his beloved male friend, Arthur Hallam, *In Memoriam*, without reference to changes in those years to obscenity law, and so concludes that Tennyson simply lost nerve; by the same token, he reads Oscar Wilde’s consistent ambiguity about homosexuality as “exploiting indeterminacy,” when we should, I believe, address the fact that the law by then made a specific amount of indeterminacy obligatory (72, 142).

Sinfield maintains, even more erroneously, I believe, that positive changes in the regulation of sexuality arose in this period “as a by-product of broadly progressive campaigns,” and “doctors and lawyers were relatively ignorant of and uninterested in” penalizing homosexuality (72, 142). Rather, my evidence will demonstrate that while “progressive campaigns” did boost protections around sexuality for heterosexual women in the 1860s-1880s, the legal status of homosexual men dramatically deteriorated at key turning points in the same period, long before Labouchere.

Sinfield calls our attention to textual “faultlines”. But the law is a barrier to that task. The Victorian period was not a context of free speech. When Sinfield argues that the concept of homosexuality was “emerging” at the time—that it was, as he writes, using D. A. Miller’s terms, an “open secret”—Sinfield conflates social textuality, for which this observation is true enough, with the far less yielding place where the justice system, such as in the trials at the Old Bailey, interacted with the sexualities the law had criminalized as deviant. Richard Dellamora, in *Masculine Desire: The Sexual Politics of Victorian Aestheticism*, similarly reads Victorian homosexual “scandal” as being socially constructed rather than potentially criminal (193-5). Dellamora, in an example of a missed basis for analysis, describes Ruskin’s censorious reaction to Swinburne in 1865; Ruskin thought it unwise for Swinburne to publish such scandalous material. But Dellamora does not link Ruskin’s concern about publication to the prosecutions under the 1857 Obscene Publications Act. After *Poems and Ballads* had come under attack, Dellamora notes that Ruskin “refused to support the efforts of those who wished to have Swinburne’s publisher prosecuted for obscenity,” but Dellamora does not assess Ruskin’s stand in light of the fact that those prosecutions were real and of recent vintage (122). Both positions, and Ruskin’s

letter to Swinburne distancing himself from the author in writing—“[t]here is assuredly something wrong with you [...]”—are read by Dellamora as emotional and moral statements, rather than as possibly creating a record of legal self-defense (122).

Ed Cohen, to cite an example of a Queer Theory critic who does incorporate the legal context more directly into his reading, in his *Talk on the Wilde Side: Toward a Genealogy of Discourse on Male Homosexualities*, makes the point that Wilde’s trial created a multiplication of semiotic meanings out of Wilde’s character, and that the law read and then increasingly criminalized the “text” of Wilde’s increasingly sexualized body and personality. Cohen notes that in the trial, Wilde’s “character” was read by the press through the idea of “a crime too horrible and too revolting to be spoken even by men,” and that details such as his “lolling” and his “careless nonchalance” were taken to elucidate this horror (175). Cohen writes that “[g]iven this legal and cultural context, Wilde’s indictment, trials, and conviction were necessarily constituted as public spectacles in which the particularity of the charges and the unfolding of the legal process also seemed to legitimate the impartiality of legal “justice” along with its concomitant jurisdiction over a new province of sexual “crimes” (175). This approach to analysis of the reception of Wilde or any sexually transgressive writer in this period or the early Victorian decades after 1857 is more accurate, in my view, than that of literary critics, whether from a Queer Theory or a Reception Theory background, who tend to cast the Victorian struggles over sexual expression as primarily one of “discursivities.” Cohen, however, stops short of analyzing the way in which new laws in the 1870s criminalized gay male “conspiracy” to commit sodomy, and even effeminate dress, on top of the laws that already criminalized sodomy. Nor does Cohen address the fact that Wilde’s character on trial was part of a two-decades-

long precedent of bringing “character witness” testimonials into court as critical in influencing sodomy convictions, as we will see. Wilde’s character affected a sodomy sentence, in other words, at the end of a largely ignored two-decade record of legal precedent; it did not mark the beginning of one, as this thesis will elaborate.

Similarly, in “Inverts, Perverts and Mary Annes,” Jeffrey Weeks imprecisely, I will argue, identifies the Labouchere Amendment of 1885 as the beginning of “male-male sexual practices and speech” being “identified with crime and prostitution” (118-9). Many Wilde critics follow this mistaken assumption. In fact, I will demonstrate by an analysis of *The Proceedings of the Old Bailey, 1674-1913* records starting in 1857 that this identification of “male-male sexual practices” with severe sentencing began two decades earlier, and that the Labouchere Amendment, in fact, was a *reform* of this increasing criminalization—an insight which coheres with Labouchere’s liberal tendencies in general.

The Labouchere Amendment of 1885 placed a two-year upper *limit* on sentences for sodomy; sentences that in the 1860s and 1870s, before the Amendment curtailed them, had been as much as ten times longer in duration. The tendency among some Queer Theorists and some reception and feminist theorists, to focus on social or gender relations as primary regulators of Victorian behavior, reflects modern pressures, and is ahistorical in my view. It ignores what we will find are the escalating shadows of imprisonment, state-mandated anal examinations entered into public records, penal servitude, hard labour, and calls for the return of public flogging, from 1857 to 1895 in Britain (Dellamora 193-95).

Reception theorists such as Michael Gorra, in his elegant biography of a work of literature, *Portrait of a Novel: Henry James and the Making of an American Masterpiece*, similarly psychologise James’ evasiveness about homosexuality in his letters: an unearned

conclusion when we realize that *not* being evasive about homosexuality in letters at this time was sending some of James' contemporaries to prison. Gorra points out that James burned the majority of letters written to him, but does not connect this habit to legal worries.

Gorra attributes to James' personal reticence, what we will see was more likely to have been a legal decision to burn personal letters. Gorra reads restrictions about sexual speech on the Victorian page, typical for many critics, as "convention" rather than as legal constraint and he interprets James' characters' ambiguity about sexual themes as a stylistic choice, rather than a choice dictated by legal and publication necessity.

In contrast, I will trace the influence of such developments in the law that affected gay men directly, in key events explored throughout this thesis. In other words, Cohen and his fellow critics who do take on the historicizing process of looking at legal penalties for gay male life, are looking in the right direction, but have not looked closely enough, in my view, at the more granular records of trials, convictions, and regional newspaper coverage of sodomy cases and obscenity law.

These turning points for escalating state violence against male homosexuals included a Parliamentary Commission's 1857 recasting of sodomy as a crime like murder rather than like, as it had been until 1856, coin-clipping or cattle-rustling; the debate in Parliament from 1855 to 1857 about the Matrimonial Causes Acts, that led Gladstone and other heterosexual Parliamentarians to direct hostile new moral and legal outrage at "rape, sodomy, bigamy" as the only categories of male sexual perfidy that could cause divorce, thus privileging male heterosexual adultery as carrying no legal penalty; the 1857 introduction of penal servitude for the sodomy offense; the 1871 Boulton and Park trial

that included criminalizing the wearing of women's clothing; the 1871-3 update of the 1860 Indian Penal Code that also criminalized "effeminacy"; the rise of venereology in 1870s sodomy accusations mentioned above; the extensive press coverage of these invasive examinations; the 1885 Labouchere Amendment, the only statute that is well known among many literary critics of the period; the cycle of escalation actually climaxes in 1898, the year when the revised 1827 Vagrancy Act criminalized male-male consorting as prostitution, and brought back whipping as a punishment for sodomy.²²

Queer theorists such as Sinfield, Dellamora and Weeks, in my view, in these contexts, tend to under-read the power of exemplary state violence. It takes few public floggings, or public trials with sentences of two to ten years' hard labour, to chill a civil society, and a literary movement; the mid- to late-Victorian period saw multiples of such trials. The State did physically, not just theoretically, gain "greater control" over certain subjectivities (Sinfield 13). Nothing close to the postmodern concept of literary "play" was possible for these writers between 1857 and 1885. The retrospective positing of a postmodern, poststructuralist hypothetical that a Victorian writer might have transcended rigid sexuality categories in life, or explicitly on the page—in which to have sought to do so in a legal context would have invited prosecution—is an incomplete reading of the record.

Methodology

²² See F. B. Senior, "Labouchere's Amendment to the Criminal Law Amendment Bill." *Historical Studies* 17.67(1976):165-173; see also the "1898 Vagrancy Act." *Hansard 1803-2005*. UK Parliament n.d. 3. Accessed September 5, 2012. Web.

The core methodology for this thesis is an analysis of language of literary texts mapped against legal developments and amendments in Britain and America. Throughout, I will use the provocation of Whitman's work as a through line with which to track avant-garde advocacy around sexually transgressive themes, and I will explore how the Whitman name and concept – quite beyond the actual texts of his works – intervened in cultural and literary production.

This method also involves a close reading of edits, editions, publication and production decisions, elisions and omissions in original manuscripts and personal letters, analyses of literary reviews and catalogues, and even the printing and distribution processes for books. I looked at texts and manuscripts in the Pierpont Morgan Library in New York City, The Berg Collection in the New York Public Library, the Fales Special Collection in the Bobst Library of New York University, the Rare Manuscripts Collection at the Columbia University Library, and in the Bodleian Library at the University of Oxford. I also undertook a close reading of the texts as they were published, with an eye toward the legal situation at the date of publication, and on each occasion I analyzed the changes in the wording of the texts to either accommodate or to respond to the changes in the law.

I looked also at archival legal databases such as the Old Bailey record of sentencing, *The Proceedings of the Old Bailey, 1674-1913*, and at reporting on arrests and convictions of booksellers, in the databases of regional British newspapers of the period such as that maintained by the British Museum in the British Periodicals Online database. I investigated the rise of journalism as an industry in this period in question and researched the technical and technological developments of the industry. To support this analysis I studied distribution methods for both journalistic texts – newspapers, periodicals and reviews –

and the distribution models for books. I also tracked the evolution of journalistic content, as new features such as court trials and transcripts developed, and as new technologies such as engraved illustrations and photographs changed the reader's experience of such subjects as divorce proceedings, or of allegedly effeminate self-presentation as a category of crime.

A consideration of genre is critical to this methodology. The literary strategies we will examine range from the direct excision of obscene texts by William Michael Rossetti (1867) to the addressing of sexual and sexual/legal issues in the context of a judgment and morality frame in such novels as Elizabeth Gaskell's *Ruth* (1853). Other genre choices we will examine include the provocative dissemination of forbidden texts and a legal fight that sought to reframe the issue of obscene publication in terms of the ennobling and elevating role of the texts in question, as Charles Bradlaugh and Annie Besant would do, at the cost of a trial, in 1877-8; still others involve the use of translation of erotic texts and the exoticised presentation of the material to elide censorship law, as in Richard Burton's work on the *Kama Sutra* and other translated erotic texts in 1883-5, and as in bookseller Henry Vizetelly's effort to translate and publish French texts such as Emile Zola's *Nana* in 1883. Finally, we will look at Symonds' and Havelock Ellis' effort to medicalize sexual "deviancy" so as to remove the issue from the frame of obscene publication law altogether, as in their *Studies in the Psychology of Sex: Sexual Inversion* publication of 1897.

I also analyzed social movements. There are many historical reasons for the proliferation of these two traditions of discourse about sexuality in the Victorian period in addition to legal pressures, and these include the spread of public education campaigns to include women as the majority of readers; the rise of reform and purity movements; and

even the success of movements toward greater public health, such as campaigns for immunization and against cholera and sewage.

As many historians have documented, many forces, including the invention of the telegraph and of advances in newspaper printing and distribution technologies and the invention of the cheap paperback, of serialization and of the circulating library, pushed some literary practice out of the realm of elite readers and writers and into middle- and lower-class echelons of consumption, and also more directly into political history. Judith Flanders points out, for instance, that both Charles' Dickens' depiction of the poor in *Oliver Twist*, 1839, and Henry Mayhew's report on the poor in the *Morning Chronicle* in 1849, were part of the same "political discussion."²³ An earlier class of literary workers had achieved their reading and writing in a dimension that was more "purely" literary, I would argue, in that it had been less keyed to real-time news events. But mid-Victorian technology brought literature into a new category of textual production in which a novel or poem could appear in a mass market format almost coincidentally with the news events with which it engaged. The literary writer, because of this new potentiality of cross-pollination with news events and with the law, became a more contested figure than he or she had been a generation before. The act of publishing became more directly scrutinized than it had been in the recent past (ecclesiastical and political writing had, of course, always been contested and fraught).

I also examined codes. Exploration of these two traditions around sexuality in this period must be bound up with an analysis of the code words that readers, fellow writers with similar or different inclinations, and reviewers, used in dealing with these texts; with

²³Judith Flanders, *The Victorian City* (New York: St. Martin's Press, 2012) 191.

the study of various editions of these “dangerous” texts; and with the exploration of legal and commercial consequences to publishers of these “dangerous” texts. It must address the history in this period of using foreign publications or translations to “[t]ell all the truth but tell it Slant,” in Emily Dickinson’s important phrase.²⁴ It should account for social and professional erasures when an author is disgraced or fears disgrace such as the demotion, as in Symonds’ in *Sexual Inversion*, from contributor in the main text, to a citation in footnotes. It should engage with the issue of self-publication, and displaced publication attribution, a tactic we will investigate. It should account for lost sinecures, fines and gaol sentences that writers and publishers faced.²⁵ The reading of the advocacy tradition around deviant sexual material must also address cases of public distancing by literary figures, such as Swinburne’s revolt against Whitman in 1885. The visibly withdrawn sinecures, the fines and the prison sentences, were read as cautionary tales by contemporaries.

Overview of Chapters

Given the importance of legal history, in Chapter One I will review the legal turning points in the years in question in this thesis, focusing especially on the sodomy laws and obscenity laws that influenced male homosexual writers. I will look too at marriage and

²⁴ Ed. Thomas H. Johnson, *Emily Dickinson: The Complete Poems* (London: Faber & Faber, 1975) 506-7.

divorce laws that more directly affected their contemporaries who were heterosexual women writers.

The rationale behind my choice of writers has to do with how each of them reveals a way to wrestle with the law, and with silencing around sexual themes. Symonds used multiple genres; Christina Rossetti, sacralization; William Michael Rossetti, the editorial process; Wilde displayed interventionist theatre played out in mass journalism, and I will argue that he was thus engaging in advocacy discourse; and Whitman for his part often simply inverted good and evil, sacred and profane, and broke down established categories of religion and decency, all to prepare the ground for changes he sought in the consciousness of his readers.

I chose the years 1855 to 1885 since in 1855 *Leaves of Grass* was published, and certain key statutes passed, criminalizing sodomy in new ways and systematizing penalties around it – initiating a remarkably repressive quarter-century; and I chose to end my analysis in 1885, with a glance ahead to the 1890s, since the Labouchere Amendment, so often misread as we will see, forms a bracket to this period of escalating risk, especially to male homosexual writers in Britain.

In my second chapter, I will look at the role of Whitman as a catalyst, among British *avant-gardistes* such as the Rossettis, for imagining a freer world of speech, writing and attachment. I will map their reaction against changing legislation.

In Chapter Three I will posit a dialectical reading comparing Christina Rossetti's handling of erotic material with Whitman's, and will trace the way in which heterosexual women writers identified heterosexual male transgressiveness in a "justice" literary

tradition. I will also look back at the history of the “Bridegroom” metaphor in women’s writing about passion.

In Chapter Four I will show how Symonds sought for decades to draw Whitman into a declaration of homosexual identity that could be positioned against the closing legal situation in Britain. I will explore the shifting legal context in America at that time as well.

Chapter Five will address the multiple voices and genres developed in the 1880s to circumvent what had by then become a devastating legal context for homosexuals, as well as for writers, printers, publishers and booksellers in general, who could be found guilty of obscene publication. I will look at key convictions as a backdrop to this search for safe genres.

My conclusion will summarize the ways in which the “advocacy genre,” especially as articulated in many guises by Symonds over the course of the three decades under review, served at last to change the laws, as well as to change literary discourse about “forbidden” sexualities.

Chapter One

An Overview of Nineteenth-Century Sodomy and Obscenity Law in Britain

In order to make the case that the writers whom I am addressing adapted their discourses around sexuality against a background of tightening legal penalties, I now briefly survey British sodomy and obscenity law in this period. Both the Old Bailey Online records, *The Proceedings of the Old Bailey, 1673-1913*, and regional newspaper archives, show dramatic escalation of prosecutions and penalties for sodomy from 1857 to 1885.

The regional newspaper archive database British Periodicals Online was the source for this section of research for this thesis, and “sodomy” mentions in articles dating between 1827 and 1857 were subjected to analysis. There were 45 results. The record can be assumed to be partial as not every regional newspaper appears to have been entered in the British Periodicals Online database for this period. From 1827 to 1856, prosecutions were rare. Sodomy was legally classed with such offenses as sheep-stealing and the forging of coins, and the few convictions often involved offenses against children, or violence against adults.

Before 1857, sodomy was a capital offense. The rareness of convictions doubtless had to do with reluctance to kill a man for the crime, especially since the trials were decided by the accused man's neighbors. No adult consenting couples were convicted together. After 1857, when a new law brought sodomy convictions out of the realm of juries of one's peers, and into magistrates' courts, sodomy was recategorized by a Parliamentary Committee: now to be weighed along with such crimes as arson and murder rather than such offenses as sheep-stealing. After 1857, "penal servitude" was introduced, and the trials for sodomy moved from juries to the courts of magistrates; thus conviction rates shot up. The record shows that subsequently, adult men began to be arrested together, in couples, and for consensual contact.

The pre-1855 convictions reveal this pattern: offenses involving children and adult situations involving force are visible in the record. There are no mentions of sodomy at all from 1818-1827. 1827 was the year of the amended Vagrancy Act, which made it easier to convict for sodomy.²⁶ In the year 1827 there is only one sodomy conviction reported: James Farthing, 19. But the charge went nowhere: "[h]is Majesty postponed the case of Farthing and respited the rest 'during his royal pleasure.'"²⁷ There are no mentions again till 1830, which reports nationally only one man in prison for sodomy.²⁸ Also in 1830, a man was convicted for an attack on a child.²⁹ A Judge presiding over the charge of another man

²⁶ "1827 Vagrancy Act." *Hansard 1803-2005*. UK Parliament, n.d. <http://hansard.millbanksystems.com/acts/vagrancy-act-1827>. Accessed July 29, 2014. Web.

²⁷ "The Recorder's Report." *Morning Chronicle* 26 Nov. 1828.

²⁸ "The Diving-Bell." *Belfast News-Letter* 26 Jan. 1830.

²⁹ "Suffolk Lent Assizes." *Ipswich Journal* 3 April 1830.

accused of sodomy refers to the recent change in the law, presumably the Vagrancy Act, 1827. A third man was convicted in Ipswich that year.³⁰

Then seven years of silence ensue, when the London newspaper *The Morning Chronicle* in 1837 reported that commissioners were trying to expand the categories of capital offenses, to make it bigger than “[t]he first class of offences [...] treason, murder, rape, and sodomy.”³¹ A chart showed that the number of capital convictions in Britain had decreased, and compared this rate to that of France. The point was that fewer than ten percent of those sentenced to death (for all crimes) in Britain were actually executed. In 1832, 480 men were sentenced and 41 executed; in 1833, 523 sentenced and 34 executed; and in 1834, 494 sentenced and 17 executed.³² The record does not reveal what percent of these executions were for sodomy, so we must assume it is an even smaller group. The newspaper article concluded that, due to jury trials, people were not sentencing their peers to death; and that, as noted above, a Parliamentary commission was convened to better define capital offenses. A letter in 1838, “Controversial Discussion,” in *Freeman’s Journal and Daily Commercial Advertiser*, suggested that convictions for sodomy were rare, though such activity was well known to take place: “You know, and I know, that in all the transports leaving this country, not a single crime of this nature is ever heard of; and, on the contrary, it has been proved that none of them leaving England are ever without it.”³³

³⁰ “Suffolk Summer Assizes.” *Ipswich Journal* 30 July 1830.

³¹ “Abstract of Parliamentary Papers.” *Morning Chronicle* 21 Aug. 1837.

³² “Abstract of Parliamentary Papers.” *Morning Chronicle* 21 Aug. 1837.

³³ “Controversial Discussions.” Letter. *Freeman’s Journal and Daily Commercial Advertiser* 3 June 1838.

By 1840, there were five executions for sodomy.³⁴ Since execution was the only penalty at that time for sodomy, the number of men in prison for this offense would not have been larger than those awaiting either execution or appeal.

Sodomy still seemed most often to be considered an offense when the victim was underage or there was an element of force involved. Also in 1845, another Suffolk case involved minors: the accused seemed to be part of a scheme in which visitors to the engine-house at a train station gave sixpence for entrance, a boy with a candle showed the machinery, and the accused would then claim that the visitor put his hand on the boy's head or shoulder: "The case [has] excited great interest."³⁵

There were no mentions for another four years, though "filth" began to be part of the discourse. In 1849, 60 people were sentenced to be hanged but only twelve were actually executed – none for sodomy. Sodomy was included in the 640 capital offenses alongside "murder, maliciously wounding, rape [...] burglary, robbery, arson, riot and felony, returning from transportation and high treason."³⁶ So sodomy still seemed to be defined as a violent crime, or nonconsensual.³⁷

In 1850—the year of the publication of "The Germ"—*The Morning Chronicle* crime tables showed a total of only ten convictions over ten years for sodomy.³⁸ In 1852, the Lanarkshire Prison Board brought charges against the Governor, Captain Mullen.³⁹ Interestingly, the charge had been previously investigated, with no action, and this time,

³⁴ "Practical Philosophy of Men Now in Power." *Northern Liberator* 22 Dec. 1838.

³⁵ "Law Intelligence." *Freeman's Journal and Daily Commercial Advertiser* 23 June 1845.

³⁶ "Law Intelligence." *Freeman's Journal and Daily Commercial Advertiser* 23 June 1845.

³⁷ "Statistics of Crime in England and Wales." *Bristol Mercury* 30 June 1849.

³⁸ "Labour and the Poor." *Morning Chronicle* 2 May 1850.

³⁹ "Lanarkshire Prison Board." *Glasgow Herald* 20 Feb. 1852.

too, the committee did “not go into it.” This record suggests that such activity was at times tolerated.

A national crime table started to be published annually in London newspapers in 1853. Sodomy was still a capital offense, but now ranked, as noted above, with murder, attempted murder, malicious wounding, burglary, robbery and arson, rather than with sheep-stealing and coin-clipping. Rape had, also notably, been *dropped* from the categories of capital offense crimes.⁴⁰

Finally, whereas in the previous quarter-century there were almost no sodomy executions, a major legislative change resulted in escalated convictions for a new form of punishment—the dreaded “penal servitude”—which had not existed as a penalty for sodomy in Britain prior to the Penal Servitude Act of 1857.⁴¹ Looking at the database, we see a pattern: though before 1857 execution was technically the penalty on the books, very few people in civil society (as opposed to in the military) were executed for sodomy. But when penal servitude, a “lesser” penalty than the capital penalty, was introduced for this offense in 1857, many men in consensual adult relationships in civil society were sentenced to increasingly long sentences of penal servitude. Thus, what looks on paper like a *diminution* of criminal punishment—from execution “merely” to penal servitude for the same offense—results, when one looks at the actual convictions, in a *sharp statistical escalation of risk* for the writers whose work we address.

⁴⁰ “Criminal Returns for England and Wales.” *Morning Chronicle* 20 May 1853.

⁴¹ Penal Servitude Act 1857 (20 and 21 Vict c. 3). *Legislation.gov.uk*. The National Archives, n.d. Accessed February 5, 2013. Web.

When *The Morning Chronicle* specified who was executed, all were murderers. Of the nineteen executions that year, no one was executed for sodomy.⁴² This article shows a growing interest in synthesizing British with colonial law and exposes the problem caused to British public consciousness when sodomy was *not* a capital offense elsewhere in the British Empire. I would suggest that such articles' comparative approach reveal the way the concept of Empire put pressure on domestic legislators to create a uniform, meaning a more punitive, systemic domestic sodomy law, and to systematize domestic convictions.⁴³

Physical dangers to men prosecuted successfully for sodomy in England thus escalated, as we saw above, quite slowly from 1827 to 1855 and then far more rapidly from 1856 to 1885. This escalation was so evidently terrifying to the writers whose work we will explore, as their literary records reveal, because, I believe, this sharp escalation of sodomy penalties in the 1860s to 1880s was an historical anomaly.

1857-1885: Years of Danger

The second search for "sodomy" in the British Periodicals Online database was from Dec 31 1856 to Jan 1 1885. There were 63 results: a rise of 30% from the previous quarter-century. In this period, penalties rose sharply and the subjects of prosecution changed. Adult consensual sex is by far the primary category in which men in this period were prosecuted. As we saw, the criminal ranking of sodomy was changed formally in 1857 via a Parliamentary Committee to a more serious category – importantly, the same year another Parliamentary Committee debated the Matrimonial Causes Act, the first civil divorce bill.

⁴² "Criminal Returns for England and Wales." *Morning Chronicle* 20 May 1853.

⁴³ The piece, called "Capital Punishment in the Colonies," was picked up by *Lloyd's Weekly Newspaper*, 6 July 1856. It is also picked up in "Local Shipping Dues," *The Belfast News-Letter*, July 7, 1856 and republished in "Foreign Intelligence," *The Bristol Mercury*, July 19, 1856..

Whereas in the prior quarter-century sodomy had been classed with crimes of property, or of social disruption, after the 1857 Parliamentary committee convened, sodomy was reclassified with the most heinous, immoral and violent of crimes: along with arson, manslaughter and murder. We will see the crucial connection between these two events.⁴⁴

Also in 1855-1857, a new category of punishment was introduced that would have far-reaching impacts on male homosexual writers. The Penal Servitude Act of 1857 replaced transportation with hard labor for many offenses.⁴⁵ This Act gave judges the option of sentencing anyone who would have been transported for under fourteen years, to hard labour instead.⁴⁶ It was intended to punish the prisoner – hence its name. “Penal servitude” included walking the treadmill, turning an endless crank, and serving as the main labor sources for quarries and docks. It was a form of slavery.

The introduction of penal servitude for sodomy in 1855-57 was followed by an 1861 law that took discretion away from judges in sentencing. As A. Gupta argues in “This Alien Legacy: The Origins of ‘Sodomy’ Laws in British Colonialism,” the 1861 Offenses Against the Person Act consolidated sodomy law into one modern and unified statute imposing order on the chaos (which as we saw could mean leniency) of British common law: “Finally, the ‘modernization’ of British law in the Indian Penal Code was almost immediately

⁴⁴ “Matrimonial Causes Bill 1857.” *Hansard 1803-2005*. UK Parliament, n.d. <http://hansard.millbanksystems.com/lords/1857/jun/23/divorce-and-matrimonial-causes-bill-1>. Accessed July 31, 2014. Web.

⁴⁵ “Penal Servitude Act 1857” (20 and 21 Vict c. 3). *Legislation.gov.uk*. The National Archives, n.d. Accessed July 29 2014. Web.

⁴⁶ “Punishments at the Old Bailey, Late 17th Century to the Early 20th Century.” *Proceedings of the Old Bailey, 1674 to 1913*. <http://www.oldbaileyonline.org/static/Punishment.jsp>. Accessed June 23, 2011. Web.

exported back to Britain itself.”⁴⁷ This pressure toward systematization, Gupta persuasively maintains, was heightened by colonialism. The statute defined “buggery” directly as an offense, and abandoned the death penalty that paradoxically had saved the lives and had led to the acquittal of so many men, instead proffering sentences ranging from ten years to life sentences. The 1861 Act, with its first-time explicit offense of “buggery” spelled out, should be mapped against such flashpoints in the literary record of the 1860s, as the 1861 revision – which is a disavowal -- by Symonds of “In Memoriam Arcadie.”⁴⁸ We should include in this part of the map the 1867 scandal over Swinburne’s *Poems and Ballads*, the increasingly hostile tone of British reviewers of *Leaves of Grass* in the 1860s, and the 1868 publication of William Michael Rossetti’s expurgated *Leaves of Grass*. Taking into account the impact of the introduction of the Offenses Against the Person Act in 1861, we can better understand the Old Bailey database: sodomy capital convictions rose by one-third in the period from 1857 to 1885.

As one regional newspaper reported, “[t]he Criminal Justice Act of 1855 and the Juvenile Offenders Act extend the power of SUMMARY CONVICTION, and so cut off the candidates for trial by jury.”⁴⁹ This was a major shift in power into the hands of judges, and out of the hands of juries of one’s peers, who, Parliamentarians and police had been complaining, had been too reluctant to issue severe sentences. The availability of the new sentence “penal servitude” accounts for the change.⁵⁰ That is, penal servitude is much more likely a sentence than execution, but much more severe than previous forms of incarceration.

⁴⁷ Alok Gupta, “This Alien Legacy: The Origin of “Sodomy” Laws in British Colonialism,” (New York: *Human Rights Watch*, 2008), 20.

⁴⁸ See Appendix C for the full text of “In Memoriam Arcadie” (1859-61).

⁴⁹ “Statistics of Crime.” *Hampshire Telegraph and Sussex Chronicle* 7 Feb. 1857.

⁵⁰ “General Intelligence.” *The Hull Packet and East Riding Times* 13 Feb. 1857.

In other words, this change in the jeopardy that gay men faced was widely reported in 1857 in several of the newspapers that are cited in the letters of Christina and William Michael Rossetti and in those of John Addington Symonds. Also reported was the fact that men started to be arrested in couples: “On Wednesday, the 11th Day of March, at 11 O’Clock am [...] Ridgley Thomas and Good Christopher, Sodomy.”⁵¹ This was the first time in the record that two men were named together, without the suggestion of violent assault or the involvement of minors.

We now look back to heterosexual divorce law, which was a critical aspect of this flurry of legislation. In the Parliamentary debate on the 1857 divorce bill, the mostly heterosexual legislators appeared to arrange a backroom deal. Sodomy was being more severely criminalized and this seemed, from the debate, to allow heterosexual legislators to carve out a lacuna of heterosexual male sexual privilege. The wording reported in the newspapers revealed that the debate led the Parliamentarians to stigmatize “sodomy” along with “bestiality” and “rape” in marriage and divorce, in order to allow the first civil law on divorce to privilege male heterosexual adultery while penalizing female heterosexual adultery. In other words, gay men appear, from the journalistic record, to have been legislatively sacrificed as a strategy to protect straight male sexual privilege. This arrangement was unfolding in the face of a campaign of intense scrutiny by women of the Matrimonial Causes Acts’ proceedings, and of strong resistance among heterosexual women in the possibility of the sexual double standard being enshrined in the new divorce law. The wording that entered the final bill was historically novel: it was the then-much-

“No byline. Imperial Parliament.” *Daily News*, London, England, Feb 18, 1857 Issue 3357.

⁵¹ “Naval and Military Intelligence.” *Reynold’s Newspaper* July 12, 1857.

repeated phrase, “rape, sodomy, bestiality” as the lone carve-outs that would allow a woman to divorce a heterosexual man. One can see in the evolution of this political and legal expedient a new category forming and reifying of social vice. In the Parliamentary debate reported in the *Liverpool Mercury*:

“Report on The Divorce Bill.

“Mr Gladstone and others debated an amendment. Mr. Gladstone moved another amendment with the view of giving the right to divorce to a woman in the event of rape being committed by her husband.

“The amendment was agreed to, with the addition of the words “sodomy” and “bestiality”.

“Mr. Wigham moved to add the words, “being proved by conviction.”⁵²

This is what lawyers call “a loophole.” We can hear the legislators piling on conditions that would make it more and more difficult for a woman successfully to initiate divorce against a man who was simply adulterous – and not convicted of rape, sodomy or bestiality (a number that would be extremely low for men in England that year.) Sodomy, it appears from the Parliamentary debates, was criminalized more drastically in 1855-7 to provide a distraction to irate heterosexual women campaigning against straight male sexual abusiveness, and to carve out a “get out of jail free card” in divorce proceedings for “normal” straight male adulterers.

The linkage of “sodomy” and “bestiality” was now for the first time established in the law. “The Divorce and Matrimonial Causes Bill” was quickly and lastingly highly influential, as Gail Savage points out in “The Operation of the 1857 Divorce Act, 1860-1910, A Research

⁵² “Latest News.” *Liverpool Mercury* August 14, 1857.

Note” (103). The Hansard record for the Parliamentary debate shows that Parliamentarians immediately decided that a man could divorce a woman for adultery. Then there is an awkward pause, and they seem to realize that now they may be stuck with enshrining into law a similar right for women. To avoid this, several men proposed extreme situations in which a man may be divorced by a woman: extreme cruelty, abandonment, and so on. Another Parliamentarian hit on “sodomy” and the rest seemed to breathe a sigh of relief. There was a single demurrer, by Lord St. Leonard, who tried to omit the words “rape or sodomy or bestiality” “declaring them to be unworkable,” but he did not prevail. (Most gay men were married in this period, as was Symonds.) Sodomy was now *for the first time* a category of inquiry in divorce law; thus for the first time, now open for scrutiny from the state. “Rape, sodomy and bestiality” were codified into law as the horrific misbehaviors that alone would let a woman reject a man. Male heterosexual adultery was safeguarded and female heterosexuality adultery penalized.

In Clause 25, the peers agreed that the husband may divorce his wife for adultery but the wife “may present a petition praying that her marriage may be dissolved on the ground that since her marriage her husband has been guilty of incestuous adultery, or of adultery committed in the conjugal residence, or of bigamy with adultery, or of rape, or of sodomy or bestiality, or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensa et thoro*, or of adultery coupled with desertion [...] for two years or upwards [...].⁵³

⁵³ “Matrimonial Causes 1857.” <http://hansard.millbanksystems.com/search/Matrimonial+Causes+1857>. *Hansard 1803-2005*. Accessed September 2, 2013. Web.

In short, elaborating crimes that most straight husbands are unlikely to be tempted into, as a “counter” to straight men’s newly enshrined civil legal right to reject a wife on the grounds of her adultery plain and simple, was the reason, I argue, for the sudden and then enduring establishment of the language we now associate with sodomy, but which had been unusual before 1857: language of “the most abominable,” “the most vicious,” “the most heinous,” *etcetera*. The heightening of the discourse of offense arose as a legal sleight of hand to redirect the intense distress with which Britain’s educated women were following the debates. Indeed in Hansard’s account of the bill passing on June 23, 1857, the heading “THIRD READING. BILL PASSED.” Is immediately followed with: “Forward to PROTESTS.”⁵⁴

Subsequently, language around sodomy in trial and parliamentary proceedings becomes far more morally heated, privileging straight men’s adultery legally and socially as *not* being described in amoral, contaminating, or indecent terms. The precedent here was set -- that when a third party or the state demanded that sodomy be scrutinized, it must be.

What followed, which Queer Theorists seem not to reflect in their identification of 1885 as a flashpoint, was twenty-three years of escalating sentences at hard labour. Young men were increasingly arrested in couples, and sentences were extended. The language grew increasingly morally outraged, with consensual acts described as “assaults,” and such discourse as “unnatural offense” enters the trial record, which is a change from the previous quarter-century.

⁵⁴ “Divorce and Matrimonial Causes Bill.” *Hansard 1803-2005*. <http://hansard.millbanksystems.com/lords/1857/jun/23/divorce-and-matrimonial-causes-bill-1>. Accessed September 4, 2013. Web.

The British Periodicals Online search for coverage for convictions for “sodomy” regionally and nationally, and the *Proceedings of the Old Bailey 1673-1913* analysis of criminal records for sodomy as well, ended in October of 1885, the year of the passage of the Labouchere Amendment. My research suggests that many severe penal servitude convictions for sodomy for far longer periods than Wilde’s two-year sentence, including fifteen-year sentences, had been widely reported in regional and national newspapers, in the three decades leading up to his arrest. This coverage in the national and regional newspapers of summary convictions would have affected any reader with an interest in the issue.

It is reasonable to conclude from this analysis that the extremely negative cultural valence assigned to sodomy, and the association of sodomy with a high likelihood of criminal sentencing, was essentially invented by a small group of heterosexual male peers in Britain in 1857 -- to serve heterosexual male legal goals.

The Old Bailey Records: 1855-1885

This second database confirms my hypothesis too: here, too, 1827-1855 showed little prosecution of sodomy, and after 1857, convictions escalated and penal servitude and hard labour sentences, now possible, extended in severity and duration.

The survey of the Old Bailey records on sodomy convictions for this thesis began in 1855, the year of the publication of *Leaves of Grass*. That year, seventeen-year-old Edward Harries “was indicted for b—y.” He was found “GUILTY *of the Attempt*” and confined for

six months.⁵⁵ I should note that in these decades, “bestiality” was in usage commonly to mean “sodomy” among human beings, not only (or primarily, in a legal context) what we think of as “bestiality,” meaning human-animal contact. In 1855, “GEORGE AYRES was indicted for a like offence [to sodomy....].” He was found “GUILTY . [...] — *Death Recorded.*” His age was 38. In 1856 28-year-old Robert Baker was found guilty of a similar offense: “DEATH *recorded.*”⁵⁶

In 1857 was, again, a year of several watershed events. These included the Madame Bovary trial in France, a Parliamentary debate over Holywell Street pornography that prepared the way for the first Obscene Publications Act, the establishment of civil divorce as we saw, and a review of sodomy sentencing that resulted in the transfer of sodomy convictions from jury trials to magistrates. In that year, forty-two-year-old John Turner was “indicted for b—st—y....” Turner was found “GUILTY.”⁵⁷ He was imprisoned for eighteen months. But the same year twenty-year-old Robert Enstone was executed: “indicted for b—st—l—y.” He was found “GUILTY .— *Death Recorded.*”⁵⁸

⁵⁵ The Trial of Edward Harries. *The Proceedings of the Old Bailey, 1674-1913*. Accessed April 22, 2012. Web.

⁵⁶ The Trial of George Ayres. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18550820-801-offence-1&div=t18550820-801&terms=guilty#highlight>. Reference Number: t18550820-801 Accessed April 22, 2012. Web.

⁵⁷ The Trial of John Turner. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18570406-492-offence-1&div=t18570406-492&terms=guilty#highlight>. Reference Number: t18570406-492. Accessed September 25, 2013. Web.

⁵⁸ The Trial of Robert Enstone. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18570706-790-offence-1&div=t18570706-790&terms=Guilty#highlight> Reference Number: t18570706-790. Accessed September 15, 2013. Web.

Thirty-one-year-old Edward Usher “was indicted for a like offence[...]” in 1857.⁵⁹ He was found “GUILTY *of the attempt. — Confined Eighteen Months.*”⁶⁰ Symonds was seventeen that year; it was also a year that inaugurated a period when a number of fourteen-, fifteen-, and seventeen-year-old boys were to be sent to the Old Bailey for attempting or completing same-sex intimacy. To the extent that the severe sentences and even executions of male adolescents could be read by a teenage Symonds as the State’s exemplary attack on teenage boys’ formative sexualities, we can understand the anxiety reflected in the text about the “successful” completion of the act of sodomy, in “In Memoriam Arcadie” and later in *Eudiades and A Cretan Idyll*. The extremity of an eighteen-month sentence for “the attempt” and a death sentence for the act itself can help explain why Symonds devoted an entire chapter to Auguste Tardieu, to the issue of venereology and to the allegedly identifiable physical evidence of sodomy in the 1896 *A Problem in Modern Ethics: Being an Inquiry in to the Phenomenon of Sexual Inversion, Addressed Especially to Medical Psychologists and Jurists*. “Medical Jurists” are the professionals who testify in court in the 1870s as to whether sodomy had been “attempted” or completed.⁶¹

Also in 1857, that watershed year, twenty-eight-year-old John Thomas Burns was

⁵⁹ The Trial of Edward Usher. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18570706-791-offence-1&div=t18570706-791&terms=guilty#highlight>. Reference Number: t18570706-791. Accessed September 15, 2013. Web.

⁶⁰ The Trial of Edward Usher. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18570706-791-offence-1&div=t18570706-791&terms=guilty#highlight>. Reference Number: t18570706-791. Accessed September 15, 2013. Web.

⁶¹ See John Addington Symonds, *A Problem in Modern Ethics: Being an Inquiry in to the Phenomenon of Sexual Inversion, Addressed Especially to Medical Psychologists and Jurists* (London: Privately printed, 1896) 21-8.

confined for two years for “the attempt” at “B—y”; sixteen-year-old John Williams was imprisoned for a year when found “guilty” of “b--- with William Johnson.”⁶²

“JOHN WILLIAMS (16) , B—with William Johnson. [...]” Since most Etonians and Harrovians in this period would have had experiences similar to those of the unfortunate teenager John Williams, these sentences can be read as having introduced a profound psychic split into the consciousness of the male adolescent. The clandestine but normalized same-sex intimacies of the public school system in this period were also, as these teenagers would have known, crimes with potentially serious consequences, if revealed – a dichotomy that reinforced the class divide in the reception of ideas around male homosexuality in this period.

In 1858— the year after the passage of the first Obscene Publications Act, which would have made the word “sodomy” potentially actionable—fifteen-year-old Thomas John Davey was imprisoned in the Old Bailey for a year for attempting sodomy: “THOMAS JOHN DAVEY (15) and WILLIAM WILLMAN (28) were indicted for a detestable crime [...]”⁶³

In 1858, several convictions followed for a year or more simply for “the attempt” at sodomy: a new development in sentencing. For example, “JAMES STEVENS (26), B—y” is found “GUILTY *of the Attempt. — Confined Twelve Months.*”⁶⁴ With the sentencing of

⁶² The Trial of John Williams. *The Proceedings of the Old Bailey, 1673-2005*. <http://www.oldbaileyonline.org/browse.jsp?id=t18571214-140-offence-1&div=t18571214-140&terms=guilty#highlight>. Reference Number: t18571214-140. Accessed September 25, 2013. Web.

⁶³The Trial of Thomas John Davey. *Proceedings of the Old Bailey, 1674-1913* . <http://www.oldbaileyonline.org/browse.jsp?id=t18580104-197&div=t18580104-197&terms=william|willman#highlight>. Reference number t18580104-197. Accessed August 8 2013. Web.

⁶⁴The Trial of James Stevens. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-770-18580816&div=t18580816->

Charles Richard and Daniel Patching, merely meeting together as two men with homosexual intentions was grounds for conviction for the first time in the record: “CHARLES RICHARDS (32), and DANIEL PATCHING (23), were indicted for unlawfully meeting together with intent, &c. [...] NOT GUILTY.”⁶⁵

That is, no physical attempt is alleged, just a mental “intent.” Homosexual thought without accompanying action was now criminalized: a development with obvious implications for literature. If meeting a man and thinking about sodomy resulted in a trial, writing a long poem thinking about sodomy is clearly a legal risk.

In 1859, sentences began to extend from a year for “the attempt” at sodomy, to eighteen months: “JAMES VOUSDEN (37), was indicted for b—s—ty [...] *Confined Eighteen Months.*”⁶⁶ The same year—the year Symonds began to write “In Memoriam Arcadie”—the State executed a “perpetrator” who was essentially a child: fourteen-year-old Thomas Silver was executed for committing sodomy: Silver “was indicted for an unnatural offence. [...] GUILTY — Death recorded.”⁶⁷ This is the first time the phrase “unnatural offense” enters the Old Bailey records.

[770&terms=attempt#highlight](#). Reference number t18580816-770. Accessed August 8 2013. Web.

⁶⁵ The Trial of Daniel Patching. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-935-18581025&div=t18581025-935&terms=unlawfully|meeting#highlight>. Reference Number: t18581025-935. Accessed August 7, 2013. Web.

⁶⁶ The Trial of James Vousden. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-358-18590228&div=t18590228-358&terms=confined|Eighteen|Months#highlight>. Reference Number: t18590228-358. Accessed August 10, 2013. Web.

⁶⁷ The Trial of Thomas Silver. *Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-47-18591128&div=t18591128-47&terms=unnatural|offense#highlight>. Reference Number: t18591128-47. Accessed August 10, 2013. Web.

From 1855 to 1885, the Old Bailey records saw escalating sentences for sodomy. In 1860, sentences rose by another 50% over only two years prior. Now “the attempt” at sodomy resulted in between 18 months and two years imprisonment: 43-year-old William Mepham was “indicted for b----y. [...] GUILTY *of the attempt*.” He was imprisoned for two years.⁶⁸ Twenty-seven-year-old William Dunlop was “indicted for an unnatural offence. [...] GUILTY of the attempt” and he received a sentence of eighteen months.⁶⁹

That same year, a sixty-year-old, John Spencer, was tried twice on the same day for an “unnatural offense” with two different men and acquitted both times. The third time, on the same day, however, he was found guilty of the offense with a third man and then executed. Forty-five-year-old John Chambers “was indicted for unlawfully attempting to commit bsty.”⁷⁰ He was found guilty and imprisoned for eight months.

Also in 1860, a second teenager, seventeen-year-old James Grover, was convicted of “the attempt” and received a year’s imprisonment: Grover “was indicted for b—st—y: [...]”⁷¹ The same year, yet another seventeen-year-old, Joseph Brackhouse, was sentenced yet

⁶⁸The Trial of William Mepham. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-275-18600227&div=t18600227-275&terms=attempt#highlight>. Reference Number: t18600227-275. Accessed August 10, 2013. Web.

⁶⁹ The Trial of William Dunlop. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-355-18600402&div=t18600402-355&terms=attempt#highlight>. Reference Number: t18600402-355. Accessed August 12, 2013. Web.

⁷⁰The Trial of John Chambers. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-613-18600709&div=t18600709-613&terms=unlawfully#highlight>. Reference Number: t18600709-613. Accessed August 13, 2013. Web.

⁷¹The Trial of James Grover. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-836-18601022&div=t18601022-836&terms=confined#highlight>. Reference Number: t18600813-697. Accessed August 23, 2013. Web.

again for the “attempt”: “JOSEPH BRACKHOUSE (17), Unlawfully attempting to commit b—st—y. GUILTY . [...]— *Confined Six Months*.”⁷² Twenty-four year old Thomas Cook was found guilty of “the attempt” of “B—g—y,” and confined for a year and a half.⁷³

In 1861, thirty-three-year-old Joseph Mead received a year and a half sentence for “the attempt” at “b---t-y”.⁷⁴ Also in 1861, for the first time, the sentence of penal servitude entered the Old Bailey record as a penalty for sodomy. This milestone is passed when thirty-five-year-old John Griffiths received a sentence of *ten years’ penal servitude* [italics mine] for an “attempt” at “B----g—y. [...]”: “GUILTY of the attempt. — *Ten Years’ Penal Servitude*.”⁷⁵

In 1862, 29-year-old Joseph Leiton “was indicted for b—g—y on the high seas within the jurisdiction of the Admiralty [...] — *Confined One Year*.”⁷⁶

The following year, 1863, “AWA (a Chinese, aged 30), was indicted for b—y.

⁷² The Trial of Joseph Brackhouse. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-836-18601022&div=t18601022-836&terms=Guilty#highlight> Reference Number: t18601022-836. Accessed August 10, 2013. Web.

⁷³ The Trial of Thomas Cook.: *The Proceedings of the Old Bailey, 1674-1913*. Accessed August 10, 2013. Web.

⁷⁴ The Trial of Joseph Mead. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-673-18610819&div=t18610819-673&terms=attempt#highlight>. Reference Number: t18610819-673. Accessed August 13, 2013. Web.

⁷⁵ The Trial of John Griffiths. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-54-18611125&div=t18611125-54&terms=attempt#highlight>. Reference Number: t18611125-54 Accessed August 1, 2013. Web.

⁷⁶ The Trial of Joseph Leiton.: *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-832-18620818&div=t18620818-832&terms=seas#highlight>. Reference Number: t18620818-832. Accessed August 3, 2013. Web.

[...] GUILTY of the Attempt. — Confined Eighteen Months. There was another indictment against the prisoner for a like offence.”⁷⁷

With the next four years recording no trials, 1866 records pick up again with even more Draconian sentences than the last high point of 1861. Eighteen sixty-six resumes the record now with extended sentences of penal servitude for “b—g—y”: “SAMUEL KETCH (22) and JOSEPH SLADE (60) were indicted for b—g—y. [...] SAMUEL KETCH— GUILTY.— *Twelve Years' Penal Servitude* . JOSEPH SLADE— GUILTY.— *Fifteen Years' Penal Servitude*.”⁷⁸

The same year, 1866, twenty-one-year-old John Crick also received a decade’s penal servitude for the offense: “JOHN CRICK (21), B—stl—y. [...] .” The next year, 1867, showed another decade of penal servitude as the sentence for the offense: “THOMAS HADLER (44) was indicted for b—stl—y. [...] GUILTY Recommended to mercy by the Jury on account of his wife and family. —*Ten Years' Penal Servitude*.”⁷⁹

In 1868, the year of the publication of the bowdlerized William Rossetti edition of *Leaves of Grass*, a third young teenager was convicted at the Old Bailey: fifteen-year-old Stephen

⁷⁷ The Trial of AWA. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-1028-18630817&div=t18630817-1028&terms=Chinese#highlight>. Reference Number: t18630817-1028. Accessed August 10, 2013. Web.

⁷⁸ The Trial of Samuel Ketch. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18660813-714-offence-1&div=t18660813-714&terms=Guilty#highlight>. Reference Number: t18660813-714. Accessed March 13, 2013. Web.

⁷⁹ The Trial of Thomas Hadler. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18670708-694-offence-1&div=t18670708-694&terms=Guilty#highlight>. Reference Number: t18670708-694. Accessed March 12 2013. Web.

Alexander received six months' imprisonment for "the attempt": "GUILTY *of the attempt. Recommended to mercy by the Jury, on account of his youth.*"⁸⁰

The same year, 1868, a fourth teenager, fifteen-year-old, William Tibble, was convicted for "the attempt," and this adolescent received a sentence of a year's imprisonment: Tibble "was indicted for be—s—ty [...]." ⁸¹

In 1869, twenty-seven-year-old James Russell received three months' prison time for "the attempt" at "b—st—Ity. [...]." ⁸² The same year, thirty-three-year-old Henry Herbert and twenty-year-old Henry Middleditch received a year's and six months' imprisonment, respectively, for "[u]nlawfully attempting to commit an unnatural offence" as well as for "indecent exposure". ⁸³ Later in 1869, a fifth adolescent, Thomas Andrews, seventeen, was also sentenced for six months' imprisonment for "the attempt": "B—st—Ity. [...] GUILTY of the attempt.— *Six Months Imprisonment.*" ⁸⁴

⁸⁰ The Trial of Stephen Alexander. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18680608-524-offence-1&div=t18680608-524&terms=guilty#highlight> Reference Number: t18680608-524. Accessed March 12 2013. Web.

⁸¹ The Trial of William Tibble. *Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18681123-65-offence-1&div=t18681123-65&terms=guilty#highlight>. Reference Number: t18681123-65. Accessed March 12 2013. Web.

⁸² The Trial of James Russell. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18690503-472-offence-1&div=t18690503-472&terms=guilty#highlight>. Reference Number: t18690503-472. Accessed March 12 2013. Web.

⁸³ The Trial of Henry Herbert. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18690712-609-offence-1&div=t18690712-609&terms=guilty#highlight>. Reference Number: t18690712-609 Accessed March 13 2013. Web.

⁸⁴ The Trial of Thomas Andrews. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18690816-786-offence-1&div=t18690816-786&terms=guilty#highlight>. Reference Number: t18690816-786. Accessed March 15, 2013. Web.

A sixth teenager, David Peace, eighteen, received an eighteen months' sentence that year, 1869: he, too, "was indicted for b—st—ty. [...] GUILTY [...]"⁸⁵ In 1870, a seventh teenager, 18-year-old, Richard Farmer, and a 21-year-old, Alfred Biggs, were each imprisoned at The Old Bailey for a year on average, for 'attempting' the act: "Unlawfully attempting to commit b—y. [...] FARMER— GUILTY.— *Eight Months' Imprisonment*. BIGGS— GUILTY.— *Twelve Months' Imprisonment*."⁸⁶

That year, two years after *Regina v. Hicklin*, the language changed again: the phrase "an abominable crime" was used for the first time: "RICHARD ROCHE (34), was indicted for unlawfully committing, with William Clements, an abominable crime. [...] GUILTY of the attempt— *Eighteen Months Imprisonment*."⁸⁷

Ten years' penal servitude was again handed down as a sentence in 1870: thirty-seven - year-old William Bryant, "PLEADED GUILTY to b—atl—y— [sic]" and received "*Ten Years' Penal Servitude*."⁸⁸

In 1870, as well, the phrase, "[u]nnatural offense" entered the record more consistently. This is more evidence of the "mission creep" of discourse about sodomy beginning in a

⁸⁵ The Trial of David Peace. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-836-18690920&div=t18690920-836&terms=guilty#highlight>. Reference Number: t18690920-836 Accessed March 15, 2013. Web.

⁸⁶ The Trial of Richard Farmer. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18700110-168-offence-1&div=t18700110-168&terms=guilty#highlight>, Reference Number: t18700110-168. Accessed March 15, 2013. Web.

⁸⁷ The Trial of Richard Roche: *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18700228-300-offence-1&div=t18700228-300&terms=guilty#highlight>. Reference Number: t18700228-300. Accessed March 15, 2013. Web.

⁸⁸ The Trial of William Bryant. *The Proceedings of the Old Bailey 1674-1913*. Accessed March 15, 2015. Web.

matter-of-fact way in the legal record in 1827, and changing in emotional and moral affect after key legal turning points such as 1857-8, 1868, 1872-3 and 1885: “ALEXANDER CAMPBELL (40), and ARTHUR FISK (21), were indicted for attempting to commit an unnatural offence. [...]”⁸⁹ Campbell was sentenced for two years, and Fisk for one year. Thirty-two-year-old Isaac Church was imprisoned for six months that year “for a like offense.”⁹⁰

There are about 50% more trials in 1869-70 than ten years’ prior, and the duration of the sentences in 1869-1870 is about five times longer on average than it had been just a decade before. In 1870, fifty-year-old George Grant and an eighth teenager, seventeen-year-old William Mahoney, were indicted for “b—y.”⁹¹ Grant received a sentence of five years’ penal servitude, and the young Mahoney was imprisoned for two months.

The following year, 1871, when artist Simeon Solomon was arrested in London for attempted sodomy, a ninth teenager, eighteen-year-old William Barrett, was convicted, this time with another ten-year sentence for penal servitude, Barrett “PLEADED GUILTY to b——it—y.—.”⁹² The same year, another young man, James Bedford, twenty-one, received a year’s sentence for “the attempt”: he “was indicted for b—st—y. [...]”⁹³ 1871 was also the

⁸⁹ The Trial of Alexander Campbell. *The Proceedings of the Old Bailey 1674-1913*. Accessed March 17, 2013. Web.

⁹⁰ The Trial of Isaac Church. *The Proceedings of the Old Bailey 1674-1913*. Accessed March 17, 2013. Web.

⁹¹ The Trial of George Grant. *The Proceedings of the Old Bailey 1674-1913*. Accessed Sept 2, 2012. Web.

⁹² The Trial of William Barrett. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18710605-456-offence-1&div=t18710605-456&terms=guilty#highlight> Reference Number: t18710605-456. Accessed September 4, 2012. Web.

⁹³ The Trial of James Bedford. *The Proceedings of the Old Bailey 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18710605-483-offence->

year of the Boulton and Park trial, which tried the two men for “conspiring” to commit sodomy, a newly minted legal approach.⁹⁴

The year after that, 1872— the year that Symonds began to reach out to Walt Whitman—two young men, James Thompson, twenty-eight, and John Slack, twenty-four, each received a year’s sentence at the Old Bailey for “the attempt” at “an abominable offense.”⁹⁵

In 1873, the critical year – the year of the publication of a newly vitriolic series of attacks on Whitman in literary reviews, and two years after Thomas Maitland’s/Robert Buchanan’s literary attack on “The Fleshly School of Poetry”—a decade of penal servitude was handed down to Andrew Sobolski as a sentence for “B—g—y.”⁹⁶ Also in 1873, a seven-year sentence of penal servitude was handed down to Charles Casebow, thirty, for “the attempt”: Casebow “was indicted for an unnatural offence. [...]”⁹⁷ John Pentland Mahaffy published *Social Life in Greece from Homer to Menander*, with its famous passages defending and invoking classical authority for same-sex attachment, the following year. It is worth wondering if the spate of publications in the early 1870s, defending homosexuality

[1&div=t18710605-483&terms=guilty#highlight](http://www.oldbaileyonline.org/browse.jsp?id=t18710605-483&terms=guilty#highlight). Reference Number: t18710605-483 Accessed September 4, 2012. Web.

⁹⁴ The two young men were “charged with frequenting theatres [...] in women’s clothes.” See Edmund Burke, ed. *The Annual Register* (London: Longmans & Co, 1871) 220.

⁹⁵ The Trial of James Thompson. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18720923-696-offence-1&div=t18720923-696&terms=guilty#highlight>. Reference Number: t18720923-696. Accessed September 5, 2012. Web.

⁹⁶ The Trial of Andrew Sobolski. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=def1-179-18730203&div=t18730203-179&terms=guilty#highlight>. Reference Number: t18730203-179. Accessed September 5, 2012. Web. <http://www.oldbaileyonline.org/browse.jsp?id=t18730707-467-offence-1&div=t18730707-467&terms=guilty#highlight>.

⁹⁷ The Trial of Charles Casebow. *The Proceedings of the Old Bailey, 1674-1913*. Reference Number: t18730707-467. Accessed September 5, 2012. Web.

and re-placing it in a classical, idealized context, was a response to the same years' escalation in convictions and extensions of sentences for homosexual practices.

In 1876, a sentence of five years' penal servitude was given to thirty-nine-year-old William White for "the attempt." White "was indicted for b——st——y."⁹⁸ The same year, forty-seven-year-old William Thomson "was indicted for b——stl——y. GUILTY of the attempt —."⁹⁹ Thompson received "Eighteen Months' Imprisonment."

In 1877, a tenth teenager, eighteen-year-old George Wright, received a sentence of ten years' penal servitude: an older man who had been with him was given a sentence of a *lifetime* of penal servitude. Both sentences represent new high points of severity of punishment for an underage offender, but also length of punishment in terms of the life sentence.¹⁰⁰

Also in 1877, twenty years' penal servitude was given to fifty-year-old Francis Winn as a sentence, suggesting that sentences are lengthening overall.¹⁰¹ The same year, another decade of penal servitude was assigned to thirty-three year old John Sweeting: he "was indicted for b—y. [...]"¹⁰² Still another such sentence was given to twenty-five-year-old

⁹⁸The Trial of William White. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18760529-410-offence-1&div=t18760529-410&terms=guilty#highlight>. Reference Number: t18760529-410. Accessed September 6, 2012. Web.

⁹⁹The Trial of William Thomson. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18760918-464-offence-1&div=t18760918-464&terms=guilty#highlight>. Reference Number: t18760918-464. Accessed September 6, 2012. Web.

¹⁰⁰ The Trial of George Wright. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹⁰¹ The Trial of Frances Winn. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹⁰² The Trial of John Sweeting.: *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

Charles Gurr in 1877: Gurr “was indicted for b——Y. [...] GUILTY — *Ten years' Penal Servitude*.”¹⁰³ A third ten-year sentence of penal servitude was given to twenty-one-year-old Thomas Watson: Watson, “(*a soldier*) was indicted for bestiality. [...]”¹⁰⁴The same year, yet another young teenager received a decade’s sentence of penal servitude: fourteen-year-old Frederick Parker was, fearsomely enough, sent off to a decade of penal servitude: the child “was indicted for bestiality. [...]— *Ten Years' Penal Servitude*.”¹⁰⁵

The same year, a year that cultural debate about sexual morality reached an apex in literary reviews, a group of young men, including one teenager, the eleventh to be convicted since 1855, were tried together, for the first time in the records: “JULES MANNETT (22), FRANCIS DEEKES (15), and HENRY HEEBEET CUBEY (25), Unlawfully attempting to commit an unnatural offence. GUILTY . MANNETT and CUBEY— *Ten Years' Penal Servitude*. DEEKES [*the fifteen-year-old*] -- *Twelve Month' Imprisonment*.”¹⁰⁶

The next year, 1878, another life conviction of penal servitude was handed down: “MARTIN MANETTI (29) was indicted for s—y. [...] — *Penal Servitude for Life*.”¹⁰⁷ And ten years’ penal servitude followed that sentence, for fifty-five-year-old William Brown, found guilty of “B—stl—y.”¹⁰⁸

¹⁰³ The Trial of Charles Gurr. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹⁰⁴ The Trial of Thomas Watson. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹⁰⁵ The Trial of Frederick Palker. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 76, 2012. Web.

¹⁰⁶ The Trial of Jules Mannett.: *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹⁰⁷ The Trial of Martin Manett.: *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹⁰⁸ The Trial of William Brown. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

The one-year sentences of the 1850s are, by 1878, a memory of the past. That year, an older man, Conrad Ettinghausen, thirty-eight, received twenty years' penal servitude as a sentence, and the fifteen -year-old with him, Marcus Manuel, the twelfth teenager convicted since 1855, received a sentence of ten years' penal servitude.¹⁰⁹ This was in spite of a mitigated sentence for the adolescent: "MANUEL *recommended to mercy by the Jury on account of his youth.*"¹¹⁰

The next year, the decade of penal servitude was assigned again for the offense to thirty-six-year-old Samuel Elliot, guilty of "B—st—y. [...]"¹¹¹ That year, too, another sixteen -year-old boy, Alfred Cope, received eighteen months in prison for "the attempt" at "b—st—y."¹¹² Thirty-three-year-old Francois Garcia also received eight years at penal servitude for "the attempt" at "b—g—y with William Elvin."¹¹³

Another couple in 1879 was also given an eighteen-month sentence for each man, for "the attempt": WILLIAM WILSON (47) and JAMES CANNON (21), Unlawfully attempting to commit b——."114

¹⁰⁹ The Trial of Conrad Ettinghausen. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹¹⁰ The Trial of Conrad Ettinghausen. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹¹¹ *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹¹² The Trial of Alfred Cope. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18790428-488-offence-1&div=t18790428-488&terms=guilty#highlight>. Reference Number: t18790428-488. Accessed September 6, 2012. Web.

¹¹³ The Trial of Francois Garcia. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18791020-901-offence-1&div=t18791020-901&terms=guilty#highlight>. Reference Number: t18791020-901. Accessed September 6, 2012. Web.

¹¹⁴ The Trial of William Wilson. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18791215-94-offence-1&div=t18791215-94&terms=GUILTY#highlight>. Reference Number: t18791215-94. Accessed September 6, 2012. Web.

In 1880, James Jones, a twenty-eight-year-old soldier, was assigned a year in prison for attempting sodomy with sixteen-year-old William Hanbury: “Unlawfully attempting to commit b— [...]”¹¹⁵ Also in 1880, forty-four year old Adam Crawford received another twelve months’ sentence for “[u]nlawfully attempting to commit b—st—y.”¹¹⁶ The same year, thirty-three-year-old Edward Glyn Mudge and 25-year-old Frederick Mason each received sentences of eighteen months for “the attempt” at “ B—g—y. [...]”¹¹⁷ The same year, 1880, still another case resulted in eighteen months for “the attempt”: “JAMES MACKENZIE (30) was indicted for b—y. [...]”¹¹⁸

The fact that so many convictions turned on an “attempt” at sodomy suggests that there may have been a premium for police contacts’ informing on homosexual actions, a lively traffic in blackmail, which has been documented, and/or a police practice of surveillance and entrapment, as evidenced in the Boulton and Park trial in which the men had been placed under police surveillance. But the record above also suggests that the penalties for sodomy were so severe by this period that a recipient of an advance would have a powerful

¹¹⁵The Trial of James Jones. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18800628-409-offence-1&div=t18800628-409&terms=guilty#highlight>. Reference Number: t18800628-409. Accessed September 6, 2012. Web.

¹¹⁶The Trial of Adam Crawford. *Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18800803-422-offence-1&div=t18800803-422&terms=guilty#highlight>. Reference Number: t18800803-422. Accessed September 6, 2012. Web.

¹¹⁷ The Trial of Edward Glyn Mudge. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18800913-482-offence-1&div=t18800913-482&terms=guilty#highlight>. Reference Number: t18800913-482. Accessed September 6, 2012. Web.

¹¹⁸ The Trial of James Mackenzie. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18801018-568-offence-1&div=t18801018-568&terms=guilty#highlight>. Reference Number: t18801018-568. Accessed September 6, 2012. Web.

incentive to turn in his would-be seducer to protect himself. In 1881, the phrase “abominable crime” entered the legal record as new language, as does “indecent assault” — an example of the offense of sodomy being codified as a violent crime even if it is consensual and between adults. The case of John Clayton is the first instance in the Old Bailey records of the phrase “hard labour” assigned as part of a sentence, again, fourteen years before the Wilde conviction: “JOHN CLAYTON (38). Unlawfully attempting to commit an abominable crime with Alfred Henry Kimble [...] for an indecent assault. [...] unlawfully inciting, &c [...] — Fifteen Month's Hard Labour.”¹¹⁹ In other words, fourteen years before the Wilde trial, John Clayton received a sentence of fifteen months’ hard labour for “inciting”; that is, for asking for sodomy, rather than attempting or completing it, an extension of criminalization that many Queer theorists and literary historians assigned to the Labouchere Amendment of four years later.

In 1882, the case of forty--year-old Herbert Milward and twenty-two-year-old David Eadie showed that they were sentenced for “[u]nlawfully attempting to commit—” the proscribed act, and the phrase “indecent assault” enters the legal record for the second time to describe a consensual act between adults: “*Second Count* for an indecent assault [...]”¹²⁰ These two men received sentences of twelve months’ hard labour each.

¹¹⁹ The Trial of John Clayton. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18810523-576-offence-1&div=t18810523-576&terms=guilty#highlight>. Reference Number: t18810523-576. Accessed September 6, 2012. Web.

¹²⁰ The Trial of David Eadie. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18820501-499-offence-1&div=t18820501-499&terms=guilty#highlight>. Reference Number: t18820501-499. Accessed September 6, 2012. Web.

That year, the Old Bailey records show four sentences at hard labour for this offense. By now, characteristically, the 1860s sentence of “penal servitude” which had replaced the extremely rare, and almost never carried out, capital sentence of the 1830s, 1840s and early 1850s, was itself replaced with a sentence even more severe. By the 1880s, “penal servitude” was often replaced with “hard labour” sentences, which had been unheard-of from the 1830s through the 1870s. Twenty-three-year-old Thomas Kent was found guilty of “B—y with a person unknown.”¹²¹ He was actually just found guilty of “the attempt.” Kent received “*Six Months' Hard Labour.*”¹²² The same year, 1882, twenty-two-year-old Samuel Kingsley received a sentence of ten years’ penal servitude for “B—st—lity.”¹²³ In 1882, the phrase “unnatural crime” entered the Old Bailey record. Henry Morris, eighteen, was sentenced to a years’ “hard labour” for “the attempt” to commit the “unnatural crime.”¹²⁴

In 1883, a twenty-year-old soldier, Elliot Pierce, got a sentence of nine months’ hard labour for “the attempt.”¹²⁵ That year, fifty-year-old William Lowden was given eight

¹²¹ The Trial of Thomas Kent. *The Proceedings of the Old Bailey, 1674-1913*. . <http://www.oldbaileyonline.org/browse.jsp?id=t18820731-814-offence-1&div=t18820731-814&terms=guilty#highlight>.

Reference Number: t18820731-814. Accessed September 6, 2012. Web.

¹²² The Trial of Thomas Kent. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18820731-814-offence-1&div=t18820731-814&terms=guilty#highlight>.

Reference Number: t18820731-814. Accessed September 6, 2012. Web.

¹²³ The Trial of Samuel Kingsley. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 6, 2012. Web.

¹²⁴ The Trial of Henry Morris. *The Proceedings of the Old Bailey, 1674-1913*.

<http://www.oldbaileyonline.org/browse.jsp?id=t18821120-81-offence-1&div=t18821120-81&terms=guilty#highlight>. Reference Number: t18821120-81. Accessed September 15, 2013 Web.

¹²⁵ The Trial of Elliott Pearce. *The Proceedings of the Old Bailey, 1674-1913*. Accessed September 15, 2013. Web.

months' hard labour for "[a]ttempting to commit an unnatural offence with a man unknown."¹²⁶

The following year, the phrase "unnatural crime" was commonplace in the legal record, perhaps reflecting the cultural battles that had resituated "deviant" sexuality from a departure from a moral imperative to a departure from a natural norm. Alfred Hone, for example, was indicted for the "attempt" at "an unnatural crime," and received a year's hard labour sentence.¹²⁷ The same year, twenty-eight-year-old George Brown received a sentence of *ten years' penal servitude*, "for b——st—ty."¹²⁸

This record shows that for a decade before the Labouchere Amendment, male homosexuals were receiving severe criminal sentences for same-sex approaches short of sodomy that would have been legal in 1827 under ecclesiastical law. It shows that the change in jurisdiction of sodomy trials that followed the 1857-8 Parliamentary national systematization of sentencing dramatically ramped up the number of successful sodomy convictions. The record also reveals that that the use of penal servitude and, later, hard labour sentences, dramatically increased the likelihood of a conviction, over and above the scanty conviction rates pre-1857-8; and finally, these records prove that male homosexuals

¹²⁶ The Trial of William Lowden. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18830625-690-offence-1&div=t18830625-690&terms=guilty#highlight>. Reference Number: t18830625-690. Accessed September 16, 2013. Web.

¹²⁷ The Trial of Alfred Hone. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18840128-285-offence-1&div=t18840128-285&terms=guilty#highlight>. Reference Number: t18840128-285. Accessed September 15, 2013. Web.

¹²⁸ The Trial of George Brown. *The Proceedings of the Old Bailey, 1674-1913*. <http://www.oldbaileyonline.org/browse.jsp?id=t18840225-346-offence-1&div=t18840225-346&terms=guilty#highlight>. Reference Number: t18840225-346. Accessed September 25, 2013. Web.

in the 1870s and 1880s rightly feared being convicted for attempted or concluded sodomy, and sent to hard labour, for sentences up to a decade or fifteen years at a time.

These records show that for as long as fourteen years before Oscar Wilde was convicted for two years at hard labour—a sentence that is often read as stunningly punitive—men were receiving fifteen-year sentences for the same “crime” and the same hard labour. The convictions and in some cases executions of twelve male adolescents between 1855 and 1885 would have intensified the shock waves throughout the culture as this criminalization escalated. Finally this record should show that Wilde’s 1895 arrest was not a dramatic tripwire that changed everything, but rather the natural and utterly foreseeable culmination of thirty years of ever-mounting legal penalties for the acts in question.

The Legal Background in Britain

We tend to think that sodomy was always proscribed in a consistent way in the West; but this is not the case. Prior to the 1533 Buggery Act, sodomy in England was punished by burning; after 1533, as Sir Frederick Pollock and Frederic William Maitland note, in *The History of English Law Before the Time of Edward I*, hanging was the “preferred method” of committing the death penalty.¹²⁹

¹²⁹ See Sir Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward I*. (Indianapolis: Liberty Fund, 2010) 36. The punishment of sodomy was thus understood in England from the 12th to the 16th century as an ecclesiastical issue. The early history of sodomy as heresy, rather than as what we (and the Victorians) would reframe as a sex crime or a crime against public mores, parallels the evolution of the crime of offensive speech, from being a form of “blasphemy” prior to 1857, and then reframed as an offense against public mores or public decency. This evolution in both cases would make successful prosecutions much easier to achieve, as it is far less difficult to prove that the accused has offended his neighbor, than that he has offended God.

Until the late eighteenth century, in Britain, courts were restrictive in specifying what the act that for which one could be indicted —that is “sodomy”— actually consisted of. Michael Kirby calls Sodomy law “England’s Least Lovely Export” and “an unlovely legacy of Empire,” stressing its historical novelty in the Victorian period. He points out that the term originally was not restricted to sex between men, but could include any sex “deemed irregular,” with, for instance, Saracens.¹³⁰ A 1781 case established the precedent that semen had to be emitted in another person’s body for “sodomy” to have occurred. So same-sex male sexual activity was not illegal in Britain then, as long as one could respond to the charge of sodomy that one had withdrawn before ejaculation, even if ejaculation then took place. An early English case held that fellatio was not “sodomy.” The narrow decision that maintained the act was only “sodomy” if one man ejaculated in someone else’s body remained unpopular in England and was overturned by legislation of Parliament in 1828 in *Rex v Reekspear*.¹³¹ The decision “*Rex v. [Robert] Reekspear*” in 1832, was followed by a new Act of Parliament which allowed Robert Reekspear’s conviction for sodomy to stand, though he had not ejaculated inside his partner’s body. The new statute defined “sodomy” as any penetration at all “per anum.”

We must consider the implications of this to understand the extremely conflicted literary and publication choices of the male homosexual writers we discuss, who came of age in decades after this ruling. By 1832, evidence of the “least penetration” between men could

¹³⁰ See The Hon. Michael Kirby, “The Sodomy Offense: England’s Least Lovely Criminal Export?” In *Journal of Commonwealth Criminal Law* Inaugural Issue, 2011: 22-3.

¹³¹ “*Rex v. Reekspear*” (9 Geo. IV c. 31). Enacted June 27 1828. 1 Mood. C. C. 342, 183. Cited in Chris White ed. *Nineteenth-Century Writings on Homosexuality: A Sourcebook* (London: Routledge, 1999) 35.

result in a death sentence.

Nineteenth-century pressure in Britain to pass sexually repressive legislation was in part a reaction against liberalization of such sex crime law in France. Napoleonic codes began to strike down penalties against sodomy across the Continent, as we saw.¹³² By the 1840s, consensual male sexual activity that was a felony in Britain was legal, in private, as noted in the Introduction, between consenting adults across Europe.¹³³

One reason Whitman's work could be as free as it was about male-male eros in 1855 was the difference in legal treatments of sodomy: the English navy had long punished sodomy with death, even before Reekspear. Sodomy, however, was never assigned the death penalty in the United States.

Sodomy offenses became a feature of British law exported around the world during the expansion of the British Empire, and codified in the penal codes such as the Indian Penal Codes of 1860 and the update in 1871-3. In contrast, the colonies of the European powers would not inherit this offense.¹³⁴

This was true as well of laws to regulate sex work and incarcerate sex workers, which paralleled those of the Contagious Diseases Acts in Britain. In other words, by the mid-nineteenth century, the need and the opportunity presented by Empire's demand for a uniform set of laws regulating behavior of subject people, paradoxically helped to

¹³² This distinction between British and French sodomy penalties would be a central theme in Symonds' call to abolish the status of sodomy as a crime, in *A Problem in Modern Ethics* (1891)

¹³³ "The consequence," notes M. D. Kirby in "The Sodomy Offense," "of this historical development and coincidence is that the anti-sodomy laws, applicable in Britain at the time of Coke and Blackstone, came swiftly to be imposed or adopted in the huge domain of the British Empire, extending to about a quarter of the land surface of the world, and about a third of its people" (25).

¹³⁴ Kirby 25.

normalize and create a template for similar laws to control the private sexual behavior and manage the public sexual behavior of home populations. Many of these new penal codes, such as the Indian Penal Code of 1860, the FitzJames Stephens Code, and the Indian Penal Code update of 1871-3, were codified in the 1860s and 1870s, exported and essentially tested around the world, and then brought back to Britain.¹³⁵

The statutes exported for the suppression of male homosexuality, and of obscenity, in the management of Empire, defined “vice” in British Victorian terms and introduced the idea of gay male actions, and of violations of “decency” in art and language, as criminal offenses, to cultures that may have never identified them previously as negative. Most duplicated was the Indian Penal Code of Macaulay, 1872. Chapter XVI, “Of Offences Affecting the Human Body,” spelled out an offense to territories in Asia, Africa and around the world where there had been “no (or no clear) pre-existing culture or tradition that required the punishment of such offenses.”¹³⁶ As the statute reads:

377. Unnatural Offences—Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years and shall also be liable to fine.

Explanation – Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.¹³⁷

¹³⁵ Kirby 26-27.

¹³⁶ Kirby 26-27; see also M.L. Freeland and R.S. Wright, “Model Criminal Code: A Forgotten Chapter in the History of the Criminal Law.” *Oxford Journal of Legal Studies* 1 (2011): 307.

¹³⁷ Indian Penal Code, 1860, updated 1872, cited in Kirby. Kirby points out a cultural reframing of previously private conduct, via this law, that is still with us today: “The postulate inherent in the provision, so defined, was that carnal activities against the order of nature violated human integrity and polluted society so that, even if the ‘victim’ claimed that he had consented to it, and was of full age, the act was still punishable because more than the individual’s will or body was at stake. The result of the provision was that factors of consent, or of the age of the participants or of the privacy of the happening, were immaterial. Legally, same-sex activities were linked and equated to the conduct of violent sexual criminal offences. Consensual erotic conduct was assimilated to the seriousness of

By the 1860s-1880s, the British Empire's courts became a global factory for new penal codes that associated, for the first time in Britain, all of the many sexual acts that can take place between two men, with concepts of "vice," "viciousness," and pollution of society, and repositioned consensual behavior between people who were of age, in the same category as violent sexual offenses and sexual offenses against children.¹³⁸ These codes of Empire redefined the intellectual frame around a full range of sex acts and speech acts, relationships and behaviors, between men abroad and then brought those new redefinitions home.¹³⁹

The Human Rights Watch Report essay by A. Gupta, "This Alien Legacy," shows that sodomy provisions were joined to other laws to reinforce Empire, identifying whole populations as criminal and entire communities of bodies as "perverse" and subject to state control. This moved the locus of criminality from proscribed acts to the creation of categories of dangerous or vicious persons. According to Gupta, "Section 377 was, and is, a model law in more ways than one. It was a colonial attempt to set standards of behavior, both to reform the colonized and to protect the colonizers against moral lapses. It was also

prohibited acts of pedophilia" (26-27).

¹³⁸ Kirby 29.

¹³⁹ As such codes do, they continued to broaden: the Griffith Queensland Penal Code, enacted in 1899, beyond the scope of this thesis, expanded the criminalization of gay male sex to include the passive partner: "Any person who – (a) has carnal knowledge of any person against the order of nature; or (b) has carnal knowledge of an animal; or (c) permits a male person to have carnal knowledge of him or her against the order of nature is guilty of a felony and is liable to imprisonment for 14 years." As Kirby notes, "the Queensland code made it clear that both partners to the act were criminals. It also widened the ambit beyond "penetration" by introducing an independent provision for "attempts to commit unnatural offences" (30). This wording again is so broad; what is "carnal knowledge"? It could include many forms of nonsexual or simply seductive gestures of affection interpreted in a sexual context by the court.

the first colonial ‘sodomy law’ integrated into a penal code—and it became a model anti-sodomy law for countries far beyond India, Malaysia, and Uganda. Its influence stretched across Asia, the Pacific islands, and Africa, almost everywhere the British imperial flag flew” (11).

Other critics have identified the way in which the British Empire managed sexualities: Ronald Hyam, in *Empire and Sexuality: The British Experience*, has made the case that one function of empire building was to redirect disruptive sexual energy, an argument that has had wide resonance. Christopher Lane updates and complicates Hyam’s “hydraulic” reading in his *The Ruling Passion: British Colonial Allegory and the Paradox of Homosexual Desire*. Lane argues that “Britain’s empire would lie in the midst of a complicated and indeterminate field of ‘unamenable’ desires” (2). My analysis of how some statutes expanded the definition of obscenity in 1872 in the Indian Penal Code, and penalties for sodomy in India, Australia and Nova Scotia in the 1870s, before penalties for sodomy were expanded in Britain in 1885, demonstrates that the Empire also, at times, served as a testing-ground for legislation that would be imported back home.

The 1861 Offences against the Person Act had ended the death penalty for the crime of buggery. But this did not liberalize the environment in which our writers came of age. The Old Bailey records of the 1860s and 1870s show scores of convictions of penal servitude: a spike of about 200% from before the law was passed, though exact numbers are difficult to measure. The numbers may, in fact, be higher since many of the sentences are suppressed from the record. 1861 was also the year that the young John Addington Symonds began frantically to excise textual evidence of his love for another man, “W,” in his elegy “In Memoriam Arcadie.”

Law, as we saw, began to criminalize gender ambiguity in the 1870s: hijras— possibly derived from the Urdu word “ezra,” beggar or wanderer — formed a relatively large group of colonial subjects who were born male but who lived dressed as women, or as an indeterminate gender. Laurence W. Preston, in “A Right to Exist: Eunuchs and the State in Nineteenth Century India,” points out that in many traditional Indian communities, these eunuchs had a clear and accepted social role (371-387). This indeterminacy posed a challenge to British legal consciousness. Under the new colonial statute, any “eunuch” who appeared “dressed or ornamented like a woman in a public street ... or who dances or plays music or takes part in any public exhibition, in a public street” could be arrested without warrant and imprisoned for up to two years. It became a criminalization of disorderliness or of gender or presentational ambiguity.

The 1824 Parliamentary debate on the Vagrancy Bill had dwelt with worry on the imposition of whipping for ‘incorrigible rogues’ but scarcely at that time suggested a homosexual offense.¹⁴⁰ Over time the Vagrancy Act targeted homosexuals more directly. Penalties for sodomy became more serious throughout the 1840s.¹⁴¹ The Vagrancy Act, when revised, also shows expansion to criminalize sexual “deviancy” during the 1860s-1880s—again influenced by the colonial experience. The revised Vagrancy Act and colonial penal codes of the 1870s criminalized affect, character and appearance; we will see the

¹⁴⁰ See “Vagrants’ Bill—Whipping.” *Hansard 1803-2005*. <http://hansard.millbanksystems.com/commons/1824/jun/03/vagrants-bill-whipping> Accessed January 10, 2013. Web.

¹⁴¹ See James F. Stephen, *A History of the Criminal Law of England* (London: Macmillan, 1883) 234 forward. For more on the history of obscenity law, see Earl Warren, Jr., “Obscenity Laws: A Shift to Reality,” *Santa Clara Law Review*, Vol. 11, <http://digitalcommons.law.scu.edu/lawreview/vol11iss1/1>. Accessed August 10, 2014. Web.

wording of this updating of the Vagrancy Act reflected in Symonds' concern in the 1870s and 1880s with manifesting through his advocacy texts, a "manly", "healthy", "vigorous" model of male homosexuality, and we will see the wording of these laws reflected in debates in the reviews of Whitman, over his perceived "manliness."

Sodomy law in Britain, as many Queer Theory critics point out, did indeed undergo another major shift into repressiveness with the 1885 Labouchere Amendment, which created the vague offense of "gross indecency." Many such critics of male homosexual writing of this period do deal directly with the effect of this law on the literary world.¹⁴² As noted, it is a common reading among Queer Theory critics that the Labouchere Amendment criminalized gay male sex acts more severely than previously. The wording of the Amendment criminalized "gayness," loosely defined, and *destroyed gay male sexual privacy*. James Bristow's *Effeminate England*, points this out in his discussion of Labouchere. Any male-male sex act was now an offense, even in private. As The 1885 Criminal Law Amendment Act spelled out:

"Outrages on decency": any male person who, in public or private, commits, or is party to the commission of or procures (a) or attempts (b) to procure the commission by any male person of, any act of gross indecency, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour [...].¹⁴³

The previous law gave male homosexuals a right to privacy excluding the act of sodomy with ejaculation itself; but the new act noted:

"Gross Indecency" [...] The first improvement that the section makes is that even if the misconduct is in private, an offense notwithstanding is committed [...] One class

¹⁴² See Martin Bowley, "Radical Review of Sex Offense Law." *The London Times*. August 11, 2000: 8.

¹⁴³ *Criminal Law Amendment Act, 1885, with Introduction Notes & Index* (London: Shaw & Sons, 1885) 68-69.

of cases which this section would meet is where men have been guilty of filthy practices together, which have not been sufficiently public to have constituted indecent exposure, or which have not had sufficient direct connection with a more abominable crime to allow an indictment for conspiring or for soliciting one another to commit an unnatural offense. (68-9)

Vague legal phrasing is the most dangerous kind of legal phrasing. It is the vagueness of “gross indecency” that allows us to understand how, as in Oscar Wilde’s 1895 trials, phrases from texts that have to do not with sex acts, but with love, admiration, and nonsexual physical affection between men, would have been brought into a criminal context at all.

A little-known aspect of legal history in this period is that the 1898 amendment to the Vagrancy Act was the culmination of a British movement to bring back flogging— that is, public whipping—as a penalty for male sexual “deviancy.” As Angus McLaren has documented in *The Trials of Masculinity: Policing Sexual Boundaries, 1870-1930*, in the late 1880s and 1890s, magistrates and MPs were calling for the extension of corporal punishment to more and more sexual offenses. By 1898, the Vagrancy Act allowed flogging for men “masquerading in feminine attire” and for other forms of sexual deviancy: “Flogging was allowed as a punishment for such immoral acts; in particular for ‘solicitation by a male person for immoral purposes’” (17). Conservative MPs in particular, McLaren writes, pushed for action “against ‘abominable crimes’ by which they hinted at bestiality and sodomy” (27). In other words, a critic should set a mounting drumbeat of political, legal and judicial voices, calling for the return of the “cat”—public whipping—for male sexual “deviancy”, and take into account escalating examples of reporting in regional British and in London newspapers, against the many literary techniques William Michael Rossetti, Symonds, and eventually Wilde, would use to write about sexual material. (There

is no parallel Victorian body of literary work on lesbian sexual practices in relation to the law and criminal penalties. As McLaren points out, female same-sex sexual practice was entirely exempt from any discourse of legal punishment during this period).

H. G. Cocks, in *Nameless Offenses: Homosexual Desire in the Nineteenth Century*, expands on the record of the legal dangers of the 1880s. Cocks writes that “the prevalence of false accusations [of sodomy] for purpose[s] like blackmail,” was more important than has been accepted: “the (1885) amendment was more accurately just one more point along the continuum of ways to regulate [...] non-normative sexuality that had been developing since the 1880s” (50).

From 1827 to 1885, fellatio and masturbation between men, while considered unacceptable in Britain, had not, in fact, been illegal. With some important restrictions, the general right to a homosexual male private life apart from “attempted sodomy” existed in Britain before 1885, within the law’s increasingly narrow limitations. The Labouchere Amendment changed that “zone of privacy.”¹⁴⁴ Cocks tracks the rise of sodomy prosecutions in the 1880s to the rise of municipal policing—formalized in London in the 1820s— and searches court records in recording the prevalence of the policing of sodomy. Prosecution escalation was due, he argues, to the police seeing their mission as the investigation of “vice” in public spaces that had previously been left alone. The Amendment

¹⁴⁴ The new act noted that: “The first improvement that the section makes is that even if the misconduct is in private, an offense notwithstanding is committed [...] One class of cases which this section would meet is where men have been guilty of filthy practices together, which have not been sufficiently public to have constituted indecent exposure, or which have not had sufficient direct connection with a more abominable crime to allow an indictment for conspiring or for soliciting one another to commit an unnatural offense.” “Text of Criminal Law Amendment Act 1885, 48 & 49 Vict. C 69, s. 11”: *Criminal Law Amendment Act, 1885, with Introduction Notes & Index*. 68-69.

criminalized the causation of “gross indecency” between two men by a third party. The law was vague; what is it to “procure”? It could be parsed to mean introductions of one man to another that led to the outcome of a man committing forbidden acts with another man. It could mean—an interpretation with important resonances for the literary record—a letter, poem or essay that depicted homosexual life as being so attractive that a reader is tempted to pursue that path. The language of Labouchere potentially criminalized, at a sweep, such texts as Symonds’ “In Memoriam Arcadie,” (1859), “A Problem in Greek Ethics: Being an Inquiry into the Phenomenon of Sexual Inversion, Addressed Especially to Medical Psychologists and Jurists” (1883), *Eudrades and a Cretan Idyll* (1878), and would criminalize his late essay “A Problem in Modern Ethics” (1891), as all of these literary texts portrayed homosexual life and attachment as being attractive. This wording is certainly at issue in the struggles over interpretation of letters and poems introduced into evidence in the Wilde trials.

It was no longer what one actually did as a man with another man that could send one to jail— it was also or even entirely separately, what a man *wrote*, or what he may have caused indirectly to happen, between two other men *with no direct connection to him*. This does not just criminalize what a writer might do in bed, but it criminalizes the tropes he is mulling over for a poem, the notes in his journal of social engagements, a joke in a letter; it places a magistrate between the imagination and the creative process.

This criminalization affected the physical treatment of literary texts by these writers and their friends. As we will see in the work of Whitman, Symonds and Wilde, writers of possibly illicit material in this period were continually being begged by their friends and colleagues not to publish certain texts, or being asked to burn letters, or asking others to

burn letters. This “sticky” law explains why. A “corrupt” publication could draw others around the writer into legal trouble. What First Amendment lawyers call “the chilling effect” of this kind of criminalization of third-party causation on literary practice cannot be overstressed. We should understand that from 1885 forward, writing in support of male homosexuality risked legal consequences but so did simply being drawn into talking about it, if the law could prove a sexual outcome. Therefore, speech and texts that could be read to do so proliferated thereafter, in part to change the law that threatened such consequences. But they typically did so, because of the law, in ennobled, masked, veiled, psychologized, medicalized and other coded formats and genres.

Because of these laws, both homosexual men and heterosexual women were targets of a systematic underground economy of blackmailers, which affected how they wrote, censored and handled their personal letters. (Interestingly, since lesbianism had not been encoded in the law, the texts of this period do not suggest a blackmail market aimed at female-female intimacy.) The blackmail market, paradoxically, led to a rich and necessary development in Symonds, Gosse’s, James’ and Whitman’s private letters of alternative phrasings, codes and euphemisms. There was a layering of private to public texts then that we do not experience today when we think about the concept of sexual privacy. The blackmail market heightened the vulnerability any writer faced of a potential sudden shift from private text to public document.

This fraught, even dangerous, contestation of social and literary boundaries, applied to middle-class women as well, though less in terms of direct legal threats of prison terms, than in terms of social and economic penalties such as the loss of custody or loss of property resulting from perceived sexual transgression. As I noted above, Sensation novels

of the late 1850s and the 1860s and 1870s by Wilkie Collins including *The Woman in White* (1859), *Armadale* (1866), and *The Law and the Lady* (1875) often had legal themes as plot devices, to invoke the inequities of sexual themes in divorce and property laws, as they affected women.¹⁴⁵ We will explore these themes further in Chapter Three.

Obscenity Law in Britain

Obscenity laws in Britain also tightened tremendously in our period. Since 1727, when the author of *The Nun in her Smock*, Edmund Curll, was convicted for “disturbing the King’s peace,” there had been little British precedent for outlawing obscene speech. Before 1792, given this lack of legislation against “dirty language,” texts such as John Cleland’s *Memoirs of a Woman of Pleasure* (1748) were published in Britain that would not be publishable after 1857. As David Saunders, Ian M. Hunter and Dugald Williamson, in “Historicizing Obscenity Law,” point out in *The New Media Theory Reader*, with Curll’s conviction, “for the first time, obscene publication appeared in the purview of common law, entering the criminal justice system and thereby gaining a new generality and the object of government responsibility” (67).

Bills of little practical importance, such as the Blasphemous Libel Bill of 1819, which penalized religiously, not sexually, offensive speech, slowly started to criminalize language

¹⁴⁵ The legal danger to heterosexual women of blackmail via illicit texts was a literary theme from the height of the Sensation novel to the end of the period we are exploring. The risk of sexually compromising letters or secrets seeing the light of day remained plot devices from the blackmail threat in Collins’ 1866 *Armadale* to Wilde’s *Lady Windermere’s Fan* (1892 production, 1893 publication).

as a non-ecclesiastical offense. (This little-used bill threatened to banish booksellers with a second conviction, and transport them to New South Wales for seven years.¹⁴⁶ If a banned bookseller or printer returned from banishment without the Crown's consent, he would be executed.) Parliament discussed obscenity again briefly in 1821, with no legislative outcome.¹⁴⁷ It took indecent exposure or other directly disruptive social actions, with some rare exceptions, to bring legal pressure to bear on the issue of obscenity before 1857.

How was Whitman able to act as catalyst to the British circle of male homosexual writers in the mid-nineteenth century? The answer lies in the differences in the two legal contexts. Walt Whitman self-published *Leaves of Grass* in 1855, thus avoiding the issue of engaging in a contractual relationship with a publisher. He set the type himself, so that there was not even a printer involved, to be subject to possible prosecution. Nonetheless, the sale of *Leaves of Grass* in America in the 1850s took place in a far more liberal obscenity-law context than that of contemporary Britain. Until 1873 in America there was no Federal obscenity law at all; rather, there was a patchwork of hard-to-enforce state-by-

¹⁴⁶ The only British legislation regulating speech that was passed in the first half of the nineteenth century was the hard-to-prosecute Blasphemous Libel Bill of 1819, which was about religiously and not sexually offensive speech. See "Blasphemous Libel Bill of 1819" in *Hansard 1803-2005* <http://hansard.millbanksystems.com/commons/1819/dec/23/blasphemous-libel-bill>. Accessed January 15, 2013. Web.

¹⁴⁷ The booksellers' petition, signed by 52 booksellers and printers, opposed the threat of banishment in particular. The arguments the booksellers made were predictive of arguments that continued to be made in the high point of Victorian censorship to come: that thousands of books passed through their hands, and they could not know the contents of every one; that many now-classical works could have been prosecuted under the terms of the Bill; and that the wording of what "blasphemous and seditious libel" is, is intolerably vague, with no clear definition in the law. See "Blasphemous Libel Bill 1819," *Hansard 1803-2005*. <http://hansard.millbanksystems.com/lords/1819/dec/09/blasphemous-libel-bill>

state laws against obscenity. What was obscene in Maryland could be legal in Virginia.

One major reason that Whitman was such an emancipatory force on the page is that what Whitman wrote in the United States version of the 1855 *Leaves of Grass* was legally unpublishable in Britain. Similarly, the sex acts that *Leaves of Grass* describes between men, which include fellatio, were illegal in Britain by the 1860s and legal in the United States, where no case law outlawed male-male acts such as mutual masturbation, fellatio or other forms of intimacy apart from sodomy, until the start of the twentieth century. In literary terms, this legal difference meant that Whitman's language became a catalyst for British gay men as it showcased another world to the British male homoerotic imagination. Whitman's freedom to describe intimacy illegal in Britain, became more and more of a cherished literary artifact and state of mind as the British world of sexual and affective expression closed down.

This state-by-state US variation in obscenity law, as well as the state-by-state variations in sodomy law in the US, meant that before the Comstock Laws it was extremely difficult to prosecute anyone for obscenity or for sodomy in the United States, and extremely easy to do so in Britain. The 1868 version of the same book, bowdlerized by William Michael Rossetti, was not edited for sexual material because of social prudery; the primary reason Rossetti chopped out the scandalous segments—with a heavy hand that Whitman regretted in print for the rest of his career—was, as we saw, for legal reasons, so that Whitman could be published and reviewed at all in the United Kingdom.

This mid-1850s situation, in which Whitman first published *Leaves of Grass* and saw it smuggled into England, and the start of the 1860s, when Symonds was writing his juvenilia, represented a legal departure from the Britain of the century before, or even of two

decades before. Before 1857, a citizen had to initiate charges against individual publishers or individual authors who were publishing (outside of the theatre) and “censor” the text after the fact of its publication, through litigation which might or might not be successful, and to do so at his own expense. Thus, in the 1850s, the formerly often private act of sodomy joined the formerly always private act of reading obscene material as a subject of increasing public legislative control.¹⁴⁸

The first half of the nineteenth century thus saw an immense proliferation of British obscene publications outside of the theatre (which had always been regulated by the Lord Chamberlain) especially in the form of pornography texts imported from France, reproduced in the form of ephemera, and often including woodcuts, engravings or other illustrations. These pamphlets and books were widely available in London, and the substantial profits generated from the trade in French pornography led to the establishment of an entire market sector based in one London street— Holywell Street— which became notorious for booksellers specializing in pornographic material.¹⁴⁹ This public, lucrative traffic led to the founding of voluntary associations to fight “vice.” These arose from the private sector and were privately funded, as a result of citizens’ correct perception that magistrates, Parliament, and the increasingly institutionalized Metropolitan Police, were not interested in curbing the proliferation of this material.

Arthur Calder-Marshall, in his account of the founding of such societies, *Lewd, Blasphemous*

¹⁴⁸ See H. G. Cocks, “Safeguarding Civility: Sodomy, Class and Moral Reform in Early Nineteenth-Century England,” *Past and Present* 190.1 (2006): 121-143; see V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford: Oxford UP, 1994).

¹⁴⁹ Walter M. Kendrick, *The Secret Museum: Pornography in Modern Culture* (Berkeley: University of California Press, 1996) 71.

& Obscene: Being the Trials and Tribulations of Sundry Founding Fathers of Today's Alternative Societies, identifies the common origins of politically radical and sexually licentious publications. He explores the formation of such organizations as the Society for the Suppression of Vice, founded in 1802 in Britain, designed to combat both types of texts and both types of perceived disruption.¹⁵⁰

The two forms of subversiveness were linked from the start of this period. The radical ideals of the French Revolution had threatened Britain with perceived potential subversion, and had led elite stakeholders invested in conservative institutions to support the founding of such organizations as the Society for the Suppression of Vice. As David Nash notes in Volume 2 of his four-volume anthology of primary sources, *Blasphemy in Britain and America, 1800-1930*, from the second quarter of the nineteenth century, with the rise of such radical newsletter sellers as Richard Carlile, who published Thomas Paine, and who promoted the work of other political critics of the existing order, government and aristocratic fears of neo-Jacobinism led to the bolstering and secularizing of blasphemy law, and to governmental and elites' sponsorship of the Society for the Suppression of Vice. Obscenity law became a forceful tool with which to control pornography incidentally but to chill socially challenging speech generally, or serve other state purposes, as we will see in the Besant-Bradlaugh trial of 1878 and in the targeting by the government of Oscar Wilde in the wake of revelations that could implicate Archibald Primrose, Lord Rosebery the Liberal party politician. Anti-pornography legislation was a way to craft law that was also

¹⁵⁰ See Arthur Calder-Marshall, *Lewd, Blasphemous & Obscene: Being the Trials and Tribulations of Sundry Founding Fathers of Today's Alternative Societies* (London: Hutchinson, 1972) 76, 232.

capable at times of targeting politically problematic speech or of silencing politically radical speakers.

Ian MacCalman, in *Radical Underworld: Prophets, Revolutionaries, and Pornographers in London, 1795-1840*, agrees with M. J. D. Roberts and other legal-historical critics who read a common origin of pornography and political subversion in this period. MacCalman elaborates that linked identity into the 1830s, noting that the pornographers of Holywell Street had originally been radical and politically subversive pamphleteers. Lynda Nead, in *Victorian Babylon: People, Streets and Images in Nineteenth-Century London*, also tracks the rise of pornography as a major industry, and its prevalence as a major catalyst against which the voluntary societies mobilized (178).

British radicals took note of the prosecutions for blasphemy that followed in the 1840s and 1850s. Annie Besant and Charles Bradlaugh, in their pamphlet “Sin and Crime: Their Nature and Treatment,” point out that Victoria’s reign began to heighten the prosecution of writers (65-67). (The two would be prosecuted themselves or obscene publication in 1877.) The activists recounted the fact that in 1841 their colleague Henry Hetherington was indicted for blasphemy and received a prison sentence. The two activists cited also the prosecution of Edward Moxon, the publisher, for publishing Shelley’s work. A conviction was secured in that case too; but the “respectable” publisher escaped sentencing (65-67). (This experience would certainly make him wary in 1868 when he would face similar legal risk for publishing Swinburne’s *Poems and Ballads*.) In other words, the British literary avant-garde—Rossetti’s circle and generation— began their careers publishing in an atmosphere of relative legal freedom and found themselves in a matter of seven years, at

the mercy of a major legal shift.¹⁵¹

The attainment of legislation curtailing non-blasphemous speech was not an easy shift to elicit in Britain, with its tradition of struggles for press freedom dating back to before John Milton's *Aeropagitica*. The Hansard Parliamentary Debates commentary in the record before 1853 shows that Parliamentary gatekeepers saw the pornography trade as being of only minor social importance, and unworthy of civic resources to prosecute. Hansard shows that little effort was expended on debating obscenity until 1853.

But then the case, "The Queen Vs. Dugdale," brought pornographer William Dugdale before Lord Cockburn and a common jury in November of 1853. This case was an indictment instituted by the Society for the Suppression of Vice.¹⁵² William Dugdale (1800-1868), a well-known pornography manufacturer and seller whose career had originated, like that of many of his colleagues, in radical political pamphleteering as well as in obscene materials, was accused of having sold obscene literature on one or two occasions from his shop in Holywell Street. He was found guilty.¹⁵³ He received either eighteen months of hard

¹⁵¹ By 1851, London citizens in the area of Holywell Street were overwhelmed by the extremely public nature of the sale there of obscene books and engravings, where, as erotic book collector Henry Spencer Ashbee put it, "one of the most prolific publishers of filthy books" did business. Steven Marcus, *The Other Victorians: A Study of Sexuality and Pornography in Mid-Nineteenth Century England* (New York: Transaction P, 2008) 74.

¹⁵² In 1851 the occasion of a citizens' confiscation is met with mockery in the news. A man named "Taylor" brought an action against a voluntary association member who, he claimed, had seized from him, and torn up, the pamphlets he was distributing. The volunteer had assumed that the pamphlets were pornographic, and accused Taylor of the distribution of obscene materials. Taylor was duly taken to the precinct house; however, police released the man when it was established that the pamphlets in dispute were actually passages from the Bible. The same squib recounting this contretemps was picked up, as an amusing story, in a number of regional and national publications, reflecting how trivial such issues seemed to readers and editors pre-1857. See "LAW INTELLIGENCE." *Daily News* 18 Nov 1853.

¹⁵³ Lynda Nead, *Victorian Babylon: People, Streets and Images in Nineteenth-Century London* (New Haven: Yale University P, 2008) 189; and Dawn B. Sova, *Literature Suppressed on Sexual Grounds* (New York: Banned Books/Facts on File, 2006) 150.

labour or two years' hard labour, depending on which newspaper report's summation one consults. His crime was that he was in possession of obscene prints with the intent to sell. Dugdale would be imprisoned nine times in seventeen years for distributing obscene material. This was a significant shift in how seriously the crime was penalized: Dugdale's sentence was widely reported in the metropolitan newspapers that the novelists and poets who concern us were reading in 1853.

To stem the tide of pornography, and perhaps to react to the Dugdale case, the 1853 (and later, 1876) Customs Consolidation Act was passed, which prohibited the importation of "indecent or obscene materials."¹⁵⁴ This law should be kept in mind when we consider the British reception of foreign, legally obscene imported texts such as Whitman's *Leaves of Grass*. Because of this law, those who referred to having read *Leaves of Grass* from 1855-1857, or those who would mention having read such texts as Huysmans *A Rebours*, as Wilde would, covertly, in *The Picture of Dorian Gray* (1890-91), were making public references to illegally imported *reading*. After 1853 one could be prosecuted in Britain for having published or sold an illegally imported book, as well as be prosecuted in Britain for having written obscenity oneself.

As the Voluntary Associations grew in power, earlier Parliamentary liberalism of thought became more marginalized. Calder-Marshall notes that the Voluntary Societies themselves cast politically and sexually "licentious" publications as being linked or on an ideological spectrum (76, 78). M. J. D. Roberts, too, in *Making English Morals: Voluntary Association and Moral Reform in England, 1787-1886*, identifies these societies as

¹⁵⁴ "Customs Consolidation Act 1853," *Hansard 1803-2005*, <http://hansard.millbanksystems.com/acts/customs-consolidation-act-1853>. Accessed January 22 2013. Web.

transitioning into power in the watershed year of 1857. This period, he also argues, saw the rise of similar voluntarist societies that were focused on regulating many sexual issues, for instance, the reclamation of prostitutes. He reasonably interprets these movements and prosecutions as developing in order to condition the individual to function under the increasingly controlled environment needed by advanced capitalism; I would always add, also to condition subjects to hesitate to engage in politically dissenting speech. He also rightly notes that the power of the societies was that they formed the “basis for the formation of a middle-class identity.”¹⁵⁵ It is important to keep in mind the highly politicized context of the Voluntary Societies from 1857-1889. These were not irate elderly ladies but organized networks with attorneys and powerful backers in Parliament. This background should help us understand what was behind Moxon’s demurral to continue to publish Swinburne, or even possibly Swinburne’s later rejection of Whitman, and the fear that would accompany attacks such as Buchanan’s/Maitland’s in his review, “The Fleshly School of Poetry,” in the *Contemporary Review* in 1871. A writer or publisher, targeted by the Society for the Suppression of Vice, would face a serious danger with serious repercussions.

David J. Pivar, in *Purity Crusade: Sexual Morality and Social Control, 1868-1900*, concurs with the argument that obscenity and sex crime law were crafted and utilized in the interest of political control of dissident individuals and populations, and shows how Britain influenced mirror-image purity associations and their efforts to prosecute publishers and sexual “deviants” in the United States. M.J.D. Roberts also in this camp as he argues, in “Morals, Art and the Law: The Passing of the Obscene Publications Act, 1857,” that

¹⁵⁵ Roberts, 10.

subversive libertarian ideas were, from the Society's very founding, targeted as the parallel "vices" to be eradicated alongside obscenity (609-627). Throughout the second half of the nineteenth century, such British law would often be imitated with nearly identical wording in the new United States' regional and national legislation.¹⁵⁶

1857: The Trial of Gustave Flaubert and the First British Obscene Publications Act

1857 was a turning point in many ways. It saw the first British Obscene Publications Act, as we saw; the French trial of Gustave Flaubert for publishing "Madame Bovary" (as a series before it became a book); and the reconstitution of British sodomy trials before magistrates rather than juries. It was also a year of sensational destabilization of one aspect of British political security, as it was of course the year of the Indian Mutiny, and it was a year that destabilized domestic relations between the sexes as well, as the first civil divorce bill passed.

In the Spring of 1857, Gustave Flaubert was prosecuted for the excerpts of "Madame Bovary" that appeared in *La Revue de Paris*. The trial was for "offending good mores"; the editor of *La Revue de Paris* sought—too late—to excise several passages of the serialization, and Flaubert subsequently faced charges. His counsel argued that he was promoting virtue by exposing vice, and he was acquitted. Christine Haynes, in "The Politics of Publishing During the Second Empire: The Trial of Madame Bovary Revisited," notes that "it was not authorship but publication that was targeted by the law on the press"(2).

¹⁵⁶ See Pivar 65-67, 84-5, 95, and 97.

Flaubert was charged alongside two co-defendants: his editor Leon Laurent-Pichat, editor of *La Revue de Paris*, and Auguste-Alexis Pillet, the printer. The Government's attorney Ernest Pinard stressed that the crime in question was not the writing but the publication of the novel.¹⁵⁷ In the frame introduced by the French trial, the printer is supposed to be a sentinel or guarantor of purity. As quoted in Herbert Lottman's *Flaubert: A Biography*: Pinard argued that, "there is no crime without publicity, and all those who have contributed to the publicity must be equally charged" (136). Singling out the book's printer in particular, Pinard asserted that his role should have been to serve as an "advance sentinel" against scandal (Lottman 136). This metaphor reveals the attitude of the contemporary French state toward the press: "like a sentry or other public official, the printer (and/or publisher) was expected to protect the public safety. For the regime of the Second Empire, it was not the individual autonomy of the author of a work that was at stake in this and similar trials but the collective responsibility of its publicists" (Lottman 136).

Haynes makes the case that the entire aggregate of publicists assumed the responsibility of self-censorship: "Besides overlooking the extent to which the prosecution targeted publication rather than authorship, most studies of the Flaubert trial fail to note that there was virtually no resistance to the state's claim that authors, printers, and publishers were responsible for their publications," she writes (2).

¹⁵⁷ The charge levied against Flaubert, the editor of *La Revue de Paris*, Leon Laurent-Pichat, and the printer Auguste Pillet, was "outrage to public and religious morals and to morality." See Herbert Lottman, *Flaubert: A Biography* (New York: Fromm International Publishing Corporation, 1990) 136. Flaubert sought to take the same strategic and rhetorical approach that the opponents of the 1857 Obscene Publications Act in Britain that year would as well: comparison of the "obscene" text with the classics.

While one might expect that other creators and producers of literature would have objected to the prosecution of Flaubert and his publisher and printer, no author, journalist, publisher, or printer openly protested it—not even Flaubert himself. In part, this absence of protest may be attributed to the effectiveness of government repression under the Second Empire. Yet, upon closer examination, it seems also to have stemmed from a widespread acceptance of responsibility for the content of works among authors, printers, and publishers. For the most part, authors, printers, and publishers all willingly assumed the role of "sentinel" assigned to them by the government. To the extent that they protested against state intervention in the production of literature at all, Flaubert, his "accomplices," and their peers in the press, did so in terms that ignored or undercut the cause of artistic freedom (Haynes 2).

In France in 1857 there was no assumption of authorial freedom, but a shared commitment to "public order." When examined in its context, the case of the trial of this literary work reveals that the autonomy of the individual author was still of marginal importance in mid-nineteenth-century French political culture. Many critics in the emerging field of censorship studies notice the absence of the modern idea of the author's role and entitlements (autonomy, self-expression, integrity) when it came to the framing of the first obscenity trials in France. British law, though, would personalize the crime and lay it squarely at the feet of the author.

The 1857 trial of Charles Baudelaire for publishing *Les Fleurs du Mal* affected the British circle of intellectuals with whom we are concerned; his work was followed with admiration by the Rossettis and by Swinburne. Michele Hannoush, a censorship studies scholar who contrasted the Baudelaire trial, which failed, with the outcome of its predecessor

Flaubert's, which succeeded, points out, in "Reading the Trial of the *Fleurs du Mal*," that neither authorial intention nor the integrity of the work of art were primary defenses in Baudelaire's trial, but rather the issue was that of an offense against public decency.¹⁵⁸ The issue of legal standards for outraging common mores was primary not just in the eyes of government—whose opposition to freedom of speech should come as no surprise to scholars of the early Second Empire—but also in those of the wider civil society. These trials codified reading and publishing as aspects of the maintenance of "public order.

"Printers and publishers were cast as sentinels with this language:

Printers must read; when they have not read something or had it read to them, it is at their risks and perils that they print. Printers are not machines; they have a privilege, they swear an oath, they are in a special situation, they are responsible.

Once again, they are advance sentinels; if they let an offense get by, it's as if they let pass the enemy. (Lottman 136)

In this trope, printers and publishers served the State in a patriotic and defensive role. Like soldiers, they were expected to protect the safety of the nation of France. If authors were ultimately responsible for their words, printers and publishers were also supposed to ensure that their publications did not harm the public morality and unity.

This emphasis on the responsibility of the printer and publisher for the content of a literary work was confirmed in the verdict rendered by Judge Eugene Dubarle on February 7, 1857. This judgment, which harshly condemned the novel even though it ultimately acquitted the defendants, implicated its publisher and printer alongside its author. In fact,

¹⁵⁸ Michele Hannoush, "Reading the Trial of the *Fleurs du Mal*," *The Modern Language Review*. Vol. 106, No. 2 (April 2011). 374-387

it listed *Revue* editor Laurent-Pichat as the primary defendant and Flaubert and Pillet only as accomplices in the case. In the text of the judgment, the producers as well as the creator of the novel were chastised, all for contributing to the exposition of "theories" (read, realism) that were contrary to "the good habits, the institutions, which are the base of society" (Lottman 136-8).

The verdict maintained that Flaubert was not guilty, for reasons having to do with his literary intent. He had not, the decision held, intended primarily "to indulge sensual passion or to mock matters worthy of respect" (Lottman 138). But the power of the State's use of obscenity law as a screen for the suppression of political dissent was established as early as the aftermath of this trial. Subsequently, *La Revue de Paris* was suspended for a month for running articles critical of the government, and soon thereafter it was closed down altogether for supporting "sedition", its position having been weakened by the Flaubert trial. Flaubert himself was actively self-editing his literary decisions for fear of prosecution: he was afraid that his next volume, *The Temptation of St Anthony*, would elicit another courtroom battle. He was encouraged to censor the "obscene" passages of "Madame Bovary" prior to the serial's publication as a book. Instead, he gave publisher Michel Levy the entire manuscript, including the passages that had been edited out for the periodical, and told him: "Restore everything that is crossed out in a wavy line," which had been the proofreader's indication of a cut earlier, for the magazine (Lottman 140). The same year, two other obscene publications trials were held in France to contest the publications of literary peers of Baudelaire's (Lottman 141). These writers were, in fact, convicted of offending public morals. These trials, and their outcomes, were also extensively reported in Britain.

The trial of Flaubert and his codefendants introduced a concept to the British judiciary that was novel for Britain: that of the wellbeing of public moral health or “public mores,” that can be threatened by immoral literature.

In 1857, Lord John Campbell, the Lord Chief Justice, asked that a bill against such material be passed because, he warned, under the current situation, prosecution for obscene publication was difficult. His declaration that pornography was more toxic than “prussic acid, strychnine or arsenic” actually intruded upon debate for a bill to regulate the selling of literal poisons.¹⁵⁹ Opposing peers, however, argued against Lord Campbell that, disgusting as such material was, it would be problematic to give police the powers to seize and destroy materials and enter bookstores without warrants, since, as they noted, the question, “what is obscenity?” was a vexed one. Post-1857, in contrast to before that year, British censorship operated through the most powerful possible state censor – the Parliament.

The Obscene Publications Act of 1857 is a watershed piece of legislation: for the first time in British history, possessing or selling obscene material became a statutory offence. The Bill gave magistrates powers to confiscate material deemed obscene but failed, as opposing peers had feared, actually to define “obscenity,” leaving the decision up to the imaginations of magistrates.¹⁶⁰ The bill was debated heatedly, and it passed only after the Lord Chief Justice assured Parliament that it was “[...] intended to apply exclusively to works written for the single purpose of corrupting the morals of youth and of a nature

¹⁵⁹ “The Obscene Publications Act of 1857.” *Hansard 1803-2005*. UK Parliament, n.d. <http://hansard.millbanksystems.com/acts/obscene-publications-act-1857>. Accessed January 22, 2013. Web.

¹⁶⁰ Eds. David Bradshaw and Rachel Potter, *Prudes on the Prowl: Fiction and Obscenity in England, 1850 to the Present Day* (Oxford: Oxford UP, 2013) 15-16.

calculated to shock the common feelings of decency in any well-regulated mind."¹⁶¹ This phrasing would haunt two generations of British writers, because legal culpability had now shifted even more directly away from the content, to what the *intentions* of the authors and distributors might be. This wording is a significant factor, as we will see, in the shapes taken by the various discourses of resistance written, edited or presented by Symonds, William Michael Rossetti, and the young Wilde, all of whom would seek in many ways to argue that the author's character was not in fact germane to a work's morality or social value. For Lord Campbell had here criminalized, by claiming to assess its moral state, the interior of the author's mind in the act of literary imagination.

The Hansard Parliamentary debate record clearly illustrates the impact of the 1857 legislation. Parliament discussed legislation about obscenity very rarely pre-1857. What was considered pressing in the 1857 debate, rather, by many peers, was the danger posed by the growing power of the moralist Voluntary Associations. These peers had good reason to be concerned: Wayne Bartee and Alice Fleetwood Bartee, in *Litigating Morality: America in Legal Thought and its English Roots*, analyze the immense proliferation of pornography at this time and voluntary association prosecutions. The Society for the Suppression of Vice initiated thirty to forty prosecutions for obscene material in their first three years of existence while sixty-four cases were initiated by the Society in 1857 alone. By the 1860s, the Society had prosecuted 159 cases for obscenity, with a high conviction rate—winning all cases but five (Bartee and Bartee, 57). My analysis shows that the average jail sentence for obscene publication was eight *months* during this wave of 1860s prosecutions.

¹⁶¹ Bradshaw and Potter 12.

Because of this 1857 consolidation of prosecutions for speech crime, the professions of writer, editor and publisher had become tangibly more dangerous by the time that Swinburne, William Michael Rossetti, Christina Rossetti and John Addington Symonds came into their professional primes, and by the time Wilde began his career.

The “Filth” Theme

A related factor that foreshadowed the introduction of such a radically intrusive form of legislation as the British 1857 Obscene Publications Act, was the success of major public health measures against infectious diseases. This may sound surprising but these introduced a lasting conceptual frame around metaphors of moral infection. In September of 1839, Charles Blomfield, Bishop of London, proposed in the House of Lords that an inquiry into the sanitation of the poor be published. As the causes of disease became better established, a major legislative breach of the traditional wall between public and private – the skin – was introduced, in the form of the Vaccination Act of 1840.¹⁶²

The result of the 1839 inquiry was also Edwin Chadwick’s 1842 *Report into the Sanitary Conditions of the Labouring Populations of Great Britain*, a 400-page tome that was featured in *The Times*, *The Morning Chronicle*, *The Edinburgh Review*, *The Quarterly Review* and so on; that is, into the heart of bourgeois British culture. In *The Great Filth: Disease, Death and the Victorian City*, Stephen Halliday argues that the *Report* consolidated the trope that there

¹⁶² “The Vaccination Act of 1840.” *Hansard 1803-2005*.

<http://hansard.millbanksystems.com/lords/1840/mar/10/vaccination>. Accessed September 2, 2014. Web. Sir John Simon, the first Medical Officer appointed in London, recalled that before this Act, “the statute book contained no laws of sanitary intention.” Judith Flanders, *The Victorian City* (New York: St Martin’s P, 2012) 213.

was “a relationship between insanitary living conditions and disease”; that this cost the public purse money; and “the third theme was the social effects of poor living conditions—intemperance and immorality—with their own moral and economic consequences” (130-31). In other words, the syllogism was established that uncleanness was a moral issue and that immorality and uncleanness was a public matter since they created public costs and consequences. Finally, the last theme “was the need for new systems of administration to eliminate the conditions that the Report recorded” (Halliday 130-31). The Nuisances Removal and Diseases Prevention Act of 1846, also known as the Cholera Bill, allowed inspectors to confront any homeowner about how waste was disposed of, and compel him to connect his cesspool to the new public sewer (Halliday 134-5). Nuisance Removal Acts followed in 1855, 1863 and 1866.¹⁶³ Liza Picard, in *Victorian London: The Tale of a City, 1840-1870*, notes that a later Act of Parliament requiring smallpox vaccination, this one passed in 1853, was a watershed event (190-91). I agree, as this statute represents the second time in the British Parliamentary record that the State claimed the right to penetrate a British subject’s body for the purposes of protecting the commons or public mores. I would maintain that all of this legislation set the stage for the claim of the right to penetration later represented in the Contagious Diseases Acts of the 1860s and the role of venereology in trials of the 1870s, and that the public health regulation and the intrusive Nuisance Removal Acts actually inured the public to such invasive scrutiny of body functions and fluids by the State, and set the stage for testimony by chambermaids about the very condition of the sheets, during in the Wilde trials.

¹⁶³ “Nuisance Removal Acts,” *Hansard 1803-2005*, <http://hansard.millbanksystems.com/acts/n#Nuisances%20Removal%20Act>. Accessed August 9, 2014. Web.

In the 1840s through the 1860s, in other words, fights against cholera, typhus and other contagious diseases in the burgeoning cities contributed to the “contagion” theme in civil debate, and boosted a novel rationale for aggressive, even intrusive intervention by the State into spaces that used to be considered, in Britain, entirely personal and private.

I would argue that this very effective piece of state intrusiveness into what had been “a man’s castle” in prior British law created a precedent for other kinds of intrusion into once private social and physical space to follow, with the trope introduced by Lord Campbell of the public imperative to stem the contagion of obscenity. Many of the metaphors around vice and obscenity in the 1850s and 1860s would echo tropes established by Chadwick in the management, for cholera and typhus eradication purposes, of human waste and what was seen as the attendant typhus-producing toxicity: “filth,” “stench” “poison,” “foulness,” “contagion,” “sewer,” “cloaca,” “effluent,” “pollution” and “miasma” were 1857-forward tropes for obscenity in literature, and variants of such language slowly accrued around public discussions of sodomy and “sodomitical intention” as well.

Halliday points out that the 1840s were the showcase decade for a massive and successful deployment of civil resource: the typhus, tuberculosis and cholera, that had swept through British cities and killed tens of thousands in one epidemic after another in the 1830s and 1840s, and which were diseases that were seen as originating in squalor, stench, human waste and dirt, yielded to campaigns that visibly saved lives. Stephanie J, Snow, in “Sutherland, Snow and Water: The Transmission of Cholera in the Nineteenth Century,” describes the mood of panic caused by the second wave of transmission, that of 1849, which claimed 53,000 lives; many of the victims died within twelve hours.¹⁶⁴She

¹⁶⁴ Stephanie J. Snow, “Sutherland, Snow and Water: The Transmission of Cholera in the

notes that 700 texts were published between 1845-56, most seeking to explain how the disease multiplied within populations. I would argue that this proliferation of texts created a discourse of “a public” that needed to be regulated in order to be safe.

By the 1860s typhus and cholera had either virtually disappeared from the records or “were in the process of doing so [...] One of the greatest of the achievements of the Victorians [...] was to accept that national and local government had a responsibility for the health, education and welfare of citizens, as well as for defense against foreign invasion and domestic injustice” (3). But the problematic side of these public health successes, for literature post-1857, and I would add for us today, is that the notion of intellectual and sexual “filth” as a threat to public wellbeing rather than as an entirely private matter became solidly established as a conceptual category.

The success of State intervention in managing “contagion” and “filth” at home led to morality legislation overseas: Deana Heath, in her essay “Commodities of Empire: Obscenity, Empire and Global Networks,” points out that the theme of contagion was deployed to control populations globally throughout the British Empire in the mid-Victorian period. Heath argues that the pornography industry was globally distributed post-1850s, and that subsequently that theme of “contagion” was deployed overseas as it had been at home, to support voluntary associations acting to control “vice” throughout the British colonies. In *Purifying Empire: The Politics of Moral Regulation in Britain, India and Australia*, Heath traces the establishment throughout the British colonies of a system of sexual legislation beyond that regarding obscene publications, and argues that practices

Nineteenth Century,” *International Journal of Epidemiology*, (2002) 31 (5): 908-9.

used to suppress the licentiousness (and political disruptiveness) of “native” populations were perfected with populations overseas and “imported back” to be imposed on populations at home (65-92). Heath too makes the important case that the successful “contagion” meme justified state intervention in what had previously been considered private life.

Civil engineers such as Sir Joseph Bazalgette, supported by voluntary associations and municipalities, became heroes in turning what had been private issues such as home sanitation, the disposal of human waste, the securing of clean water supplies, the act of childbirth and that of sexual congress, into highly modulated and socially organized activities. An intrusive civil infrastructure connected private homes to new city sewers, an army of sanitation inspectors examined waste disposal in private homes, and new campaigns addressed sterilization in hospitalized childbirth as the danger of infection to mothers from other mothers became better known. Because of new scientific discoveries about the transmission of typhoid, consumption, gonorrhoea and eventually puerperal fever, the “cleanliness” and “health” of one’s neighbor, and of the poor and prostitutes, was newly at issue. The battle in the same period over vaccination showed a similar arc: vaccination legislation tracks closely the dates of escalating sex crime and obscenity legislation, with the Vaccination Acts of 1853, 1867 (which introduced fines for noncompliance), 1871, 1873 (making vaccination compulsory), and 1885 (establishing a Vaccination Officer who charges parents for noncompliance). These struggles over state intervention in the body were hotly contested: “this [1853] law galvanized the anti-vaccination movement, which was joined not only by those against vaccination but also by opponents to intrusion by

government on personal autonomy.”¹⁶⁵ In 1865, 20,000 people marched against state-mandated inoculation in Leicester.¹⁶⁶ In spite of resistance to it, the concept of networks of publication being like sewers—that is, a vast infrastructure connecting people, that carried and managed possibly death-dealing matter that had, for public health reasons, to be managed by the State—introduced in Parliamentary debate and in newspaper discussion about obscene publications. The novel example of the State intervening in penetrating the body, set in the vaccination battles of the 1850s-1880s, established a precedent for the wave of court testimony by venereologists in the 1870s in Britain, who also probed the allegedly homosexual body. This precedent, too, was exported around the world in the Indian Penal Code update of 1872. This code, still in use and allowing anal exams against accused homosexuals arrested in raids in Egypt, Lebanon and elsewhere today, would allow the state to probe, narrate, manage and thus punish the most intimate physicality of men accused of male-male sex acts.

The notion of infection, and especially the fact that contagion was often misunderstood as being airborne, created a permeable meta-layer in the Enlightenment’s concept of the autonomous self. In this meta-layer, everyone could threaten everyone else, and the health of the whole depended on excising or quarantining diseased individuals. Because “contagion” exists in the spaces between people— in the unseen matrix that holds in proximity all the members of a community—it is a tool useful in powerfully deconstructing traditional Enlightenment notions in Britain of privacy and autonomy. The motto of this new mid-Victorian idea could be summarized as “one [diseased] member of a society

¹⁶⁵ See Daniel A. Salmon, et al. “Compulsory Vaccination and Conscientious or Philosophical Exemptions: Past, Present, and Future.” *The Lancet* 367 (1996): 436-42.

¹⁶⁶ Daniel A. Salmon, et al. 436-42.

threatens all.”¹⁶⁷ (The trope of “contagion” is alive and well in contemporary discussion by David Cameron of the “threat” represented to national security by private comments on the Internet, and thus of the need for the state to regulate that matrix of connection between private individuals.) The great common theme of sexual transcendentalism that these gay male writers shared, which identified male-male sexuality with a higher, nobler and healthier world, should be set against the themes of filth, corruption, infection and contagion increasingly associated with “vice,” that surrounded them.

Regina v. Hicklin

In 1867, an appeal to the Obscene Publications Act appeared, in the form of “the Hicklin Rule.”¹⁶⁸ In *Regina vs. Hicklin*, the then-Lord Chief Justice, Lord Alexander Cockburn,

¹⁶⁷ The meme proved durable: “contagion” memes were used during the Communist and Nazi eras, as well as, obviously, in anti-homosexual campaigns during the AIDS scares of the 1980s in Britain and the United States. Cynthia J. Davis, in “Contagion as Metaphor,” addresses Susan Sontag’s famous confrontation with this meme in her 1978 essay “Illness as Metaphor.” “The more mysterious the disease [...] the more we are likely to supply it with meaning and the greater the fear of moral – if not literal – contagion,” she writes. The alignment of “infection” and “contagion” memes with male homosexuality is so thoroughly established in our culture that it is important to remember that before 1840, neither ‘homosexuality’ nor “contagion” existed as concrete conceptual categories. Cynthia J. Davis. *American Literary History*, [L¹ SEP] Volume 14, Number 4, Winter 2002. 828.

¹⁶⁸ “*Hicklin v. Regina*,” *The Queen, on the Prosecution of Henry Scott; Appellant v. Benjamin Hicklin and Another*, L.R. 3 Q.B. 360 (1868). Court of the Queen's Bench (20 and 21 Vict. c. 83, s. 1). Cited in J. E. Hall Williams, “Obscenity in Modern English Law,” *Law and Contemporary Problems*, (Durham: No publisher cited, 1955) <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2657&context=lcp> 632. Accessed September 2, 2014. Web. Also cited as “*Regina v. Hicklin*.”

interpreted an anti-Catholic pamphlet with a new “test” for obscenity, which prevailed thereafter. Lord Cockburn maintained that material was obscene depending on the reader’s response to it. Lord Campbell before him had criminalized the authorial imagination; now Lord Cockburn criminalized the reader’s reception to the text. The question that determined if a crime had been committed was no longer, “is the text disturbing the King’s peace”? (pre-1857) or “did the author intend for this to be obscene?” (1857-1867); rather, the question was now: “could an innocent young person open to corruption *experience* this as obscene, no matter what is in it or what the author intended?”¹⁶⁹

So the “Hicklin Test” allowed a publication to be banned if it had a tendency “to deprave and corrupt” (Bartee and Bartee 65). The definition focused on whether the work was “written for the single purpose of corrupting the morals of youth and of a nature calculated to shock the common feelings of decency in a well-regulated mind” (Bartee and Bartee 62-66). Balzac and Flaubert, and later Joyce and Lawrence, were banned in Britain using this test. But this decision did not identify explicitly *whose* minds might be “open to such immoral influences” or how precisely they might be criminally inflamed. “Obscene” was not defined in the 1857 Act, leaving it open to subjective interpretations, and what “the common feelings of decency in a well-regulated mind” could be, was not defined in the 1867 ruling either. This wording of the latter decision, as it centered on such newly introduced phrases (new, that is, to law rather than to social commentary) as “well-regulated mind” and “common feelings of decency,” was an historic departure and set a

¹⁶⁹ Ben Yagoda points out that since 1868, in Britain, obscenity became “a common-law offense (unhelpfully) defined” in this broad way. See Yagoda, “Trial and Eros.” *The American Scholar* 79.4 (2010): 93.

new precedent. It made the normativeness of one's reactions a measure of safety from prosecution or exposure to prosecution, and thus marginal or challenging thoughts and expressions were more exposed to criminalization the more they departed from the feelings of most "decent" people. By statistical definition, this completely new framing of what criminality was, invoking an understood "decent" norm of sensibility, would legally jeopardize homosexuality as a category of experience and discussion. In the echoes of Hicklin we can hear also Symonds' decades-long quest for decency and a certainty of normativeness in his own sensibility as both author and human being.

In the course of the nineteenth century, this hypothetical reader of Hicklin was cast in an increasingly youthful, innocent, gendered and class-ridden light; in journalism, the measure of literature's obscenity increasingly phrased in terms of the impact a text might have on the mind of a young girl or of one's servants. The decision formally introduced the legal concept that would dog the steps of Victorian writers: that the author's—and printer's, publisher's, and distributor's—conscious intentions, and also the state of morality of the reader receiving the text in question, were critical elements determining whether a crime had taken place. The Act permitted obscene material to be seized and destroyed following evidence such as the purchase of the material by a plain-clothes policeman.

Critics for the next forty years would ruminate in reviews on the question of whether a publication or play "raised a blush" on the cheek of a hypothetical virginal young lady; this persistent Victorian question of the possible reaction of virgins to racy literature is not necessarily a spontaneous preoccupation of the era, so much as, or at least also, an engagement with the actual wording of the legal decision. The virgin's blush, after Hicklin,

had actual legal valence.¹⁷⁰ Judges reasoned, on the basis of specific passages, on the hypothetical effect these segments might have on children. Judges thereafter stressed three questions in assessing obscenity: First, does the material arouse “impure thoughts”? Second, does it “encourage impure actions”? Finally, does it erode previously established standards of public morals? Any one of these three was enough to convict. With this legal precedent, certain genres that would arise in the Victorian period in relation to discussions of sexuality, especially transgressive sexuality, take on an added meaning.

Some writers would evade Hicklin by seeking to ennoble their discussion of sex: the intense and long-lasting task of Hellenizing discourse around homosexuality, that characterizes the work of Walter Pater, John Mahaffy, Symonds and Wilde, had many sources, as Dowling, Dellamora, Evangelista, and Orells all conclusively point out: but one source may have been the fact that if a discussion of *paidierastia* is wrapped in the context of the siege of Troy or the love of Patroclus—in other words, in pure or ennobling thoughts and rhetoric—this ennobling discourse forms a protective legal barrier against the

¹⁷⁰ The vagueness and thus the danger of the statute is clear in Colin Manchester’s analysis of the history of obscene libel: “The definition [of obscenity] in Hicklin [...] was to be subject to varying interpretations for the exact meaning of the formula is by no means clear.” [...] Cockburn [...] emphasized the tendency of the pamphlet to arouse impure thoughts, for it would ‘suggest to the minds of the young of either sex [...] thoughts of an impure and libidinous nature.’” Manchester goes on to explain how courts in Hicklin and the jury in Bradlaugh were both advised that the author’s intention to corrupt must be judged to have been present simply by virtue of the fact of the publication of the obscene material, even if the author did not intend to “deprave and corrupt” deliberately simply by writing the book. This catch-22 about authorial intention may have been one reason that many of the Aestheticist writers, including Wilde, were interested in ways of setting the text free from the author’s intention. The Picture of Dorian Gray (1891) is almost a satire on this literal reading of authorial intention by Chief Justice Cockburn, as the work of art goes on to live and change, far removed from the hand of the ‘intender.’ Colin Manchester, “A History of the Crime of Obscene Libel.” *The Journal of Legal History* 12.1 (1991): 47-8.

obscenity law's charge that the intention of the work is to corrupt. Others would position themselves as sexually innocent, and surround themes of sexual exploration in the wrapping of hortatory warnings, as Christina Rossetti would choose, I will argue quite consciously, to do in *Goblin Market and Other Poems*; some will establish themes of sexual passion and excitement within the frame of an outraged exploration of the sexual double standard, as Wilkie Collins would do within the Sensation novels' conventions in the 1860s and 1870s. This was most typically a strategy of heterosexual women writers or writers seeking heterosexual women readers. Finally, some writers, like Symonds and Havelock Ellis in their sexological texts of the 1880s and 1890s, would medicalize their exploration of sexuality—in language too flat too “inflamm” thoughts or “raise a blush”—while others would situate the erotic narrative in venues far from home, and surround the material with the distancing of an anthropological or explorer's framework, as Sir Richard Burton would decide to achieve in the early 1880s with his translation of the *Kama Sutra* and other Hindu erotic texts, and *The Book of a Thousand Nights and a Night*.¹⁷¹

Were Victorians sexually modest in their cultural expression? I think we must conclude that the law obscures any certainty about this. We cannot know. The Obscene Publications Acts of 1857 and 1867 and the *Hicklin v. Regina* ruling of 1868 forced the Victorians to

¹⁷¹ “Publishers who wished to publish [Zola and other racy novels in translation] did so at their own risk [...] Burton was very aware of the dualistic moral rules that governed society, and by adhering strictly to them, i.e., printing objectionable works privately and for elite subscribers only, managed to avoid prosecution [...]” Vizetelly, Merkle points out, was neither so astute nor so fortunate as Burton, succumbing eventually to “the ‘cultural hysteria’ generated by the ‘proliferation of foreign translations.’” We will explore this contrast in outcomes in Chapter Five. Denise Merkle, “Vizetelly & Company as (Ex)change Agent: Towards the Modernization of the British Publishing Industry,” in *Agents of Translation*, Eds. John Milton and Paul Padio Bandia (New York: Benjamins Translation Library, 2009) 87.

speaking in whispers or in code about sexuality, whether they were personally, psychologically or literarily inclined to do so—or just the reverse.

Chapter Two

The Call of Whitman: *Leaves of Grass* in Britain

Leaves of Grass had a tumultuous life in both Britain and America from 1855 to the late 1860s. But the British reception context was far more fraught: the 1855 American *Leaves of Grass*, and the 1860 edition, both of which were made illegal in Britain by 1857, would have exposed a British Victorian reader to a manifesto calling into question the basis of her or his own belief system on many levels. These challenges would extend from the assumption of appropriate gender roles in society, to the true or false assumption of authority by religious and political hierarchies. In the following discussion, I will cite the different editions of *Leaves of Grass* and their publication countries as appropriate, and cite the editions original to the years addressed.

More radical for British readers than sexual content of the 1855 and 1860 US editions of *Leaves of Grass*, I would argue, was Whitman's invocation of the role of the divine in the relationship to the physical and carnal world. The catalytic effect of these editions, a few volumes of which emerged (after 1857, through smuggling or piracy) in the British literary scene, was part of the great wave of religious questioning and revisionist readings of Christian dogma and doctrine of the period: a wave that arose from such various quarters as the new mid-Victorian secular liberalism at Oxford identified by Linda Dowling, to George Eliot's translation of D. F. Strauss' *Das Leben Jesu* (1848), to James Anthony Froude's

novel *The Nemesis of Faith* (1849), to the publication of Charles Darwin's *On The Origin of Species, Or the Preservation of Favoured Races in the Struggle for Life* (1859). The backlash against this questioning also resulted in the appeal of Tractarianism from the 1830s through the 1850s.¹⁷²

Against this backdrop of mid-nineteenth-century British intellectuals' contestations of the place and authority of religious orthodoxy, Whitman's view of the body and of sexuality as being continuous with a benign, valorized nature—infused with the spirit of an animating divinity—was transformational. Whitman provided an intellectual and even a spiritual alternative position from which to reassess religious orthodoxy, but also, I would argue, to reassess orthodoxies of many kinds. I will make the case that the reevaluation of the sexual prohibitions and suppressions that Symonds inherited followed from and was grounded upon the reassessment of the role of the divine in relation to nature and body that Whitman proposed. I identify Whitman's position as a monistic one, as opposed to the dualistic placing of body against/apart from the divine that the Pauline tradition and High Church orthodoxy maintained in the period.

The 1855 and 1860 editions of *Leaves of Grass* held out a belief in the unity of God and body in a way that was not yet established in the British literary tradition (let alone in ecclesiastical argument; in Christianity, that would take another century). Some Victorian British writers, including Christina Rossetti, as we will see, would rebut this monistic position. Others, however, including Swinburne and Gerard Manley Hopkins, as Richard Dellamora points out in *Masculine Desire: The Sexual Politics of Victorian Aestheticism*,

¹⁷² For the political aspect of the Tractarian movement's appeal, see S. A Skinner, *Tractarians and the 'Condition of England': The Social and Political Thought of the Oxford Movement*, (New York: New York University P, 2004).

would follow, if in struggle, Whitman in this direction. Dellamora rightly sees Whitman's intervention as "the dramatic change in English literary tradition that occurs after Whitman began publishing *Leaves of Grass*. Whitman's embodied, at times explicitly sexual, poetry, provides a new standard—and a new interlocutor—for writers interested in producing a poetry closer to somatic experience" (45).

While Dellamora correctly identifies Whitman's spiritual legacy in Britain, he tends, along with some other Queer theorists I mentioned in the Introduction, to underread the role of the law in this engagement, and to overread the role of psychological inhibitions, using such psychologizing terms as "resistance" and "reserve" on the part of British writers in dialogue with what he calls Whitman's "outspokenness" (45-6).

Swinburne, for his part, exemplifies the conflicted reactions of many British readers to Whitman's theology. The British poet, who had a long history of attraction to and rejection of Whitman from the 1850s into the 1880s, as reflected in a published poem, as we saw, as well as in his letters and journalism, would elucidate a position of "incarnational spirituality" directly. In an 1874 letter to Edmund Clarence Stedman, Swinburne responded to public discussions of his Antitheism and put his views on record: "[W]e who worship no material incarnation of any qualities, no person, may worship the Divine humanity, the ideal of human perfection and aspiration, without worshipping any god, any person, any fetish at all. Therefore I might call myself, if I wished, a kind of Christian (of the Church of Blake and Shelley), but assuredly in no sense a Theist."¹⁷³

The stubborn God/body dualism that these Church of England poets and writers inherited was of longstanding establishment within the Church. Elaine Pagels, in *The Origin*

¹⁷³ Edmund Gosse, *The Life of Algernon Charles Swinburne* (London: Macmillan 1917), 309.

of Satan, accounts for the emergence in early Christianity of a dualistic, oppositional, Pauline view of God vis a vis the body, and of the establishment in the early Church of non-Jewish notions of sin and hell in relation to sexual desire: a history relevant to the construction of sexual sinfulness inherited through the Church of England by Symonds and his peers.¹⁷⁴ In contrast, Whitman's monistic theological position, closer to what Pagels identifies as first-century Jewish Christianity, called for an understanding of the body and of God in which they are not at war but are elements that are equally interradiated: the spirit consonant with the flesh. Everything, including the most degraded, filthy or carnal aspect of the human body, is "always already" sacred, in this worldview: as Whitman writes, "[t]o a drudge of the cottonfields or emptier of privies I lean...on his right cheek I put the family kiss [...]" in the 1855 *Leaves of Grass* (56-7).

Whitman, in this edition, posits the "I" as a Christlike, but also as a carnal lover to all men at every level of society, and to all women as well: "On women fit for conception I start bigger and nimbler babes,/ This day I am jetting the stuff of far more arrogant republics" (56-7). He addresses his readers, whomever they may be, and of whatever gender, as "lovers of me." Conflating the erotic with language of spiritual redemption, he declares: "I have embraced you, and henceforth possess you to myself" (56-7).

To gatekeepers of established religions, Whitman has little but scorn: "Magnifying [...] come I/Outbidding at the start the old cautious hucksters./ The most they offer for

¹⁷⁴ See Elaine Pagels, *The Origin of Satan* (New York: Vintage Books, 1995) 35-62, 112-148. For further explication of first-century divergence between early Jewish-Christian attitudes toward the physical world, and post-Pauline dualisms around carnality, see also Marcus J. Borg, *Jesus: Uncovering the Life, Teachings, and Relevance of a Religious Revolutionary* (New York: Harper One, 1989) 16-23 and Elaine Pagels, *Beyond Belief: The Secret Gospel of Thomas* (New York: Random House, 2003) 3-29.

mankind and eternity less than a spirt [sic] of my own seminal wet" (56-7). He goes on to itemize the orthodox religions and deities whom his "own seminal wet" has made obsolete: "Taking myself the exact dimensions of Jehovah and laying them away," Whitman dismisses "Kronos and Zeus his son," Hercules, Osiris, Isis, Belus, Brahma and, for good measure, Jehovah again, under the name of "Adonai." He also lays aside "Allah" and, most daringly for his audiences in Britain, invalidates "the crucifix engraved" (56-7). He asserts that he is "[a]dmitting they were alive and did the work of their day" but that their "special revelations" are no more revelatory than "a curl of smoke or a hair on the back of my hand" (57).

In this clearing-away of what Whitman recasts as dead dogmas and prohibitions, homoerotic desire re-enters the discourse in a completely new context: "Span of youth! Ever-pushed elasticity! Manhood balanced and florid and full!/ My lovers suffocate me [...] Jostling me through streets and public halls...coming naked to me by night,/ Crying by day Ahoy from the rocks of the river [...] Bussing my body with soft and balsamic busses" (62). Though "a woman's face" is thrown into the list, most of the citations of "my lovers" in this passage are of subjects situated in masculine public and private settings (62).

Where could Whitman have absorbed such a cosmology? Not from American Christian orthodoxy dominant in the 1850s, when Episcopalianism and Baptism prevailed, with their strong Pauline metrics of bodily sin. However, he could have received this influence from both American Transcendentalism and from American Judaism. Orthodox Episcopalianism and Baptism were both being challenged from 1837 on by such Transcendentalists as A. Bronson Alcott and Ralph Waldo Emerson, who were teaching and writing in Concord, Massachusetts, and around Boston, Massachusetts. Philip Gura, in *American*

Transcendentalism: A History, notes that the Transcendentalists had no one doctrine but rather shared a commitment to tolerance, liberalism of thought, and a dismissal of hierarchical, orthodox claims for the Divine (11-12). This version of Transcendentalism became famous by the 1840s and was a household term in America by the late 1860s.

American Transcendentalism sacralized the human being and the natural world as well. The Rev. William Ellery Channing argued for man's "Likeness to God" in a well-known 1828 sermon later known by that title. Indeed the Transcendentalists very nearly sacralized human sexuality and the body.¹⁷⁵ Educator A. Bronson Alcott's second volume of *Conversations with Children on the Gospels* (1837), in which children discussed reproduction, among other subjects, was called by one influential reviewer, "more indecent and obscene [...] than any other [book] we ever saw exposed for sale on a bookseller's counter."¹⁷⁶ After this scandal, which closed Alcott's school, the Transcendentalists that preceded Whitman would stop short of too-explicit attributions of the divine to the body and sexuality, but would continue to invoke the presence of God in the physical natural order, and hint toward the notion of God in human sexuality.¹⁷⁷

This vision of the unity among the physical and spiritual dimensions is aligned with the worldview of sixteenth-century European Kabbalism too, and with nineteenth-century Rabbinic prayer discourse. In this tradition, the "*Sephirot*," or heavenly dimensions, inhere

¹⁷⁵ Rev. William Ellery Channing, *A Discourse Delivered at the Ordination of the Rev. Frederick A. Farley as Pastor of the Westminster Congregational Society in Providence, Rhode Island* (Boston: Bowles and Dearborn, 1828) 36.

¹⁷⁶ See A. Bronson Alcott, *Conversations with Children On the Gospel, Volume II* (Boston: James Munroe, 1837) 13.

¹⁷⁷ For an overview of the American Transcendentalists' evolution toward monism, and its sometime relationship to sexual and gender radicalism, see Megan Marshall, *Margaret Fuller: A New American Life* (Boston: Houghton Mifflin Harcourt, 2013) 103-4.

within the world, and the challenge of bringing the worlds together is not one of external redemption by a Savior, but rather one of an enlightened perception which can be made available to any human being: a cosmology that foreshadows Whitman's.¹⁷⁸

Whitman was familiar with many religious traditions, as his list of deities cited above confirms. The first, 1855, *Leaves of Grass* echoes a traditional Jewish prayer, *Asher Yatsar*, that dates from the Second Temple period and would have been prayed daily by European Jews in the mid-nineteenth century as part of the "Gratitude and Praise" section of the daily prayers meant to accompany everyday activities.¹⁷⁹ In the Kabbalistic and Rabbinic traditions, Whitman's cosmology—the notion of Divine radiance within all created things, the politically radical idea of sacralizing everyday activities, and the equally subversive concept of releasing spirituality from the stranglehold of a Church/Synagogue and out of the hands of a Priest/Rabbi—had been developed for three centuries (Schachter-Shalomi 94-6).

A substantial body of Whitman criticism addresses Biblical influences and echoes in *Leaves of Grass*.¹⁸⁰ While these critics have argued rightly that Whitman set himself consciously within American (and then British) culture as a prophet of a new faith, none

¹⁷⁸ See Zalman Schachter-Shalomi, *Jewish With Feeling* (New York: Riverhead Books, 2005) 164-171.

¹⁷⁹ See Chaim Stern, ed. *Gates of Prayer for Shabbat and Weekdays* (New York: Central Conference of American Rabbis, 1994) 131.

¹⁸⁰ See for example Ronald Knapp, in *Of Life Immense: The Prophetic Vision of Walt Whitman*, who sees Whitman as heir to the Hebrew Prophets. Herbert J. Levine, in *Minor Prophecy: Walt Whitman's New American Religion*, portrays Whitman as constructing an innovative faith structure of his own. W. C. Harris, in "Whitman's *Leaves of Grass*: The Writing of a New American Bible" agrees that the poet was creating a holy text for a new faith. Michael Robertson, in *Worshipping Walt: the Whitman Disciples*, adds that the prophetic Whitman drew a religiously-oriented discipleship from many walks of life. However, these critics all stop short of identifying Kabbalist-influenced liturgy as an important possible post-Exilic influence on Whitman.

have identified the influence on that worldview of Kabbalistic monism. The “*Asher Yatsar*” prayer is an expression of the sacredness of all things, including all physical matter and all parts of the human body, no matter how “degraded.” It is intended to be prayed upon having eliminated waste, having exited the washroom and washing one’s hands. Indeed it is posted outside of toilets in Yeshivahs:

Blessed are You, Hashem our G-d, King of the universe, Who fashioned man with wisdom and created within him many openings and many cavities. It is obvious and known before Your Throne of Glory that if but one of them were to be ruptured or but one of them were to be blocked it would be impossible to survive and to stand before You.

Blessed are You, Hashem, who heals all flesh and acts wondrously.¹⁸¹

This daily prayer praises God for the creation of every part of the body, the intestines, genitals and bowels as well as every other part. It notes that the human being’s most divine functions, including that of praising God, depends upon the function of the “least” of the body’s organs and orifices. It stresses that God fashioned Man’s body “with wisdom,” a theoretical position that, via Whitman, would profoundly affect the sexually self-hating Symonds. Other points in the liturgy thank God for every aspect of the human body: its ability to walk, stand and bow, and for making the human body in the image of God.

The preface of the 1855 edition, which was selectively reissued, made assertions more radical to a British ear such as Symonds’ than the poems that followed, in insisting on including every part of the poet in the task of poetry, without self-censure or exception:

Of all making the great poet is the equable man [...] There is not left any [...] delusion of hell or the necessity of hell [...] and no man thenceforward shall be degraded for [...] sin [...] he does not stop for any regulations [...] he is the president of regulations [...] The greatest poet does not moralize or make applications of morals. [...] The old red blood and stainless gentility of great poets shall be proved by their unconstraint [...] (xxx-xxx).

¹⁸¹ “*Asher Yatzar*.” *Torah.org*. Accessed August 21, 2014. Web.

Whitman's task, like that of *Asher Yatsar*, is redemption through the itemization of the physical.

Whitman's notebooks reveal that he studied the Hebrew Bible, and especially the Psalms, throughout his lifetime. But this would not have exposed him to the daily prayer of the Judaic tradition. Many Whitman critics have sought to source this unified worldview that insists on the harmonizing of body and spirit that is so uncharacteristic of the Christian West. Whitman also may, in 1841, have witnessed the Rabbinical practices of nineteenth-century European Judaism, with its echo of Kabbalism. Whitman lived with a Jewish fellow boarder in New York that year, and describes the boarding house as being collegial and communicative.¹⁸² Daily prayer for a nineteenth-century Jew at home involved wrapping phylacteries around the forehead and forearms, bowing, and perhaps even donning a prayer-shawl. If this was taking place in Whitman's house, it is likely that the inveterately curious and chatty poet paid attention to it, and may well have asked questions.

In 1843, Whitman published in (and Whitman historians speculate, may have worked at) *The Sunday Times*, edited by the well-known Jewish journalist Mordecai Noah.¹⁸³ And his personal papers confirm a general awareness of "Hebrews" among the democratic masses he identifies by name: Negroes, Irish, and so on. Leonard Prager in "Walt Whitman in Yiddish" cites the *Encyclopedia Judaica*, and points out that Whitman brought out two essays in the newspaper of which he was the editor, "recording his impressions of the

¹⁸² See Justin Kaplan, *Walt Whitman: A Life* (New York: HarperCollins, 2003) 95.

¹⁸³ Leonard Prager, "Walt Whitman in Yiddish," *Walt Whitman Quarterly Review*, Vol. 1, No. 3 (1983) 22. *The Walt Whitman Archive*. Center for Digital Research in the Humanities, n.d. Accessed September 2 2013. Web.

Shabbat service that he had witnessed at the Crosby Street Synagogue.”¹⁸⁴ But Prager leaves analysis of any possible influences from the Shabbat prayerbook, there.

Other possible Jewish influences have yet to be explored more completely. From February 1848, to May 1848, Whitman lived in New Orleans and worked as a reporter at the New Orleans *Crescent*. This city had a uniquely tolerant and multiethnic history in the nineteenth century in the United States due to its having been founded by two colonial powers, by Spain, and then occupied by France until 1803. The slaves imported to establish the levees resulted in the presence of African cultures and influence. The city was home to Irish and Italian immigrants as well. Finally, the Napoleonic Code, as we saw, allowed consensual adult sodomy. In sum, the city was far more sexually and racially open than were other civic centers, such as Brooklyn, New York, or Camden, New Jersey, where Whitman also spent time before and after writing *Leaves of Grass*. Nineteenth-century New Orleans was a “cultural gumbo,” as historian Elizabeth Fussell puts it (846–55).

In the census of 1810, New Orleans was already a “tripartite city,” with a one-third population of free blacks. In addition to this unusual racial diversity, New Orleans had unusual religious diversity: a prominent Jewish community was accepted into the city’s elite in the 1840s, a situation unique in America in that decade. Elliott Ashkenazi in *The Business of Jews in Louisiana 1840-1875* notes the anomalous rise and influence of Jews in the city’s leadership at that time.¹⁸⁵

¹⁸⁴ ‘Sunday Times & Noah’s Weekly Messenger.’” *The Walt Whitman Archive*. http://www.whitmanarchive.org/published/periodical/periodical_titles/per.00182. Accessed July 25, 2013. Web.

¹⁸⁵ For more on the influential status and role of the Jewish community in New Orleans in the period when Whitman lived there, see Elliott Ashkenazi, *The Business of Jews in Louisiana 1840-1875* (Tuscaloosa: University of Alabama Press, 1988).

In addition to New Orleans' atypical racial and ethnic situation, it had a uniquely open sexual marketplace in the 1840s. In *Brothels, Depravity, and Abandoned Women: Illegal Sex in Antebellum New Orleans*, Judith Kelleher Schafer reads the *New Orleans Daily Picayune* from 1846-1862 and argues that sex work in New Orleans in the 1840s, when Whitman was present, was multiracial, open, and largely unregulated by police until 1857 and loosely regulated thereafter. The lives of pimps and prostitutes as recorded in the *New Orleans Daily Picayune* court records reveal that diverse sexual choices and diverse cohabitation arrangements, including both genders cross-dressing, were discussed with amusement in the news and socially tolerated, a situation unique in America in that period.

Critics have not located Whitman's spiritual monism, or his posture of sexual tolerance, in his likely 1840s exposure to multiracial, sexually tolerant New Orleans, or to the positive discourse of sexuality and the body within the marriage of Rabbinic and cultural Judaism in nineteenth-century America. Hermann Bahr, for instance, the Austrian critic who was a contemporary of Whitman's, sought to source the monistic aspect of Whitman's sensual/spiritual epistemology within the Classical Dionysian tradition, and also identified it with the Christian tradition of the Saints.¹⁸⁶ Many later critics have elaborated on the Biblical echoes in Whitman, but have not identified post-exilic Rabbinic discourse as an influence on his monism.

The United States in the 1840s was free of a great deal of obscenity and sex crime legislation that would become a reality from 1873 onward. Thus, Whitman's first stories and essays appeared in an America with little sex crime legislation and no obscenity

¹⁸⁶ See eds. Gay Wilson Allen and Ed Folsom, *Whitman and the World* (Iowa: University of Iowa Press, 1995) 162-166.

legislation on a national level. This allowed Whitman scope that was shocking and liberating to a British reading public. In Jonathan Ned Katz's analysis of the earliest Whitman stories, for instance, *Love Stories: Sex between Men before Homosexuality*, Katz shows that Whitman's freedom to address homoerotic themes receded with time (49). Katz, however, does not make the connection with escalating obscenity or sodomy law in the United States.

In Whitman's 1841 short story, "A Gentle Angel Entered," the male characters express their emotions and communicate about them more directly than men in love will again, in American or British literature, until the mid-twentieth century. An older protector/seducer, Lankton, and a young boy, Charles, speak directly of their "love" for one another (Katz 39). The story is a low-key narrative of the rescue of an endangered child, a rescue that turns both paternal and amorous. "It would perhaps be best," suggests Lankton, the urban sophisticate who has just saved Charles from being ill-treated by a sailor, "for the boy to stay and share his bed at the inn" and "[l]ittle persuading did the child need" (37).

Lankton experienced feelings of "unsullied affection" as the two fell asleep: "He folded his arms around him and, while he slept, the boy's cheek rested on his bosom" (38) An angel kissed both on the lips during the night, and a "close-knit" love between the two "grew not slack with time" (39).

Charles went on eventually to marry, but his attachment to Lankton remained intact. "Family values, man-man love, and man-boy love were not viewed as opposed or exclusive in Whitman's story," concludes Katz (38-9). Katz notes that many kinds of sexual and romantic love between men were not yet fully codified in the American 1840s: "In this era,

the act of sodomy [was] named occasionally in legal documents and newspaper reports. And persons [were] identified occasionally as sodomites [...]"(38). Nonetheless, many contexts of affection and sexual intimacy were unlegislated and thus socially available to men, and thus descriptions were possible for Whitman in America that required bowdlerization by 1867 in Britain – edits that William Michael Rossetti felt compelled, probably for legal as well as for critical reasons, to spell out in his preface to his 1867 edition.¹⁸⁷ Katz points out that “love” was not yet code at that time for “sodomitical” desire; nor was it code for “sexual inversion,” nor for “homosexuality”: these latter terms not yet coined. The description of the love between the two was also, I note, not yet illegal. We see the law reflected in the literary record here: before the law criminalized sodomy and before sexology coined “sexual inversion” and “homosexuality” – what a writer wrote about when he was writing about the intimate connection between two males, was identified as “love.”

This legally-permitted frankness in discourse was one aspect of Whitman that so transformed the consciousness of possibilities, for British readers such as Symonds. To understand the role Whitman played in discourses about sexuality by other authors of our period, we must understand in more detail the record of his publication’s reception in Britain. The Periodical Archives database shows few British mentions of Whitman before 1867, the date of William Michael Rossetti’s expurgated version of *Leaves of Grass*. The Whitman Archives show fewer than ten mentions in the British press before 1860, and most of those early British mentions are bemused or neutral. In reviews at that point, there

¹⁸⁷ Walt Whitman, *Leaves of Grass*. Ed. William Michael Rossetti (London: Hotten and Pickering, 1867) iv.

is often mention of the small number of illegal volumes of the American *Leaves of Grass* that had already been passed from hand to hand.

Although these volumes were contraband in Britain after 1857, their publication history is evidence of their impact; the demand for the US (uncensored) editions of *Leaves of Grass* led British publishers to take unusual risks in the 1860s.

English publishers and booksellers who began distributing the 1855 and 1860 US *Leaves of Grass* would have to smuggle through customs imported copies of the book. These volumes were in fact pirated. The booksellers or publishers would then either “tip-in”—interpolate—a title page of their own, or else use glue to paste their own publishing house’s name onto the US title page -- over where the page was otherwise blank. At times, unbound pages from the US edition would be bound into covers marked with the British publisher’s imprint. The Walt Whitman Archive notes that “these editions were limited in number and received limited distribution.”¹⁸⁸ In 1855, for instance, publisher William Horsell illegally distributed a minimal number of the 1855 US edition. The Pierpont Morgan Library houses a volume with the Horsell interpolation visibly pasted onto the title page. In 1860, this distribution was no longer legal in Britain; yet the publisher Trübner and Co. undertook to distribute the 1860 US edition.¹⁸⁹ John Burroughs, in *Walt Whitman as Poet and Person*, was the first to argue in 1867 that the illegal first edition had already become a collector’s item (15-19).

¹⁸⁸ “Introduction. Published Works.” *The Walt Whitman Archive*. Accessed July 30, 2012. Web.

¹⁸⁹ “Introduction: Published Works.” *The Walt Whitman Archive*. <http://www.whitmanarchive.org/published/books/other/british/intro.html>. Accessed July 30, 2012. Web.

What was so scandalous in Britain about the 1855, 1856 and 1860 US editions of this book? As noted above, the US 1860 edition of *Leaves of Grass* included, along with the sexually graphic sequence “Enfans d’Adam,” the homoerotic cycle of the “Live Oak,” later “Calamus,” poems. This series of poems identified male-male love and sexual desire with the beauty, generativity and the cyclical qualities of the natural world.

When copies of the US 1855, 1856 and 1860 editions were distributed illegally in Britain, several British reviews indicated that Whitman’s challenge had, for reasons now explicitly including legal ones, to be addressed. In short, the law produced the scandal. The reviews grew more savage and contentious after 1857 and again after 1868.

The anonymous reviewers for the *Leader*, perhaps George H. Lewes and Edmund Ollier, cheered the volume during the year before the Obscene Publications Act passed: “the minstrels of the stars and stripes [...] blow a loud note of exultation before the grand new epoch.”¹⁹⁰

But the critical tone darkened after the benchmark year of 1857. *The Leader and Saturday Analyst* ran a piece in 1860 titled “Walt Whitman and his Critics.”¹⁹¹ The article noted the recent context of censorship in which the US volume appeared in Britain: “Among American authors there is one named Walt Whitman, who, in 1855, first issued a small quarto volume of ninety-five pages which, it appears, the author had printed himself and then ‘left to the winds of heaven to publish’” (614). The comment is a wink to the reader about the missing publication information on the book’s title page. The anonymous author reflects on the illegality of owning a “Whitman” in Britain, and refers to the fact that it was

¹⁹⁰ See “Transatlantic Latter-Day Poetry.” *Leader*, June 7, 1856: 547-48.

¹⁹¹ See “Walt Whitman and his Critics.” *The Leader and Saturday Analyst*, June 30, 1860: 614.

possible, with some difficulty, to procure it: “By the booksellers of the United States generally the book was ignored, but it *could* be obtained by the persevering applicant” (614).

By 1860 and 1861, reviews in Britain begin to mention obscenity law and prosecution risk. In *The Westminster Review*, the reviewer, Wathen Mark Wilks Call referred to the issue of the work’s obscenity in the very words of the 1857 Obscene Publications Bill: in “Review of *Leaves of Grass* (1860–61),” under a title noting the date of the new (and “dirtier”) edition, Call declared:

If Mr. Walt Whitman's "Leaves of Grass" had been printed on paper as dirty as his favourite topics—if the book itself had presented the general aspect of that literature which usually falls under no other criticism than that of the police office, we should have passed it by without notice, as addressing only such a public as we have no concern with; but when a volume containing more obscenity and profanity than is perhaps elsewhere to be found within the same compass."¹⁹²

Call made the now legal distinction between readers about whom no one cares in terms of their possible sexual arousal, and readers whose arousal, closer to the family hearth, is actionable. The “police office” is a phrase that by this time, when arrests of booksellers had begun, no publisher or bookseller wished to read in a review of one of their books, in an influential national periodical.

The Spectator also referred to the wording in the law, “obscenity,” in its 1860 review. Unlike charges of “filth” or “lewdness,” “obscenity” now has a legal valence with penalties attached. This anonymous review also, as Symonds and Anne Gilchrist would do, merges the poetry with the sexual body of the poet: “The paper, print, and binding are indeed superb; but one thing these gentlemen have forgotten: where are the phallic emblems, and

¹⁹² Wathen Mark Wilks Call, “Review of *Leaves of Grass* (1860–61).” *The Westminster Review* 1 Oct. 1860: 590.

the figures of Priapus and the Satyrs that should have adorned the covers and the pages of this new gospel of lewdness and obscenity?" The author asks why Whitman is not depicted, instead of in a clothed portrait, as naked and in the act of "making love."¹⁹³

A final 1860 review referred explicitly to the threat posed by Lord Campbell, and to the legal risk of the booksellers distributing the volume. It used the phrases "criminals" and "verdict" and invoked a new category, "literary judges": a resonant and doubtless chilling phrase as traditional literary "judgment" could now turn into or precipitate a legal judgment. The review even refers jokingly to the increasingly "disgusting" quality of the second (actually third) edition, a joke that would have depended on readers' general knowledge that the 1860 edition was "dirtier" than the 1855 version:

We are rather surprised that with John Lord Campbell of the woollack, and a certain act of his still unrepealed on the statute-book, Mr. Walt Whitman should have found a London vendor for his uncleanly work. This is more decided language than we generally employ, and our readers may ask us for some justification of it. Let us remind them of Lord Macaulay's description of Wycherley, which we can certainly apply to Walt Whitman. "His indecency is protected against the critics as a skunk is protected against the hunters. It is safe because it is too filthy to handle, and too noisome even to approach. There are certain criminals whom even literary judges must try with closed doors, and our readers must deduce from our verdict that "the evidence is unfit for publication." We say, then, deliberately, that of all the writers we have ever perused, Mr. Walt Whitman is the most silly, the most blasphemous, and the most disgusting; if we can think of any stronger epithets, we will print them in a second edition.¹⁹⁴

The invocation of sentencing within a literary review, understandably, led directly, I will argue, to a series of complex and detailed publication and distribution strategies among authors and printers to protect themselves from prosecution while still seeking to circulate illegal texts.

¹⁹³ "Leaves of Grass." *The Spectator* 14 July 1860: 669-70.

¹⁹⁴ "Leaves of Grass." *The Literary Gazette* 106 (7 July 1860): 798-9.

Already, identifying the censorship of the volume, and the ways around it, was a parlor game in literary circles: an anonymous review of *Leaves of Grass* in *The London Review and Weekly Journal of Politics, Society, Literature, and Art*, declares that “[c]omparing this volume with the earlier editions of the ‘Leaves of Grass’ we find that [...] all is retained, including some things that might better have been omitted.” (641-3) The anonymous author refers directly to the law: “We are not [...] maintaining that a poet may run counter to every social and religious belief and law.” (641-3). The author also tells the story of the “thin quarto” being removed from bookstalls, at which a demand arose, and led to its now being found “on the shelves of second-hand book stalls in side places in the city.” If a “curious person” finds it, “the stall-keeper will ask him treble its first price.”¹⁹⁵ The notice in *The London Review* referred to the volumes of *Leaves of Grass* that were being smuggled into Britain or pirated, in violation of obscenity law: “So far as the title page of the well-printed volume furnishes any information it is written by and published by New York [sic], and doubtless such is the case.” (641-3) This is a wink at the fact that illegal volumes were printed in Britain, with no title page matter listing a publisher. As the writer suggests about this “well-printed volume,” readers knew that printers of a potentially obscene book such as this edition would, on occasion, assign to a pirated edition (that is, printed illegally in Britain from electroplate technology reproducing the American edition) inaccurate provenance, or none at all, to the print run to avoid prosecution.

One strategy of avoiding prosecution involves a blank title page. Early British reviews, we recall, mentioned knowingly the blank title page of the first editions. The issue of the

¹⁹⁵ “Walt Whitman.” *The London Review and Weekly Journal of Politics, Society, Literature, and Art*. June 8, 1867: 641-43.

empty or blank title page is an important one that will recur for the next thirty years; these blank title pages are critical pieces of evidence of the weight of censorship law. The blank title page, a bibliographic curiosity of this period, is a legally necessary denial of agency on the part of the author working under legal censorship conditions. By leaving no publisher identified on the title page (the traditional part of a book that shows who published it, where it was published, the date of publication, and later in the century after copyright law was passed, the author's copyright) there is no way of establishing who is responsible for—thus, who is legally liable for—printing and distributing the “obscene” book in the reader's hands.

Bibliographic strategies on the part of authors to evade prosecution, I found in examining title pages for authors of obscene publications assessed in this study, could include anything from identifying a “printer” rather than a publisher on the title page, to taking back one's plates from a wary publisher who quails at the threat of prosecution, and printing from the plates oneself—as Walt Whitman would do in 1882. Strategies could include private publication that is not “publication”, that illegal act, so much as sewing or embroidery: John Addington Symonds would later self-publish hand-sewn excerpts of illegal material that could be inserted inside of a legal volume, for the enjoyment of receptive readers. Private reading groups created another evasive strategy: the Aeropagitica Society would assign publishing responsibility to private reading groups rather than to “publishers.” These were all techniques to evade specific laws; laws that evolved and mutated, in a game of cat and mouse lasting three decades, precisely to catch out these authorial strategies that were, in turn, also always evolving.

In fact, “the winds of Heaven,” in the words of one reviewer, did publish the first and second *Leaves of Grass*. For the 1856 US edition of *Leaves of Grass* has a title page that is blank on both recto and verso sides. Walt Whitman himself printed it, and Fowler and Wells “issued” it. But what does that mean? Nothing legally dangerous to a publisher, one may have hoped, as Whitman himself claimed sole responsibility. The sole printing or publication identifier is: “Entered, according to Act of Congress, in the year 1856, by WALT WHITMAN, in the Clerk's Office of the District Court of the United States for the Southern District of New York.”¹⁹⁶ The strategic blankness otherwise indicates that there was no formal publisher; in other words, “no one printed it.”

As noted earlier, in the 1860 edition, Whitman added the *Enfans d'Adam* poems, later retitled “Children of Adam.”¹⁹⁷ The front matter for this edition would read: “Boston/ Thayer and Eldridge/ year 85 of The States, (1860-61) /Entered, according to Act of Congress, in the year 1860/ by WALT WHITMAN,/ IN THE CLERK'S OFFICE OF THE DISTRICTS COURT OF THE DISTRICT OF MASSACHUSSETTS/ ELECTROTYPED AT THE/ BOSTON STEREOTYPE FOUNDRY/PRINTED BY/GEORGE C. RAND & AVERY” (iii). We will see in our discussion of bibliographic choices why this is one of the first editions of a

¹⁹⁶ See Walt Whitman, *Leaves of Grass* (no location: N.p., 1856). The front matter is unpaginated. The copy is held in the University of Virginia Library and an image is available at <<http://etext.lib.virginia.edu>>. Accessed June 10 2013. Web.

¹⁹⁷ It is worthwhile to compare the exuberantly self-published 1856 edition cited in the footnote above with the more conventionally published Thayer and Eldridge 1860 edition. The “Enfans d'Adam” poems, illegal in Britain, are on pages 287-314. Thus the 1860 edition was more dangerous to read and distribute in Britain than were the 1855 or 1856 editions. This explains the knowing joking in some British reviews referring to the increasing perceived salaciousness of the later edition. See Walt Whitman, *Leaves of Grass* (Boston: Thayer and Eldridge, 1860).

potentially obscene book that has an electrotyper, a printer, an invocation of state sanction, and, mentioned only incidentally, a distributor.

This group of poems centered on carnal love and reproduction. In the Christian Gospels, including Mark 14:62, Jesus refers to Himself as “the Son of Man”: “I am: and ye shall see the Son of Man sitting on the right hand of power [...]” Due to mistranslation, in Christian theology, the Son of Man—from the Aramaic and Hebrew, “Son of Adam”—refers specifically to Jesus as the Redeemer. But in Rabbinic tradition, a “son of Adam” or “child of Adam” means, literally, (as it does in Modern Hebrew today) simply “a human being.” This latter is precisely Whitman’s usage—and probably, as Jesus Seminar critics such as Marcus J. Borg argue, in *Meeting Jesus Again for the First Time: The Historical Jesus and the Heart of Contemporary Faith*—the historical Jesus’s usage as well.¹⁹⁸ Whitman (and perhaps the historical Jesus, as Borg and his colleagues argue) is stressing in this phrase the humanity of the Divine and the divinity of the human -- not in any way referring to a unique role for a Redeemer. Notably, the “Children of Adam” section of *Leaves of Grass* was considered by many readers, including Emerson, to be the most “obscene” of the passages of the first editions of *Leaves of Grass*.¹⁹⁹

The consequences of Whitman’s sexual radicalism in the volume, as it reached London in 1855, 1856 and 1860, were manifold: the book enlisted the reader to imagine a collapse of social hierarchies; to refuse organized religion and its dogmas; to include same-sex love in

¹⁹⁸ In *Meeting Jesus Again for the First Time: The Historical Jesus and the Heart of Contemporary Faith* (New York: HarperOne, 1995), Marcus Borg makes this argument after summarizing recent scholarship on the historical Jesus.

¹⁹⁹ See Len Gougeon, “Emerson, Whitman, and Eros.” *Walt Whitman Quarterly Review* 23 (2006): 126-146.

the circle of romantic blessedness; to raise the dignity of the female body onto the same level of respect as that was accorded to the male; and to leave off costumes, hypocrisies and repressive social roles in favor of an ecstatic communion with nature and oneself.

The critical response would become more hostile, in waves that one can map against the legislative timeline. The years 1867, 1872-3, 1876 and 1882, which I have identified as turning points, all represent escalations in the legal record and in criminalization of obscenity and/or sodomy. Each of these years also shows a sharpened record of literary conflict and evasion, heightened legal consultation, and a greater awareness of legal risk in periodical reviews.

This 1860 US edition of *Leaves of Grass* includes such titles as “Poem of Procreation” and passages, in a section then titled “Poem of the Body,” as:

The wrestle of wrestlers, two apprentice-boys,
quite
grown, lusty, good-natured, native-born, out on
the vacant lot at sun-down, after work,
The coats and caps thrown down, the embrace of love and resistance,
The upper-hold and under-hold, the hair rumpled
over and blinding the eyes; [...] ²⁰⁰

This explication of the sexual and romantic attraction in this scene of a homoerotic wrestling-match is a mirror image of the sanitized, sublimated, Hellenized scene of youths wrestling in a context of Classical antiquity that, as Denis Donoghue, Richard Dellamora and others note, was becoming iconic in the discourse of Hellenized British homosexual transcendentalism by the 1860s.²⁰¹ That iconography would be contextualized historically

²⁰⁰ “Published Works: Leaves of Grass 1860.” *The Walt Whitman Archive*. 292-3.
<http://www.whitmanarchive.org/published/LG/1860/whole.html>. Accessed September 29, 2013. Web.

²⁰¹ See Denis Donoghue, *Walter Pater: Lover of Strange Souls* (New York: Alfred A. Knopf, 1995) 32-45. Pater, too, used anonymity in publication: in 1867, the year of Hicklin v.

by John Pentland Mahaffy in the 1875 *Social Life in Greece from Homer to Menander*; aestheticized in the 1870s by Pater, as Denis Donoghue points out in *Walter Pater: Lover of Strange Souls*; etherealized by Simeon Solomon in such images as “The Moon and Sleep” (1894); polemicized in Symonds’ *A Problem in Greek Ethics* (1871); and, as Dellamora observes, improvised upon “in Greek pederastic tradition” by Hopkins.²⁰² But here these wrestling Classical youths are humorously transposed by Whitman -- to America: their strigils and wreaths of laurels are “coats and caps,” their gymnasium a “vacant lot, at sun-down,” and what is transpiring between them is frankly “love and resistance”. The shock of Whitman to the British male homoerotic ear at this moment has to do with how many layers he does not have to assume; how many forms of literary defense and transposition he does not have to engage in. The wrestling match is not long ago and far away, but today and down the street. He disrupts gender expectations within the language itself and de-situates the reason from his or her own sense of a gendered identity: “From my own voice resonant – singing the phallus [///] Singing the bedfellow’s song, (O resistless yearning!/ O for any and each, the body correlative attracting!/ O for you, whoever you are, your correlative body! [...] From the pent up rivers of myself [...] the smell of apples and lemons [...] (288-9)

Here Whitman positions the lovers in relation to social custom, invoking a future in which what was actionable in Britain, at that time would be in the future simply normative. The simple language belies the power of the civic image “in all directions,” referencing “the

Regina, he anonymously published in the *Westminster Review* an essay on *History of Ancient Arts among the Greeks* by Winkelmann, with passages that reference “romantic, fervent friendships with young men” (47).

²⁰² Dellamora 42.

houses and streets,” to create a spatial picture in the reader’s imagination: a reader who, situated in Britain, is experiencing the legislating away of that spaciousness:

He whom I love travels with me, or sits a long while holding me by the hand [...] I walk or sit indifferent -- I am satisfied,/ He ahold of my hand has completely satisfied me. (353)

Later in this love sequence, the narrator grieves that the lover, a “him” whom the narrator hopes will not “content himself without me,” is far away. “(I am ashamed – but it is useless – I am what I am)” the narrator concludes. (353-55)

Again the simplicity of the imagery of affection and the naturalistic word choice, bare of metaphor and simple in style, surely conjured to such readers as Symonds the simplicity of affection in this future Utopian world. Word choice here is part of the power of the “performative utterance” that made “Calamus” such a transformational text in readers’ imaginations. With the simple and direct word choice and cadence, Whitman invokes an imagined state in which same-sex love could be equally simple and undisguised. In “Poem 13”:

CALAMUS taste
 (For I must change the strain -- these are not to be pensive leaves, but leaves of joy,)
 Roots and leaves unlike any but themselves,
 [...]
 Breezes of land and love -- Breezes set from living shores out to you on the living sea
 -- to you, O sailors!
 [...]
 Love-buds, put before you and within you, whoever you are,
 Buds to be unfolded on the old terms,
 If you bring the warmth of the sun to them, they will open, and bring form, color,
 perfume, to you,
 If you become the aliment and the wet, they will become flowers, fruits, tall
 branches and trees [...]
 NOT heat flames up and consumes [...]
 Myriads of seeds, wafted, sailing gracefully, to drop where they may,

Not these -- O none of these, more than the flames of me, consuming, burning for his love whom I love! [...] (359-60)

And in "Poem 19", this archetypal lover becomes more concrete, with a home address and identifiable urban destinations in which the lovers' relationship plays out:

Yet comes one, a Manhattanese, and ever at parting, kisses me lightly on the lips
with robust love,
And I, in the public room, or on the crossing of the street, or on the ship's deck, kiss
him in return [...] (364-5)
We are those two natural and nonchalant persons. [...] (364-5)

In a criminalizing British environment, to a reader such as Symonds, these references to "natural" and "nonchalant" surely suggested a civitas free of criminalization. Whitman's defiant references to "the public room" and "the crossing of the street" convey the challenge to secrecy and disavowal in public space that British law was imposing on same-sex relationships. "Poem 17" speaks matter-of-factly "Of him I love day and night" (362-3). It is the very simplicity of language and frankness of idiom that, I argue, was so compelling to Symonds, a poet and essayist who spent a lifetime projecting his voices through secondary genres, historical figures and even pronouns. The young Symonds would have been enticed by this vision in the 1860 "Calamus" poems of social and sexual openness; but, situated in a vastly different cultural and legal context, he also would have seen the potential for scandal and professional ruin posed by the invitation to be, in a "public room," "two natural and nonchalant persons."

Whitman, Symonds' Circle, and the 1860s

In 1865, Symonds was tormented by his desires; he visited public baths and gazed at men—a scene that Whitman's "bathing" sequence in *Leaves of Grass* echoes—but resisted taking actions that would lead him away from a conventional domestic home with a wife, Catherine, and a growing family. That same year Symonds found Whitman. Symonds had been visiting a homosexual friend, Frederic Myers, at Cambridge, when Myers took a volume of Whitman from a shelf and began to declaim from *Leaves of Grass*. The section Myers read, from *Calamus*, was from a point in the poem, probably from the US 1860 edition, in which the love relationship is unambiguously romantic and the pronoun of the Beloved is male:

One who loves me is jealous of me, and withdraws me from all but love,
 With the rest I dispense – I sever from what I thought would suffice me, [...]
 I heed knowledge, and the grandeur of The States
 And the example of heroes, no more,
 I am indifferent to my own songs – I will go with him I love,
 It is enough for us that we are together – We never separate again. (354-5)

This passage contains all the elements fundamental to Symonds' search for textual and sexual validation as a homosexual writer: the direct acknowledgement that conventional arrangements, or the obligatory marriages into which male homosexuals of the period forced themselves "would not suffice me"; the gesture toward Hellenism; and the frankness of the male pronoun. Symonds, with his respect for social norms, hungered his entire literary career for examples of other male writers who would put the facts of same-sex love in unmediated pronouns on the page. From Whitman to Ellis, he would be on a continual search for "his man"—never directly himself, until, perhaps, "A Problem in Modern Ethics,"—who would be willing first to brave the legal risks and cross that textual Rubicon.

Like many of Whitman's acolytes, Symonds implored his peers to read the poet. His friends asked him for copies of *Leaves of Grass*, and he set out to contact Moncure Conway, the American preacher who had known Walt Whitman since 1855 and who had travelled to England to help prepare for the publication of *Leaves of Grass*. On February 12, 1867, Symonds wrote to Henry Graham Dakyns that he could not put the illegal text in the post—an action that would have violated the law against distributing obscene material: "I cannot send you Calamus. Wait till I come. Is it not included in Leaves of Grass? [no italics in original]." ²⁰³ In other words, aficionados were already aware that there was important content in the illegal 1860 US editions that could not be seen in the original 1855 edition. At this time, of course, all editions of Whitman's *Leaves of Grass* were illegal in Britain; the Rossetti bowdlerized version had not yet appeared. Symonds assured Dakyns on April 8, 1867 that he was taking with him to "London an introduction from Newman to Conway the author of W. W.'s biography in the *Fortnightly*." "From him" Symonds wrote, "I hope to learn something more about the innovator. I shall not omit to ask him questions about the substance of Calamus – as adroitly as I can with a view to hearing what nidus for it there actually is in America" (706).

When Symonds was twenty-six, he would have, like his peers in the literary world in London, witnessed this well-publicized scandal and the professional damage of the fallout. In 1866, Swinburne received a rejection by his publisher, Edward Moxon, of a contracted print run of a thousand copies for *Poems and Ballads*. On August 20, 1866, Swinburne wrote furiously to J. C. Hotten that his agreement with Moxon was cancelled. Swinburne even

²⁰³ See eds. Herbert M. Schueller and Robert L. Peters. *The Letters of John Addington Symonds, Vol. I* (Detroit: Wayne State UP, 1968) 701.

strategized with Hotten how to buy the copies “as waste paper” through a third party, presumably to avoid prosecution. The blow, financially and otherwise, was clearly upsetting to Swinburne; as he wrote: “[H]is [Moxon’s] nonfulfillment of contract has robbed me.”²⁰⁴ (Moxon had cause to quail: in 1841, he had indeed been convicted of publishing “blasphemous libel”—Shelley’s *Queen Mab*. Moxon feared prosecution after the “storm” of attacks on its purported indecency.²⁰⁵) The issue of possible legal conflict ahead was explicit: “I do not wish to drag the matter before a law court,” wrote Swinburne.²⁰⁶ Nonetheless he fulminated:

“He [Moxon] does not deny the contract which he refuses to fulfill; he simply said to a friend who called on him, as my representative, that on hearing there was to be an article in the Times attacking my book as improper, he could not continue the role. As to the suppression of separate passages of poems, it could not be done without injuring the whole structure of the book, where every part has been so carefully considered and arranged as I could manage, and under the circumstances, it seems to me that I have no choice but to break off my connection with the publisher [...] Now to alter my course or mutilate my published work seems to me somewhat like deserting one’s colours [...] One may or may not repent having enlisted, but to lay down one’s arms, except under compulsion, remains intolerable.”²⁰⁷

²⁰⁴ Algernon Charles Swinburne, *Swinburne Letters, 1854-1869, Volume 1* (New Haven: Yale UP, 1959) 176.

²⁰⁵ Eds. Edmund Gosse, C.B., and Thomas James Wise. *The Letters of Algernon Charles Swinburne, Volume 1* (New York: John Lane Company, 1919) 49.

²⁰⁶ Gosse and Wise 42.

²⁰⁷ Gosse and Wise 44.

An abandoned print run is a catastrophe within the context of the literary marketplace: the cancellation would represent a loss of several thousand pounds to the publisher and it would pose an obstacle to Swinburne ever being published again in the future.

Moxon had quailed because a wave of reviews had not just been harsh, but also threatening under the terms of Lord Campbell's law. The *London Review* had called *Poems and Ballads* "utterly revolting."²⁰⁸ An article titled "Swinburne's Folly," published in the *Pall Mall Gazette*, castigated the book directly as "publicly obscene" and attacked its "lewd ideas and lascivious thoughts."²⁰⁹ Jerome McGann and Charles Sligh describe Moxon as having been "so frightened by the virulence of the abuse that he broke off publication and passed the copies on hand to John Camden Hotten [...]" (xvi). J. C. Hotten, who would also show daring in relation to publishing Whitman, took a risk and sold out five editions.

In Swinburne's defense, William Michael Rossetti wrote:

As to blasphemy, Swinburne is certainly a pronounced anti-Christian. And something very closely resembling an atheist; I consider that he is right in entertaining these or any other speculative opinions which commend themselves to his own mind and expressing them as freely as Christians, Mohammedans etc. express [theirs] [...]. As to indecency, [I do not think] his writings are likely to do any harm to anybody fitted by taste and training to admire them" (McGann and Sligh xvii).

Rossetti is here addressing the two main legal categories that had been driving printers and booksellers to prison and incurring fines. He rebuts a possible legal charge in the same terms that opponents of the censorship bills debated them in Parliament: he makes the case that it is un-British to suppress debate. In terms of a possible charge of indecency, Rossetti directly counters the wording of *Hicklin v. Regina* by invoking an imaginative sub-

²⁰⁸ See the review collected in Clyde Kenneth Hyder, *Swinburne, The Critical Heritage* (New York: Barnes & Noble, 1970) xiv. The review was originally published on April 8, 1865.

²⁰⁹ Anonymous, "Swinburne's Folly." *Pall Mall Gazette* 20 Aug. 1865: xx.

class of readers who can't possibly be influenced negatively by reading the text -- because their training has led them to be unaffected by obscenity. A presumably elite education has already protected them from the harm referenced by *Hicklin v. Regina*.

Swinburne himself, in this contested volume, initially praised Whitman. In the poem "Walt Whitman in America," Swinburne wrote: "Send but a song overseas for us/ heart of their hearts who are free [...]"²¹⁰ The American audiences invoked here by Swinburne in 1866 are "free" to love. Certainly, the implication is that they are politically free, but he may also intend that they are "free" at this time—when British readers and writers are not—to write and publish as they wish. At that time, Swinburne's moral reputation was at its nadir. After Swinburne's *Poems and Ballads* was published, sermons and satires attacked Swinburne as an apostate, which raised the risk of Swinburne and his publishers' facing legal action. There was an abundance of material to react against: the 29-year-old poet's anthology of verse referenced lesbian cannibalism, sadomasochism, and flagellation.²¹¹

In the mid-1860s, as we see from the scandal around *Poems and Ballads*, Symonds' British fellow writers were strategizing and self-censoring, and engaged in discussions with their publishers to avoid prosecution involving censorship laws: J. L. Hotten asked William Michael Rossetti to discuss with Swinburne the proofs of a pamphlet; the publisher wanted Rossetti's help in urging caution on Swinburne about how the poet would address the issue of the legal risk he had taken. William Michael Rossetti subsequently wrote to Swinburne,

²¹⁰ Eds. Edmund William Gosse and Thomas James Wise. *The Complete Works of Algernon Charles Swinburne, Vol. II* (New York: Russell and Russell, 1968) 184.

²¹¹ These themes are in Algernon Charles Swinburne, *Poems and Ballads and Atalanta in Calydon*. Ed. Morse Peckham (New York: BobbsMerrill, 1970) 82, 183.

censoring his discussion of censorship, that:

you wd probably be disposed to take into careful consideration the [note] on p. 6 which shows his [Hotten's] own preference on a point which concerns himself personally i.e he wd be gratified if you were to make the change there indicated rather than retain the reference to threatened prosecution [...] Indictable offense he hoped wd be changed if the reference to prosecution is (as he hopes) cancelled. [...] He wld like the same fate to befall the 'suppression of Common Sense' &c. here - & thinks there is some peculiar virulence in 'Company' printed at full length [...] ²¹²

In other words, this passage reveals that publishers had to negotiate with their writers at times to ensure that the writers did not mention prosecution in a way that might lead the publishers to be prosecuted – and all the parties had to do so in a way that did not spell out the cause of possible prosecution.

Antony H. Harrison, however, misses this important legal back-and-forth around *Poems and Ballads*. "Swinburne's Losses: The Poetics of Passion" analyzes the 1866 critical reaction. The *Athenaeum* declared that Swinburne was "unclean for the sake of uncleanness" (Harrison 690). The journal charged him with being "utterly revolting" (690). The *Times* actually called for both the poet and the publisher to be prosecuted under the obscenity laws. Thus, Swinburne's 1866 publication, remembered now for its sexual avant-gardism, was met at the time with a range of reviews that put him in direct legal jeopardy. But Harrison does not explore this avenue.

The seriousness of the charges is underscored by the flurry of activity that followed publication. At John Camden Hotten's invitation, William Michael Rossetti rushed into print a defense of Swinburne: *Swinburne's Poems and Ballads: A Criticism*. William Rossetti lamented that "critics [...] exorcised his book with abundant holy water of morals and

²¹² See Terry L. Meyers, ed. *The Uncollected Letters of Algernon Charles Swinburne, Vol. I* (London: Pickering & Chatto, 2004) 265.

religion [...] and the result is, that the book is withdrawn from publication in England” (8). Swinburne responded to the furore with a rebuttal of his own, “Notes on Poems and Ballads,” which laboriously explained that “passion” actually meant suffering, that his interest is in a philosophy of “moral passion,” and that his *Faustine* is “symbolic and fanciful” (Harrison 690). Harrison takes this after-the-fact skirmishing on Swinburne’s part at face value, rather than seeing it as a legal “paper trail” indemnifying the writer: “Vague as it appears to us and paradoxical as it must have seemed to his contemporaries, ‘moral passion’ is a key phrase in Swinburne’s lexicon.”²¹³

Swinburne was notorious by the end of 1866. On November 2 of that year, in a letter to Lord Houghton, he wrote that a public movement to support Whitman in the face of attacks on his lack of sexual orthodoxy existed in the United States. The implication was that Britain lagged behind. Swinburne added wistful italics emphasizing “*his* defense”: Whitman’s champions had issued a pamphlet in his support. “If you have read the *Drum-Taps* of [...] the great Walt (whose friends have published a pamphlet in *his* defense)” he wrote, “I daresay you agree with me that his dirge [...] is a superior piece of music and colour.”²¹⁴

In 1867, the legal situation was reflected in reviews and correspondence: Whitman now faced the same treatment from reviewers that Swinburne himself had faced the year before – including epithets in reviews comparing him to barnyard animals. The impossible-to-follow grammar that implied appreciation of the poems without implicating the reviewer

²¹³ Harrison 691. Harrison quotes Swinburne defending the “indecentcy” of the Elizabethan John Ford but does not read that decision as an analogy that is of legal value to Swinburne to have on the record, as I would.

became a hallmark of Whitman reviews, as in the following: “(a careful perusal of these remarkable productions has convinced us that the vague impression we have now and then encountered that Walt Whitman is a kind of ‘learned pig’ is far from correct; we cannot pretend to name his species exactly, but it is certainly winged.)”²¹⁵

The controversy about the US editions of the Whitman volume before 1867 made the timing ripe for William Michael Rossetti, who had been approached by Hotten, to bring out the expurgated British version of Walt Whitman’s *Leaves of Grass*. This was daring, just a year after the scandal over *Poems and Ballads*. William Michael Rossetti edited the MS during the furore.

In 1868 Symonds was ready to ask the editor of the expurgated William Rossetti British volume about the too dangerous-to-discuss omissions from 1855 and 1860s US editions. In a letter to William Rossetti on 15 August, 1868, Symonds managed simultaneously to thank the editor for his efforts in support of Whitman’s work, to put on the record (doubtless with an eye on the legal context) his regret at Whitman’s “want of taste in details,” and to seek from the editor information, that would be problematic for William Rossetti to offer, about Whitman’s excision of the “Calamus” poem:

May I be permitted, as a sincere admirer of Walt Whitman, to express to you my thanks for your edition [...] I should hardly have ventured thus to address you, had the readers and admirers of Whitman been a large body in England. But, as it is, there are so few who are able to understand his excellences, so many who are irritated into a kind of madness by his want of taste in details, that I feel justified [...]

Might I ask you on what account you have omitted *Sleep-Chasings* and *A Leaf of Faces* [...] Is it because you would not submit them to the necessary purgation for

²¹⁵ Unsigned article. “Walt Whitman.” *The London Review and Weekly Journal of Politics, Society and Art*, June 8 1867, 641-3.

The Walt Whitman Archive,

<http://www.whitmanarchive.org/criticism/reviews/leaves1867/anc.00192.html>.

Accessed August 10, 2012. Web.

English readers? I remember that one passage in the latter poem moved Tennyson's wrath in particular [...] I should also have liked to see the poem *Calamus* (old edition) [...] the more so perhaps because it has been omitted in the last edition by Whitman himself. Do you happen to know what induced him to suppress it? [...]. (Scheuller and Peters 836)

In his 1906 memoir *Some Reminiscences of William Michael Rossetti*, William Michael Rossetti explains that he had been more than a mere publicist for Whitman: he was, as many of Whitman's earliest readers were, a proselyte. The expurgated version was intended to pave the way to the real thing. William Michael Rossetti's first critical appraisal of Whitman appeared in *The Chronicle* in 1867:

I had known *Leaves of Grass* almost as soon as it was published in America, in 1855; a copy of the book having come into the hands of Bell Scott in Newcastle, and he having presented it to me. I read it with great delight: not supposing that it is impeccable in taste, or unassailable in poetic and literary form, but finding in it a majestic and all-brotherly spirit, an untrammelled outlook in the multiplex aspects of life, and many magnificent bursts of sympathetic intuition allied to, and strenuously embodying, the innermost spirit of poetry; but on the other hand I never could see that, because Whitman omits rhymes and omits regularity of metre, and introduces into his compositions passages indistinguishable from ordinary prose, therefore his performance is mere literary bastardy, and has no title to be numbered among poems – or more especially that he himself has no title to be numbered among poets. (401)

William Rossetti and J. C. Hotten knew they could be prosecuted for issuing a British edition of *Leaves of Grass*: Whitman's letters reveal that Hotten, William Rossetti, and Swinburne, met to discuss the legal risks of publishing a British version of *Leaves of Grass* that was the same as the US edition. They concluded that there were serious risks, and then went ahead with the bowdlerized version. "On April 30, 1867," notes Gay Wilson Allen and E. Sculley Bradley, the editors of Whitman's letters, "a London edition of [Whitman's] poems was under consideration. [...] [William] O'Connor [was advised] of a conference, attended by Swinburne, William Rossetti, and J. C. Hotten, at which it was decided that a complete edition of *Leaves of Grass* could not be published with certainty of not being

prosecuted.²¹⁶ The language is legalese: “any publisher” would be risking prosecution of such a publication, and it is the “complete,” meaning “unexpurgated,” edition, that would be legally actionable.

In a letter to his American friend Moncure Conway then based in London, Whitman commented directly on the publication of his work in Britain. He wanted Hotten to “sell his English publication of my Poems,” on condition of receiving a shilling per copy. He also encouraged Conway to make editorial decisions and asked to see “noteworthy” British criticisms of the book. Whitman also recognized that he had an advocate in the form of William Rossetti, who took risks on his behalf. Whitman confirms that his is not just a book of verse but a “cause”: “I wish to send my sincerest thanks & personal regards to Mr. Rossetti. To have had my book, & my cause, fall into his hands, in London, . . . [I] consider one of the greatest pieces of good fortune [...].”²¹⁷

As Horace Traubel, in *With Walt Whitman in Camden*, 1888, describes the correspondence, William Michael Rossetti knew that he was undertaking a contradictory literary challenge by selecting a volume of Whitman’s poems that did not offend the Obscene Publications Acts, even as he hoped that the volume would act as a champion in Britain of Whitman’s renegade voice.²¹⁸ William Michael Rossetti, for his part, asked Whitman’s permission to take out “venereal sores or discolorations” and “any degeneracy of young men,” as Traubel reports.²¹⁹ William Michael Rossetti also wrote in his journal

²¹⁶ See Walt Whitman, *Correspondence of Walt Whitman*. Eds. Gay Wilson Allen and E. Sculley Bradley (New York: New York University P, 1961).

²¹⁷ Walt Whitman, *Selected Letters of Walt Whitman*. Ed. Edwin Haviland Miller (Iowa City: University of Iowa Press, 1990) 134.

²¹⁸ Horace Traubel, Sculley Bradley, Gertrude Traubel, *With Walt Whitman in Camden*, (New York: Mitchell Kinnerley, 1914), 163.

about Whitman supporter William O'Connor's "distaste" for the bowdlerized version's "concession to the outcry against his indecencies."²²⁰ William Rossetti himself acknowledged that he bowdlerized Whitman in 1868 in order to save the poet for publication for an English audience:

As some of Whitman's poems are regarded as indecent, and others (though quite unconcerned with indecent subject-matter) contain phrases open to the same objection, I went on the principle of omitting everything to which any such imputation, major or minor, can attach. The consequence is that I excluded several of the compositions which are the most characteristic and (apart from this single and sometimes disputable objection) the most praiseworthy. Let me say here that I wholly dissent from the idea that Whitman is an immoral writer; but I amply agree with people who think that some of his writings, in whole or part, put certain matters with a downrightness and crudity or even coarseness of expression which is rightly resented on the grounds not only of decorum and delicacy but also literary art [...] It has sometimes been said that I was the first person who introduced Whitman to British readers. I would willingly claim this credit, if it truly pertained to me. I was, it is true, the first who brought out here a selection of his poems.²²¹

Whitman was on record as being unhappy about the excisions, but did not take any action to stop them – an understandable public position for the American poet to assume given the conflicting demands of his claim to literary openness as opposed to what he knew was his British editor's (and supporter's) more dangerous legal context.²²² In spite of his nominal resistance to William Michael Rossetti's censorship, he would look back on his British supporters with appreciation for their advocacy on his behalf: "how fortunate I have been in my friends: I doubt if any man has been more blessed: such advocates, comrades,

²²⁰ See Allen and Bradley 346.

²²¹ William Michael Rossetti, *Some Reminiscences*, 402-406.

²²² Though there was not yet American censorship law, there was social pressure: Walt Whitman told his Traubel that Ralph Waldo Emerson himself, a supporter since 1855, had sought to convince the poet not to publish the "*Enfans d'Adam*" poems. See Allen and Bradley 332-3.

men affiliated through thick and thin: O'Connor, Mrs. Gilchrist, [...] Symonds, Rossetti" he would reminisce to Traubel twenty years later. (95)

William Michael Rossetti's 1868 version omitted most of the 1860 "Calamus" poems entirely. As James E. Miller, Jr., in his essay "Sex and Sexuality" notes, "In effect, this was an expurgated *Leaves*, with "Song of Myself," "Children of Adam," and "Calamus" omitted, except for a few poems of the "Calamus" cluster placed in a section entitled 'Walt Whitman' " ()²²³. In spite of Rossetti's excision of the "obscene" poems in this edition, it established Whitman's reputation in England and attracted many admirers. Some, when they became familiar with the poems purged by Rossetti, became even more ardent, while others became more hostile.

One of these readers, Symonds, became an acolyte. Other notables who admired Whitman in England in this period and into the next generation included Edward Carpenter, Bram Stoker, and, as we will see, Havelock Ellis and Oscar Wilde. All of these British writers advocated for Whitman's cause in their own nation in the 1860s into the 1880s and 1890s. As the legal situation darkened, some of the earlier admirers—notably Swinburne—turned against him by the 1880s.

While Whitman's letters record his complaints to others about the elisions in the Rossetti version, William Rossetti describes the exchange between poet and editor as "punctual, business-like and warmhearted [...]. At one time he surmised that I was intending to produce an expurgated edition of his writings. To this he was decidedly

²²³ James E. Miller, "Sex and Sexuality," from eds. J.R. LeMaster and Donald D. Kummings, *Walt Whitman: An Encyclopedia* (New York: Garland Publishing, 1998) *The Walt Whitman Archive*, http://www.whitmanarchive.org/criticism/current/encyclopedia/entry_49.html, . Accessed November 12, 2013. Web.

opposed: but he had no objection to my project as it really stood – that of a selection of particular pieces in which there was nothing to expurgate.”²²⁴ William Michael Rossetti confirms the intensity of the scandal surrounding Whitman’s “coarseness”: “That Whitman underwent a fierce ordeal of abuse is notorious enough [...]” But he concludes that adulation of Whitman was extreme as well.²²⁵

Other accounts confirm that between 1855 and 1867, both before and after explicit discussion about *Leaves of Grass* had become illegal in Britain, the Rossettis’ peers were engaged in a passionate reading and enthusiastic if clandestine giving of illegal, unexpurgated volumes of *Leaves of Grass* to one another. Whitman’s letters confirm this as well. By 1867, periodicals themselves could now face legal risk from open discussion of what was being censored in an erotic text, so discussion of sexual censorship was formally coded. J. C. Hotten, writing in *The Examiner* on April 18, 1868, starts his essay on William Rossetti’s edition of *Leaves of Grass* with: “It seems as if it would have been easy for Mr. Rossetti to have done his work much better, but he did well in putting in a shape available to English readers the best, and some of the most characteristic, writings of Walt Whitman.”²²⁶ Hotten’s readers would have understood that one meaning of what “a shape available to English readers” was: a text that conforms to British obscenity laws. Hotten refers to Whitman’s material as “crude” and “coarse,” a hat-tip to the law, but then set the exonerating template that would often be cited by Whitman supporters in the late 1860s and into the 1870s: after necessarily identifying indirectly the sexual content of the work,

²²⁴ William Michael Rossetti, *Some Reminiscences* 401.

²²⁵ William Michael Rossetti, *Some Reminiscences* 407-8.

²²⁶ J. C. Hotten, “Poems by Walt Whitman, Selected and Edited by William Michael Rossetti.” *The Examiner*, April 18, 1868: 245.

Hotten referred to an exonerating, romanticized and spiritualized Whitman narrative: he invoked Whitman's Christlike origins as a "carpenter" and compared Whitman and his doctrines to the apostle Paul, and to Pauline doctrine (245). This spiritualizing was of course a way to circumvent Lord Campbell's wording.

"Whether [Rossetti] is right or wrong in considering Whitman [...] 'the founder of *American* poetry rightly to be so called' -- this poet of twelve years' standing [...] is a poet to be valued on this side of the Atlantic more than on the other," wrote Hotten in painfully hard-to-follow prose (245). This back-and-forth rhetoric, we will see, is typical of legally risky discussions of obscene material in this period. This garbled sentence construction would become common in assessments of sexually explicit material. If Rossetti can be "wrong" in "considering" a poet who is described in these terms of significance by Hotten, it can be only because such prefatory phrasing allows Hotten to disavow his own endorsement— even as he then nervously assigns it.

As censorship penalties escalated, critics and poets would sometimes start to speak almost incoherently in key sections of a text, crafting sentences in which meaning flips back and forth until it breaks down. This phrasing can become flatly nonsensical in a critical context because it uses an "on the one hand on the other hand" construction so ambiguous that an opinion is simply cancelled out and thus made legally defensible. Symonds, for instance, will use this carefully incoherent phrasing in his "set apology"—a term that is itself an example of this self-contradiction—that precedes his homoerotic 1859-61 love poem *In Memoriam Arcadie*.²²⁷ As for the St. Paul metaphor, this can be traced, I would

²²⁷ See Appendix C: John Addington Symonds, "In Memoriam Arcadie" (1859-61), unpublished.

argue, to the Hicklin test's pressure on critics to cast illegal subject matter in the most divine trappings possible in order to facilitate legally safe discussion.

Max Cavitch, in "Audiences Terminable and Interminable: Anne Gilchrist, Walt Whitman and the Achievement of Disinhibited Reading," follows the reception of Whitman in Britain, after William Rossetti's publication of the bowdlerized *Leaves of Grass*. He notes that Rossetti saw himself as tasked with drawing Whitman's potential readers to him in spite of the "very serious faults," in Rossetti's words, of "crudeness and impropriety." "Whitman," Rossetti argued, "is a poet who bears and needs to be read as a whole, and then along with it, and away." (Cavitch 253) Rossetti wrote in his introduction that he made the decisions to edit out the sexual material in Whitman by a process of "omit[ting] entirely every poem which could with any tolerable fairness be deemed offensive to the feelings of morals or propriety in this peculiarly nervous age."²²⁸ He notes that the unedited volumes have become "a literary rarity" and refers indirectly to the Hicklin wording: he has "omit[ted] two or three short phrases which would have shocked ordinary readers" (20-21). He addresses for a "British" audience the "indecentcies or improprieties—or still the volume and torrent of his power carry the disfigurements [that is, the sexual material] better, deforming crudities" of the work, and argues, "to call them immoralities would be going too far" (20-21).

In Cavitch's conclusion we see evidence of one of the many incomplete readings of Whitman that attribute his elisions to psychological motivations, which I argue,

²²⁸ William Michael Rossetti, *Poems by Walt Whitman, Selected and Edited by William Michael Rossetti* (London: John Camden Hotten, 1868) 20.

alternatively, are more likely to be, or at least as likely to be, caused by the law. Cavitch sees William Rossetti's bowdlerization in psychodynamic, even Freudian terms:

The mechanisms of defense, that is, that Rossetti understands to be motivating his own falsifications of the text are social, rather than personal, in nature; these are the mechanisms that soon came to be called 'Victorian' and that were mythologized under that name. The "peculiarly nervous age" in which he situates his editorial project is, moreover, a spatial as well as temporal situation—the situation of England, specifically, as opposed to the situation of America (253).

But the "falsifications of the text" in question are not merely emotionally but legally mandatory in Britain in 1867. We may note the nearly exact echo in William Rossetti's apologia for his editing of the very wording of the revised Obscene Publications Act in 1867. We should also bear in mind that at this time, the revision in obscenity law in England criminalized not just the writers' and publishers' intentions, but also the likely *effect* on innocent, corruptible listeners. William Michael Rossetti's summary of his editorial choices around Whitman's sexual material could itself have been dictated by an attorney.

Whitman's correspondence notes that he was well aware of the British reception of his work. William Michael Rossetti sent Walt Whitman in 1868 newspaper clippings (as Whitman had requested via Moncure) from *Littell's Living Age*, a publication which gathered and reprinted reviews from such sources as *The London Review of Politics, Society, Literature, Art and Science*; *The Saturday Review*; and *The Athenaeum*. We should bear in mind here the echo between Whitman's and Christina Rossetti's periodical reading. The letters between the men confirm an editorial correspondence that was detail-oriented. Whitman's public distancing of himself from the excisions was an understandable feint for the literary record, belied by the close collaboration of Whitman and William Michael

Rossetti, recalled later by both with gratitude for the outcome, one that both men knew had limitations by necessity.

Feminist Whitman

The way that heterosexual women responded to Whitman's portrayal of their bodies and sexuality, and the way Whitman presaged the arguments of first wave feminism, created yet another "Whitman," the feminist Whitman, among the many "Walt Whitmans" in the layered reception of *Leaves of Grass*. Heterosexual women made out of Whitman their own advocate. Michael Robertson, in *Worshipping Walt Whitman*, traces the many subcultures in the Victorian period that create "Walt Whitmans" in their own images. Whitman's appeal to British readers was uniquely filtered through the lens of middle-class women readers as they, too, like gay male readers and working-class readers, read *Leaves of Grass* in ways that met their needs. Heterosexual women read the book as a harbinger of a new vision for female sexuality as well as a model of non-coercive heterosexuality. Indeed, it is difficult to imagine that discussion about the American writer did not reach Christina Rossetti, since William Rossetti was instrumental in facilitating the correspondence between Whitman and Anne Gilchrist, which soon became passionate on Gilchrist's part (MacKenzie Bell, an early biographer, describes Christina Rossetti as an "attached friend" of Anne Gilchrist by the end of the 1850s, a connection that will become relevant in Chapter Three) (37-8).

Anne Gilchrist welcomed Whitman's support for women's sexual equality and offered her own endorsement in her essay, "A Woman's Estimate of Walt Whitman."²²⁹ William

²²⁹ The essay is collected in *The Letters of Anne Gilchrist and Walt Whitman*. Ed. Thomas B. Harned (New York: Doubleday, Page & Company, 1918) 3-22.

Michael Rossetti saw this public affirmation as “golden” insofar as Gilchrist was a reputable middle-class widow and mother. But he also worried on her behalf: “displaying the same timidity that marked his edition of Whitman, Rossetti worried that Gilchrist’s defense of the poetry’s sexual content might expose her to censure,” writes Michael Robertson in *Worshipping Walt Whitman* (62, 65). Gilchrist’s letters show her to be less concerned than her protectors were with possible damage to her reputation.²³⁰ Whitman’s letters to Gilchrist confirm that he was aware of the risk she ran in supporting him. (The drama of this discussion of risk to a feminine reputation, posed by a public embrace of Whitman, foreshadows Christina Rossetti’s rejection of Whitman explored in Chapter Three). Gilchrist, for her part, did not stop her advocacy with her public pronouncements in support of Whitman. Like Symonds, in her private letters, she would maintain a love relationship to the poet both as a persona and in relation to his prose for the rest of her lifetime. Max Cavitch points out that Gilchrist invited Whitman, as Symonds would also do, to present his sexuality in person to embody his liberationist poetry. Like Symonds, she would conflate the man’s body and the volume, offering herself up to him as the prospective bearer of his children.

We will see in Chapter Four that Symonds sought to enlist Whitman as a ventriloquist – to urge Whitman speak in his own voice content too risky to which to append Symonds’ own byline. In the decade before the first wave of American and British feminism, both Gilchrist and the popular American columnist Sara Parton (writing as “Fanny Fern”) used their support for Whitman in the same ventriloquizing way—endorsing his equal

²³⁰ Harned 145.

treatment of genders and sexualities as a way to have the not-yet-sayable be said—or, through the agency of another pen. Parton, in a May 10, 1856 review in the *New York Ledger*, lent her respectable byline under the title “Fresh Fern Leaves: Leaves of Grass” to assert that “I extract no poison in these “Leaves’.”²³¹ “Walt Whitman, the effeminate world needed thee,” she wrote. “Fern” in America, like Gilchrist in Britain, made the case to a mainstream, middle-class feminine audience who had not yet been exposed to the direct manifestoes of feminism of the ensuing decade: manifestoes that would emerge in the 1860s from the social purity movements in both Britain and America, from the movement against the Contagious Diseases Acts in Britain, and from the suffrage movement in the United States. *Leaves of Grass* deserved support for its passages portraying women as equals of men.²³² She cited such lines as “The wife – and she is not one jot less than the husband/ The daughter – and she is just as good as the son.” Fern concluded, “for all the good things between the covers of his book Mr. Whitman will please accept the cordial grasp of a woman’s hand” (60).

Distribution Tactics and Piracies

The Walt Whitman Archive reveals just how British publishers distributed the illegal American copies of *Leaves of Grass* both before and after William Rossetti’s 1868 expurgated edition. American editions of *Leaves of Grass* were distributed in the UK in 1855 (as we saw), 1856, and in 1860. The 1860 version would have included the “Live Oak” cycle of poems, which introduced the concept of male adhesiveness and comradely/erotic love

²³¹ See Justin Kaplan, *Walt Whitman: A Life* (New York: HarperCollins, 2003) 217.

²³² See Fanny Fern, “Fresh Fern Leaves: Leaves of Grass.” *New York Ledger* 10 May 1856: 57- 61. Collected in ed. Ezra Greenspan, *Walt Whitman's Song of Myself: A Sourcebook and Critical Edition* (New York: Routledge, 1990).

that strongly influenced Symonds. In 1867 these poems were foregrounded in “Calamus,” as we saw above.

What is *Calamus*? The calamus is a water-plant that resembles an erect phallus, and which grows in groupings. (Whitman excised four of the more personal homoerotic poems from that cycle for the 1860 edition; many editors assume that he took this action to ensure the collection reached a wider audience). Based on the date of Symonds’ first mention of the volume, among these first three editions must have been the illegal edition or editions that Symonds read. Other US editions, with revisions, followed in 1872, 1876, 1881, and 1883.

In 1873, John Camden Hotten issued a pirated version of the US 1872 *Leaves of Grass*. Hotten’s name does not appear anywhere on this volume. As Joel Myerson notes:

Hotten’s anonymous piracy was due no doubt to British censorship laws, under which one could be prosecuted for publishing an obscene book but not for merely distributing it, and which he probably thought he could avoid more easily by posing as the distributor of the book rather than as the publisher of it (3).

Hotten’s decision in this significant year is crucial to the argument of this thesis. Hotten was *already* the publisher of the English, legal version of *Leaves of Grass* and yet he decided—even though he had the rights to and profited from that licit edition—it was necessary to risk committing a crime in order to give Britain the *real Leaves of Grass*. As we will continue to see, 1871-3 constituted a turning point of confrontations and legal exempla in public around obscenity and homosexual criminality. These years, as I will at times remind the reader, included the Boulton and Park trial, the Simeon Solomon arrests, and the Indian Penal Codes penalties for soliciting sodomy. Did Hotten think that Britain needed the real version in these troubling years, even more than it had previously? And/or

was there now clearly a lucrative market for it?

Whitman scholars have often been puzzled by this edition, assuming it was an authorized 1872 edition from the US plates. They noticed that details such as ornamental elements and breaks in lines were not the same as the US 1872 edition. This meant that the British edition of 1872 was both a forgery and a piracy; that is, Whitman and his US publisher were never paid for it and did not authorize it. These few pirated editions of the genuine, uncensored *Leaves of Grass*—so different from William Michael Rossetti's toothless but well-intended 1868 edition—electrified some of the key readers of the literary generation now coming of age.

In 1876, as we saw, the publisher Trübner distributed around 20 copies of that year's American edition. This was also daring, since 1876 was also the date of the passage of the revised Customs Consolidation Act, which strengthened penalties against distribution of obscene materials that had been imported from overseas. The 1876 version of the 1853 customs law specified that now the importation of a greater range of cultural products was illegal, and used an even vaguer definition of obscenity: illegal now to import and sell in Britain were "indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles." Moreover, the law would now be administered on a national, not a municipal, level or, "maintained on behalf of the Home Office."²³³ The new law gave vast powers to customs officials looking for obscene publications (all imported books would of course have been transported by ship at that time). It granted them powers to enter any ship, to open any sealed packages without

²³³ See "Customs Consolidation Act of 1876." *Legislation.gov.uk*. The National Archives, n.d. Accessed June 22, 2013. Web.

specific warrants, to seize any contraband book or image imported, to confiscate the products being shipped to warehouses owned by the Queen at their discretion, and then to destroy any banned literary or artistic cargo. Finally the would-be importer would be fined a hundred pounds.

This new set of penalties was an immense disincentive to import and distribute any text that could be construed as falling under the rubric of “obscene” as interpreted by any customs official empowered to tear open sealed packages of books on ships at will and confiscate them immediately. We must bear in mind this law when we think about any of the influential imports to Britain after 1876. Not only Whitman’s fate rested on the willingness of importers to risk these penalties, but also works by authors including Zola and Baudelaire depended on the bravery of importers. In other cases, they would have been pirated domestically at risk of violating the Obscene Publications Acts.

The fact that so few copies of *Leaves of Grass* generated so much heated commentary in the British press in the 1870s attests to the fact that this decade saw heightened penalties for newly construed crimes around both textuality and homosexuality.

As noted above, the 1870s scandals around *Leaves of Grass*, the debates in the literary press about Pater’s Hellenism, the close attention to the Boulton and Park trial—the two were arrested on April 28, 1870, and eventually tried for conspiracy to commit the felony of sodomy—the 1871 accusations in the *The Contemporary Review* by “Thomas Maitland,” the pen name of Robert Buchanan, against “The Fleshly School” of poetry, the scandal of painter Simeon Solomon’s 1871-3 arrests, and Symonds’ and his peers’ anxious evaluation of their output to avoid censure, all took place against a backdrop of new powers of the State. In 1871, the Boulton and Park trial showed that any man could be subjected to a

similarly intrusive exam as females accused of prostitution under the Contagious Diseases Acts. Boulton and Park were anally examined by a Charing Cross surgeon, and the reports of such exams became, in the 1870s, part of the public record. By 1873, effeminate presentation was made illegal in the Indian Penal Code. Finally, by 1876, the State claimed new powers to open and destroy imported packages of books.²³⁴

Many Wilde scholars, as we saw in the Introduction, tend to read the Labouchere Amendment as if it signaled a watershed moment for the criminalization of acts beyond Sodomy, rather than the reverse, a reform that placed a two-year upper limit on otherwise out-of-control and ever-escalating sentencing trends. Sean Brady, in *Masculinity and Male Homosexuality in Britain 1861-1913*, and H. G. Cocks in *Nameless Offenses: Homosexual Desire in the Nineteenth Century*, both use historical and medical records correctly to argue against this view, pointing out that penalties of many kinds antedated Labouchere.²³⁵ This thesis adds additional evidence to this foundation of evidence constructed by such historically and medically oriented critics. Building on Brady's and Cocks' more historicized readings, I would add that the Boulton and Park trial established a new legal precedent fifteen years before Labouchere: it ensured that the act of sodomy itself was no longer, as it had been up to that point, the only actionable crime. Now, "conspiring" to engage in

²³⁴ Thomas Maitland [Robert Buchanan], "The Fleshly School of Poetry and Other Phenomena of the Day." *The Contemporary Review* 18 (1871): 335-50. Solomon's arrest is detailed in *Letters to Robert Ross, Art Critic and Writer*. Ed. Margery Ross (London: Cape, 1952) 33-34, 256-257, 315. For the Boulton and Park Trials, see Morris B. Kaplan, *Sodom on the Thames* (Ithaca: Cornell UP, 2005), 23-5.

²³⁵ See Michael S. Foldy, *The Trials of Oscar Wilde: Deviance, Morality, and Late-Victorian Society* (New Haven: Yale UP, 1997) 92 and Ed Cohen, *Talk on the Wilde Side* (London: Routledge, 1992). For the more historicized reading of the record, see Sean Brady, *Masculinity and Male Homosexuality in Britain 1861-1913* (New York: Palgrave Macmillan, 2010) 52. H. G. Cocks, *Nameless Offenses: Homosexual Desire in the Nineteenth Century* (London: I. B. Tauris, 2003).

sodomy was criminally actionable as well, a development which other critics assign only to the later Labouchere wording. This is an important shift in our understanding of the historical context for male homosexual writers in the 1870s and 1880s, long before Wilde's trials. "Conspiring," is a thought crime: a criminalizing of the imagination. Hence it has literary implications. One's thinking about, writing about, theorizing about, dreaming about, and publishing, privately or publicly, texts about sodomy, could after the mid-1870s in Britain all be entangled in the legal spider's web of "conspiracy."

By 1871, the lightning was already in the atmosphere. In Volume 18 of *The Contemporary Review*, Robert Buchanan reviewed Dante Gabriel Rossetti's *Poems* in terms that pivoted right off the language of Hicklin, making Rossetti and his colleagues into legal targets:

Yet we question if there is anything in the unfortunate Poems and Ballads quite so questionable on the score of thorough nastiness as many pieces in Mr. Rossetti's collection. Mr. Swinburne was wilder, more outrageous, more blasphemous, [...] yet [...] the furiousness of epithet lowered the sensation; [...] "I will be naughty!" screamed the little boy; but, after all, what did it matter? It is quite different, however, when a grown man, with the self-control and easy audacity of actual experience, comes forward to chronicle his amorous sensations, and, first proclaiming in a loud voice his literary maturity, and consequent responsibility, shamelessly prints and publishes such a piece of writing as this. [...] Here is a full-grown man, [...] putting on record for other full-grown men to read, the most secret mysteries of sexual connection, and that with so sickening a desire to reproduce the sensual mood, so careful a choice of epithet to convey mere animal sensations, that we merely shudder at the shameless nakedness. (339)

In this passage Buchanan foregrounds and scrutinized the intentionality of the author as a locus of objection. In this he echoes the wording of Lord Campbell's wording. It doesn't matter as much, he argues, that Swinburne is "naughty" as his tone "lowered the sensation." Dante Rossetti, however, is culpable because he is a conscious "full-grown man" whose "responsibility" is complete in his "desire to reproduce the sensual mood," to arouse other

“full-grown men,” and to “shamelessly print [] and publish[].” Buchanan implicates Rossetti legally, as author, publisher, and printer. The review is argued as a legal charge, on the grounds of a violation of *Hicklin v. Regina*; a very serious development, and one in which a review is not just a review but a potential basis for legal action.

When it came to fiercely contested issues in which the State moved with increasing force against booksellers, journalists and writers who were dealing with sexual content, and as the State attacked intellectuals, journalists and poets whom we would now identify as homosexuals, the 1872 pirated *Leaves of Grass*, reissued in the 1876 version in Britain by Trubner, was simply, inevitably, the decade’s lightning-rod – for a decade of lighting.

Chapter Three

The Feminist “Justice” Discourse, Walt Whitman and Christina Rossetti

This chapter will investigate the evolution of Christina Rossetti’s engagement with themes of female desire from her 1850 literary emergence in *The Germ*, to the confrontational drama of the 1862 *Goblin Market and Other Poems*, to the wholly religious setting of her devotional verse and prose from 1866 forward. I will read Rossetti’s work in the context of Whitman’s provocation and also in light of the emergence of the feminist “justice” advocacy discourse about sexuality. I will address the potential influence of key female and women-oriented poets, novelists, and activists of the 1840s through the 1860s on Rossetti, as they sought to argue against the legally reified sexual double standard, while contesting the emerging ideology of female passionlessness.²³⁶ Finally, I will assess recent critical work

²³⁶ See Cynthia E. Russett, *Sexual Science: The Victorian Construction of Womanhood* (Cambridge: Harvard University Press, 1989) 74, 82-89; Nancy F. Cott, “Passionlessness: An Interpretation of Victorian Sexual Ideology, 1790-1850.” *Signs* 4. 2 (1978): 219-236; Steven Seidman, *Romantic Longings: Love in America, 1830-1980* (New York: Routledge, 1991) 58. For detailed primary source materials concerning the development of a medical discourse reifying female sexual passionlessness, see Jeffrey Moussaieff Masson, *A Dark Science:*

mainly by Lynda Palazzo and Mary Arsenau, which uses a lens of post-Mary Daly theology to put Christina Rossetti's devotional verse and its themes of female desire into a feminist-theological context.²³⁷ I suggest that Christina Rossetti's 1862 *Goblin Market and Other Poems* and other earlier verse shows potential evidence of having been influenced by the vision that also drew the gay male transcendentalists, but that her later devotional verse forms a literary bulwark against the integration of the sexual/spiritual monism of Whitman.

I will be placing the analysis of Christina Rossetti's transition from monism to Pauline dualism in the context of a well-established critical tradition examining Victorian women's uses of tropes of divinity to investigate passion. And tropes of passion to discuss the divine. Historians and literary critics who have documented this set of tropes range from Steven Seidman in *Romantic Longings: Love in America 1830-1980* to Lotte Hamburger and Joseph Hamburger in *Contemplating Adultery: The Secret Life of a Victorian Woman*, to Amaury de Riencourt in *Sex and Power in History*.²³⁸ Hamburger and Hamburger reveal how common tropes of divinity were in Victorian middle-class women's personal writing, letters and journals, describing sexual passion, including in contexts of infidelity. Mary Arsenau and Lynda Palazzo explore Christina Rossetti's unique theology from a feminist perspective. I will make the case, adding to the work of these critics, that Christina Rossetti's situating of

Women, Sexuality and Psychiatry in the Nineteenth Century (New York: Farrar, Straus and Giroux, 1986) 3-33.

²³⁷ See Lynda Palazzo, *Christina Rossetti's Feminist Theology* (London: Palgrave Macmillan, 2002); Mary Arsenau, *Recovering Christina Rossetti: Female Community and Incarnational Poetics* (London: Palgrave Macmillan, 2004); and Mary Daly, *Beyond God the Father: Toward a Philosophy of Women's Liberation* (New York: Beacon Press, 1998).

²³⁸ Seidman 57. See also Lotte Hamburger and Joseph Hamburger, *Contemplating Adultery: The Secret Life of a Victorian Woman* (New York: Fawcett Columbine, 1991) 137 and Amaury De Riencourt, *Sex and Power in History* (New York: Delta, 1974) 302.

erotic tropes in a theological framework later in her career should be read against the context of the escalating pressure of obscenity prosecutions, just as I argue we should understand the Hellenizing of discourses of passion in male homosexual writing in this period, identified by Evangelista and Dowling, against obscenity prosecution pressures too.

Since the 1840s, some Victorian women poets and novelists had sought to create a discourse around female sexuality that critiqued the sexual double standard, even as their historical moment increasingly configured, through medical texts and popular commentaries, an ideology of feminine sexual passionlessness. A “justice” frame around sexual content relating to women’s experience allowed for much greater freedom of literary investigation than did any discourse of female desire outside of this much safer cultural frame. This duality would become reified by the 1860s. The literary “justice” discourse, foreshadowed by the late 1840s, did indeed allow heterosexual women writers and sensation novelists writing for female audiences, to explore safely themes of female desire and sexual experience, and to critique the laws that maintained sexual injustice.

Sculptor Hiram Powers portrayed, in 1848, a nude female adolescent figure in chains, her shackled hands concealing her sex.²³⁹ The young woman is being presented for sale in a Turkish slave market, and sexual enslavement is the overt theme. As Lesley Blanch points out, the English nineteenth century identified the Orient both with female sexual enslavement and with forbidden female sensual expression (vi). The statue was exhibited in the Crystal Palace in London in 1851. Linda Hyman, in “The Greek Slave by Hiram Powers: High Art as Popular Culture,” notes that many influential women of the time were moved by

²³⁹ See L. Hyman, “The Greek Slave by Hiram Powers: High Art as Popular Culture.” *Art Journal* 35.3 (1976): 216-223.

the image.²⁴⁰ The icon served as a precursor to the overt feminist battles against the male-defined sexual marketplace that would rage, led by activists such as Josephine Butler, in the 1850s and 1860s.

Both Elizabeth Barrett Browning, and her peer, American Transcendentalist and early feminist Margaret Fuller, wrote to establish contemporary women's identification with the sexual enslavement of the image. Barrett Browning's 1848 sonnet, "Hiram Powers' Greek Slave," is based on the statue. She positions this image of female sexual degradation as an agent of gendered sexual accusation. She asks the "alien image" with its "shackled hands" and its blameless "passionless perfection" to "confront man's crimes in different lands/ With man's ideal sense" that "man" may become aware of the scope of the injustice, including the sexual injustice, which his gender as a whole inflicts upon women.²⁴¹ This poem, with its call to "strike and shame the strong," is an advance mission statement of the emerging "justice" tradition in Victorian literature written by heterosexual women.

The language of sexual shaming and accusation would become standardized in first wave feminist discourse in Britain and America by the 1860s, and in novels aimed at female readers. Elizabeth Cady Stanton would, by 1871, in her speech "Marriage and Divorce," have elaborated this "justice" discourse attacking the male sexual marketplace, and specifically its legal basis. She cites the uproar among middle-class British women by the 1870s around the same themes:

To sum up the dark facts of our social life gives one a gloomy picture. The social vice, with its festering, wide-spread corruption, disease and death of soul and body alike, [...] incest in high places, seduction, rape, infanticide, lily hands strangling the moral monstrosities of an unwilling maternity, wives running to Indiana and Connecticut

²⁴¹ Elizabeth Barrett Browning, *Selected Poems*. Ed. Margaret Forster (Baltimore: Johns Hopkins, 1988) 211.

like slaves to their Canada, from marriages worse than plantation slavery; [...] our courts of justice and leading journals made the hunting-ground of Christian women who dare to sound the tocsin of alarm, who dare to call public thought to the social relation of the sexes, relations that underlie all religion and government. Before these awful facts of life we stand hardened or appalled. The recent acts in the British Parliament licensing houses of prostitution roused the indignation of the entire womanhood of England [...].²⁴²

This language would be foreshadowed in the 1860s and paralleled in the 1870s by Josephine Butler in England, and by the social purity movements headed by women in both countries. It would appear in the poetry of Britain's most influential female poet of those decades, Christina Rossetti, and in British sensation novels of the 1860s and 1870s as well. I am making the case that, just as invoking Greece allowed gay male writers to write about sexuality and desire against a background of obscenity prosecutions, invoking a rhetoric of outrage and the itemization of male sexual crimes allowed heterosexual women writers to write about female sexuality, sexual experience and desire. Heterosexual female and homosexual male writers developed two distinct discourses around sexuality because of the different legal situations each group faced. In the case of heterosexual women, the advocacy-literature goal of the mid-Victorian period was oriented more to the decriminalization of increasingly illegalized sex acts, than it was a goal of changing property, prostitution and divorce laws.

Christina Rossetti was exposed to just this language from early in her career. Barbara Leigh Smith Bodichon's widely discussed 1854 monograph, *A Brief Summary in Plain Language of the Most Important Laws Concerning Women, Together with a Few Observations Thereon* lay the earliest British rhetorical foundations for the "justice" discourse in that

²⁴² See Elizabeth Cady Stanton, "On Marriage and Divorce." *Gos.sbc.edu*. Accessed January 3, 2013. Web.

country.²⁴³ Christina Rossetti's letters reveal that she was in social, if not formal, communication with Bodichon over the course of her career.²⁴⁴ Given the commentary directed at Bodichon's feminism, it is plausible to assume that Christina Rossetti was exposed to this early framing of feminist "justice" discourse around marriage, law and slavery. Bodichon, like Stanton seventeen years later, asserted that women should be in sexual possession of their own bodies and not be subjected to a legal and sexual double standard at the hands of men:

"A man and wife are one person in law; the wife loses all her rights as a single woman, and her existence is entirely absorbed in that of her husband. He is civilly responsible for her acts; she lives under his protection or cover, and her condition is called coverture.

A woman's body belongs to her husband; she is in his custody, and he can enforce his right by a writ of habeas corpus.

"What was her personal property before marriage, such as money in hand, money at the bank, jewels, household goods, clothes, etc., becomes absolutely her husband's, and he may assign or dispose of them at his pleasure whether he and his wife live together or not."²⁴⁵

²⁴³Barbara Leigh Smith Bodichon, *A Brief Summary in Plain Language of the Most Important Laws Concerning Women, Together with a Few Observations Thereon* (London: Chapman, 1854) 3-11. In eds. Susan Groag Bell and Karen M. Offen, *Women, the Family, and Freedom: The Debate in Documents, Volume I, 1750-1880* (Palo Alto, CA: Stanford University P, 1983), 300-05.

²⁴⁴ See ed. Anthony Harrison. *The Letters of Christina Rossetti, 1874-1881, Vol. II* (New York: University of Virginia Press, 2004) 5, 6, 34, 128-9.

²⁴⁵ Barbara Leigh Smith Bodichon, *A Brief Summary in Plain Language of the Most Important Laws Concerning Women, Together with a Few Observations Thereon* (London: Chapman,

Though Bodichon uses the affectless language of legal argument, she is taking on, in the second paragraph of the quote above, the hot-button issue then written into law before the 1857 Matrimonial Causes Act: the fact that a man could, at that time, legally rape his wife. The Langham Place Group, among whose members was Bodichon, formed a Married Women's Property Committee to lobby aggressively for a law to give married women rights over their own income: a law which passed in 1870. It was improved from the point of view of feminists in 1882, when married women were given the same rights over property as single women.²⁴⁶ Thus, prior to 1870, married women could not keep their own earnings or property; from 1870 to 1882, they could keep their earnings but not their property; after 1882, they could keep both, which represented a major social shift.²⁴⁷ A man in Britain could legally imprison his wife in pursuit of his conjugal rights, and legally rape her, until 1891. We will see the literary imprint of the struggles over these laws.

Whitman's provocation to heterosexual women in this period was complex. We saw how female avant-gardistes such as Anne Gilchrist and Fanny Fern embraced him. But a sexually liberationist literary position involved differently complex attractions for heterosexual women than it did for heterosexual and homosexual men during our period. Transgressive

1854) 3-11. In eds. Susan Groag Bell and Karen M. Offen, *Women, the Family, and Freedom: The Debate in Documents, Volume I, 1750-1880* (Palo Alto, CA: Stanford University P, 1983), 300-05.

²⁴⁶ See Mary Beth Combs, "'A Measure of Legal Independence': The 1870 Married Women's Property Act and the Portfolio Allocations of British Wives." *The Journal of Economic History* 65.4 (2005): 1028. Combs analyzed the investment portfolios of women and found that after 1870, women shifted investments from real estate to personal property; that is, to "forms of property that they could both own and control." She concluded that "the act greatly impacted the investment decisions of women." I would add, it would reasonably have also greatly impacted the consciousness of the same group of women.

²⁴⁷ Elizabeth M. Craik discusses the relationship of marriage to property law for Victorian women in *Marriage and Property* (Aberdeen: Aberdeen UP, 1984) 159-189.

sexuality could kill heterosexual women outright: from 1855 until the end of the First World War, heterosexual women in Britain lacked access to safe abortion.²⁴⁸ Because of the Married Women's Property laws of 1870 and 1882, and the wording of the 1857 Matrimonial Causes Acts, which we will explore, transgressive sexual expression by women could cause them to lose their property, their marriages and their children, though parallel transgressions by heterosexual men had no such consequences.

Prostitution, as Judith Walkowitz extensively documents in *Prostitution and Victorian Society: Women, Class and the State*, and as Michael Mason points out in *The Making of Victorian Sexuality*, developed into a discrete social stratum attracting thousands of low-income young women, with severe legal, as well as medical and economic consequences to them, including fortnightly forced vaginal exams for "registered" women. Women of this stratum of prostitutes, as well as women as of all backgrounds, were subjected to these state-sponsored pelvic examinations against their will due to the Contagious Diseases Acts. Reliable contraception was not widely legal in Britain until 1920. Condoms were fairly readily available but contraception that a woman could control, called "pessaries"—primitive diaphragms—were crudely produced, and restricted to married women throughout the Victorian period. Syphilis and gonorrhea infected both sexes, but these diseases were much more difficult to treat in women than in men, and resulted in many more deaths.²⁴⁹

The forced vaginal examination of women via these laws sparked a powerful, widespread resistance campaign led by middle-class women using graphic language of sexual outrage.

²⁴⁸ Seidman 13-38.

²⁴⁹ For an account of nineteenth-century discourses of heterosexual female desire and a comprehensive summary of physical risks of sexual activity for women, see Seidman 13-38.

This campaign extended from the date of the Acts' initiation in 1864, to their expansion in 1869 far beyond the original statute, to the high point of the feminist-led opposition movement in 1871, to the Acts' repeal in 1883 (Walkowitz 209). Again the echo of these campaigns over laws is to be found in women's, and women-oriented, novels and poems of the period. We must take into account that the highly visible, publicly debated issue of forced pelvic examinations inflicted on women by the State is likely to have affected how homosexual men would receive the development of new laws and testimony practices after 1871 that would impose comparable forced physically intrusive exams upon them as well.

Christina Rossetti's work from 1862 onward engages with these political and legal sexual struggles. D. M. R. Bentley speculates that Christina Rossetti wrote "Goblin Market" with the intention of reading it to the prostitutes of St. Mary Magdalene; Diane D'Amico confirms that "Goblin Market" was received as a text about sexual transgression and redemption.²⁵⁰ When she volunteered to work with prostitutes in St Mary Magdalene's in Highgate Penitentiary in 1861-2, Christina Rossetti was joining a nascent feminist political movement that framed male sexuality in a discourse of abusiveness and female resistance to seduction in a discourse of sanctity.²⁵¹ This contestation of sexuality in the political world will be seen in Christina Rossetti's choice of language in the verse of the 1860s and 1870s.

Against this highly-contested background, a discourse of "justice" allowed heterosexual women to write about female sexuality. The frame of moral judgment around sexual

²⁵⁰ See D. M. R. Bentley, "The Meretricious and Meritorious in *Goblin Market*: A Conjecture and an Analysis." *The Achievement of Christina Rossetti*. Ed. David A. Kent (Ithaca: Cornell UP, 1987) 57-81; Diane D'Amico, *Christina Rossetti: Faith, Gender and Time* (Baton Rouge: Louisiana State UP, 1999) 108.

²⁵¹ Jan Marsh, *Christina Rossetti: A Writer's Life* (New York: Viking, 1995) 218-28.

material, the positioning of the female subject as sexually blameless because of her innocence and love and her seducer's hardheartedness, allowed female protest of abused female sexuality and the narration of forbidden female sexual experience to proceed safely. This "justice" frame was not new: it was the primary socially sanctioned narrative about women in relation to sexuality from the birth of the novel onward. But it received powerful impulses for legal and political elaboration in the mid-Victorian period.

We can situate the role of the "justice" discourse in women's mid-Victorian writing in Ian Watt's often-quoted argument from his seminal work *The Rise of the Novel*, that the novel is the embodiment of bourgeois consciousness.²⁵² The seduction and betrayal narrative in the hands of Victorian women is indeed a device that both inscribes and critiques norms for bourgeois female sexual behavior and experience.

Female writers have been exploiting this conventional hortatory frame—allowing their heroines to explore aspects of passion in ways that are themselves seductive to the female reader before punishing their heroines or killing them off—from the earliest days of the novel. This narrative is often positioned in the canon as having originated with Samuel Richardson's *Clarissa: Or The History of a Young Lady* (1748)] but as Ros Ballaster argues in *Seductive Forms: Women's Amatory Fiction from 1684 to 1740*, this model dates back to the work of Aphra Behn, Delarivier Manley and Eliza Haywood in the late seventeenth and early eighteenth centuries (126). Her argument, which centers on work as early as 1689, reveals that this seducer/betrayed plot line goes back to the very origins of the novel, or the fictionalized texts that anticipated the novel.

²⁵² See Ian Watt, *The Rise of the Novel: Studies in Defoe, Richardson and Fielding* (Middlesex: Penguin, 1959) 61.

Ballaster also takes issue with the formalist perspective of Ian Watt and the historicist perspective of Northrop Frye in relation to the birth of the novel, and argues that these positions demand challenge from a feminist perspective. Watt's thesis, Ballaster claims, "too readily" maintains that the main goal of prose fiction early in the eighteenth century was persuasively to represent "middle-class experience and ideology" (10). This position omits, she argues, the emancipatory power of romance, and it casts women themselves as "passive" in their role as literary subjects and readers. She also critiques Frye's "Augustinian," ahistoricist view of the origins of the novel. Ballaster concludes, in opposition to Frye and Watt, that:

Inevitably no feminist account of the rise of the novel can be purely formalist in its approach, since its primary interest lies in elaborating both the means by which gender identity is discursively produced as a form of social control in a given culture and the ways in which women as historical subjects and agents have negotiated their relation to that discourse. (11)

A reading that addresses the law incorporates both Watt and Ballaster: the social contestation by women around property and marriage laws in this period, confirm both Watts' contention that the novel reified bourgeois values and also Ballaster's argument, that women writers and readers use the novel of bourgeois mores to challenge injustices built into the allocation of resources and penalties in bourgeois society.

In *The 'Improper' Feminine: The Women's Sensation Novel and the New Woman Writing*, Lyn Pykett concurs that asserting that women writers consistently used this plot to argue that the punishment of the heroine for her sexual transgression was extreme, and that the social rules that governed her sexuality were hypocritical.²⁵³

²⁵³ Lyn Pykett, *The 'Improper' Feminine: The Women's Sensation Novel and the New Woman Writing* (New York: Psychology Press, 1992), 113. Pykett makes the influential case that punishment is redemptive for the "fallen" women in these texts.

I agree with Ballaster's and Pykett's critiques of a merely formalist approach to such women's fiction. If we see the women-oriented novel or such verse as "Goblin Market" as primarily inscribing middle-class ideology, we risk paying too little attention to narratives of how an awakened female sexuality in Victorian literature continually puts women at risk of loss of their status, children, homes and possessions within the legal structure. And a lineage of Victorian texts including Charles Dickens' *The Adventures of Oliver Twist* (serialized between 1837 and 1839), Elizabeth Gaskell's *Ruth* (1853) and *Cranford* (1853), Charlotte Bronte's *Villette* (1853), Wilkie Collins' *The Woman in White* (1860), George Eliot's *The Mill on the Floss* (1860), Mary Elizabeth Braddon's *Lady Audley's Secret* (1861-2), Christina Rossetti's *Goblin Market* (1862), and Collins' later novels *Armadale* (1866) and *The Law and the Lady* (1871), all tell a story of seduction and betrayal leading to legal and/or unjust social losses, or a story of female suffering through the law.

The 1850s saw one publication after another of female voices decrying male sexual exploitation. In Elizabeth Gaskell's 1851 *Cranford*, for instance, the sexual lives of servant girls are monitored closely by their employers, and a "fallen" servant girl is initially seen as corrupting to the class around her. Charlotte Bronte, in the "Cleopatra" scene in the 1853 *Villette*, reviles male sexual commodification of the harlot figure represented by the image of the voluptuous queen, in contrast to the demure but sympathetic Lucy Snowe. George Eliot's first novel *Adam Bede* is a thoroughly-worked-out protest against the inequities enshrined in the 1857 Matrimonial Causes Act; it appeared in 1859. The entire arc of the narrative is an argument against the sexual double standard. With the classic seduction and betrayal theme, including a wellborn seducer carelessly destroying the life of an innocent, mindless working-class girl, Eliot makes a case throughout for male sexual responsibility

and a single standard of justice.

Eliot depicts the iconic Victorian-feminist version of a sexually victimized working-class girl, whose illicit pregnancy destroys her life and Adam Bede's as well. Hetty Sorrel's extreme innocence and childlikeness, thoughtlessness and passivity, demonstrate to the reader that she is without real agency for the seduction. Adam Bede's argument about culpability when Hetty Sorrel is in prison shows an alternative male consciousness to the one enshrined in the law. Adam Bede, in supporting the "fallen" Hetty and remonstrating against an unjust social order that penalizes her with the punishment of a banishment that will ultimately result in her death while leaving her seducer unscathed, is an exemplar of an egalitarian, sexually just man that the women and women-centered advocates of the 1860s were seeking to invoke.

Elizabeth Gaskell's *Ruth* (1853) is an example of the advocacy role played by the "justice" plot line in Victorian women's texts about sexuality. From the 1980's onward, this novel has rightly been seen by feminist critics as a consolidation of this Victorian moralist tradition recast as a feminist argument, which would prove compelling for two generations of women writers. This moralistic sexual tradition rejected male sexual license and advocated female sexual purity. It focused often on spotlighting female sexual desire, when it did emerge in the texts, as something to be justified and purified by framing it within a context of male sexual exploitation. *Ruth* epitomized this literary dynamic. In this novel, an innocent and blameless, pure-hearted young woman is brutally exploited, seduced and abandoned by a highborn rake, and eventually, Christ-like, sacrifices her life in nursing stricken villagers including her betrayer, thus redeeming her "stain."

In *Ruth*, the hypocrisies of social judgment about female transgression could be aired. Upon learning Ruth's secret that she had had a brief affair as a teenager and was the mother of an illegitimate child, Jemima, Ruth's onetime friend, reviles the young woman for her hypocrisy and deceitfulness – not questioning the social mores that led Ruth to feel compelled to misrepresent her identity. To Jemima, who is conventionally educated, it is Ruth's—Mrs. Denbigh's—act of covering up her original identity as Ruth Hilton in order to give her and her child a chance at a normal life that constructs her as a hypocrite.

Though Gaskell in this text does not have Ruth directly challenge her construction as an outcast, this model of the “justice discourse” even this early, does allow for the reader some questioning of the social norms central to it. The fallen women have the case made for them by these authors – even if they do so squarely within norms of conventional morality. The argument that there is a normative morality and a normative sexuality linked to it, is accepted by this tradition's authors, even if the gendered terms within it are challenged by the narrator's indirect depiction of the saintliness of this fallen woman, rather than in the voices of the characters themselves. In the climactic section, Ruth's “fallenness” is given extensive treatment in direct alliance with her saintliness.

In George Eliot's *The Mill on the Floss* (1860), the naive Maggie Tulliver, who has pledged herself to a man for whom she feels no physical attraction, has her reputation destroyed by inadvertently allowing herself to be swept down a turbulent river with another man, her cousin's physically magnetic suitor, Stephen Guest. No amount of explanation can socially redeem her from the accusation that she has done something improper. The river's eventual flooding and Maggie's heroic death constitute the *deus ex machina* that resolves this generally insoluble conundrum facing Victorian middle-class women after the 1857

divorce law: a woman acting on sexual attraction, outside of certain very narrow constraints, would lead her directly to social and legal perdition.

In *Lady Audley's Secret* (1862), Mary Elizabeth Braddon established many of the key elements that would reappear in the “justice” tradition of writing about sexuality. Although this novel concludes with a traditional moral equilibrium, in Braddon’s case, the fact that she lived with her lover, the publisher John Maxwell, who could not divorce because his wife was in a mental asylum, led her to experience regular attacks by commentators who were concerned about the themes of female sensuality in the “sensation novel.” Though the married couple was not living together, when Braddon moved, with her mother, into her lover’s house, this represented “(scandalous) intimacy with her publisher that made her the target of critical vitriol,” negative attention in the press that continued after the two married following the death of the former wife.²⁵⁴ These critics were concerned about the “immorality” of Braddon’s personal situation just as they were about the seductive potential of her words, a concern that now had legal valence. Women writers, including George Eliot and George Sand, both of whom lived out of wedlock with male lovers, and thus whose personal lives were not “pure,” were regularly attacked by contemporary commentators with accusations of personal immorality. Frederick R. Karl, in *George Eliot: The Voice of a Century: A Biography* recounts the struggle Eliot had to maintain her *incognito*, fearing such attacks on her personal life (309-10). Karl also details her publisher Blackwood’s concerns about them.

²⁵⁴ Jennifer Phegley, “Motherhood, Authorship and Rivalry: Sons’ Memoirs of the Lives of Ellen Price and Mary Elizabeth Braddon”, in *Women Writers and the Artifacts of Celebrity in the Long Nineteenth Century*, Eds. Ann R. Hawkins and Maura C. Ives (Farnham: Ashgate Publishing Ltd 2012) 198.

In Elizabeth Gaskell's last work, *Wives and Daughters* (1864-66), an innocent servant girl is seduced and then hidden away in a country foreign to her with a child, while her husband, a well-born heir with little character, squanders money, ignores his commitment to her and to her son, and misrepresents himself to the social world. The story is a parable of male hypocrisy and sexual double-dealing, and creates a sympathetic view of the "fallen" servant girl. In *Wives and Daughters*, too, the theme of the domestic censor intrudes: the central character Molly, is temporarily socially annihilated – censored – unseen -- at a mistaken rumor's circulation in the town (512-13).

With the new definition of obscenity now codified by Lord Campbell, the author's personal morality became a legal issue and a legal risk to the author, as we saw. For this reason, too, reviews of sexually controversial books and poems, in such popular publications as *Cornhill*, *The Athenaeum*, *The Academy* and *The London Review*, began, as we saw in the reception of *Leaves of Grass*, from about 1868 to the 1880s, to address the issue of what "the common feelings of decency in a well-regulated mind" might be. These periodicals, too, were now at legal risk in reviewing too-graphic material in too-graphic terms. "His [Lord Campbell's] bill," write Wayne C. Bartee and Alice Fleetwood Bartee in *Litigating Morality: America in Legal Thought and its English Roots* "did not create a new criminal offense or a new way to prosecute individuals [but] [...] provide[d] a way to seize the obscene/pornographic holdings of individuals and to dispose of them summarily."²⁵⁵

The revised Obscene Publications Act in 1867 (as opposed to the earlier law) now allowed judges to permit police to break into a bookstore, publishing house, or private

²⁵⁵ See Wayne C. Bartee and Alice Fleetwood Bartee, *Litigating Morality: America in Legal Thought and its English Roots* (New York: Prager, 1992) 67.

writer's home, by force, to search those individuals' homes and businesses. They could order the "immediate destruction" of books and prints found to be obscene, and follow that destruction with prosecution of the individual, if obscene material had been found (Bartee and Bartee 67).

The wording of the 1868 law, as we saw, meant that publishers could face immense losses depending on a judge's view of *the state of mind of the writer whom the publishers had commissioned*. It placed British writers into a category of moral scrutiny upon the outcome of which their publishers might face losses of thousands of pounds, which in turn would result in the end of their own literary careers. Once a writer's work was confiscated as obscene, he or she would likely become unpublishable in the future. This, I argue, led to a different literary posture and tropology for heterosexual women than it did for homosexual men; women stressed purity and innocence while male writers focused on authority and high-mindedness. Anthony Harrison in *Christina Rossetti in Context* establishes that Christina Rossetti read the London literary periodicals that dealt with the threats of prosecution that we saw quoted in Chapter Two (xx). In the 1860s and 1870s as well, arrests of booksellers for selling obscene publications were reported in regional and London newspapers. As obscenity laws tightened in Britain, after 1857 and 1868, such attacks on personal morality were not just professional irritants in a writer's career; rather, as in the case of the scandal around Swinburne's *Poems and Ballads*, they contained serious legal threats as well. Even female writers who could be depicted in the press as "corrupt" or "corrupting," per the Hicklin decision, risked the end of their publishing careers and the confiscation of their print runs.

Writers of sensation fiction concurred with the terms of “Hicklin”: reading, they conceded, was erotic. Mary Elizabeth Braddon cast fiction-reading as a form of sexual knowledge in women. As Kate Flint has pointed out in *The Woman Reader: 1837-1914*, critics of the “sensation novel,” too, saw female novel-reading in a sexual light. The sinful Lady Audley, for instance, is the Act’s archetypal corruptible reader; she is characterized by her amoral interest in French novels and, in turn, she is cast as having the potential to corrupt others. Lady Audley speaks to her equally sinful maid Phoebe “upon the questionable subjects of those romances” (104). Elaine Showalter, in her essay, “Desperate Remedies: Sensation Novels of the 1860’s,” was among the first critics to note that what made Lady Audley so scandalous was that Braddon presented her venality and passion not as demonic, but rather as potentially normative in women: “Lady Audley’s real secret is that she is [...] representative” (4). Braddon certainly portrays Lady Audley’s capacity for passion: “Not here, not here!” “Yes, here, here,” she said, the strange passion which agitated her making her voice sound shrill and piercing [...]” Is a typical quote from the title character. (24). Lady Audley’s crimes are punished with her being buried alive in Belgium, under house arrest with no legal proceeding available and entirely at the mercy of the opinions of the men who decided her fate.

This “justice” plot line was elaborated by the victimized and yet often resistant, sometimes criminal, heroines of such “Sensation novels” of the 1860’s and 1870s as Wilkie Collins’ immensely popular novel *The Woman in White* (1860), whose heroine, Anne Catherick, had been kidnapped and then shut up in a madhouse. In his 1866 novel *Armadale*, the heroine, the forger and bigamist Lydia Gwilt, is abused by a former husband and in his 1875 novel *The Law and the Lady*, a devoted wife, whose husband deceives and

abandons her, must master legal analysis in order to save her marriage and redeem his reputation. In all of these texts, the struggles of women, including those women seen as sexually transgressive, result from those women having first been transgressed against by men: “this common, too common, story of man’s treachery and a women’s frailty,” as Wilkie Collins put it in *The Woman in White*. Male sexual transgression is often, in these tales, depicted as “the key to a secret” (460).

It is the struggle over obscenity law, I contend, that in part gave “spice” to the spiciness of the sensation novel and to the debate around it. It was the background for the inflamed discussion of the corrupting potential of the sensation novel on the minds of impressionable young women. Women were drawn to the sensation novel because they could indulge in the “thrill” of reading about self-gratification and passion. “The idea that the sensation novel appealed to the nerves appears over and over in the reviews,” writes Laurie Garrison in *Science, Sexuality and Sensation Novels: Pleasures of the Senses* (3). However, what is not addressed in these analyses of the sensation novel’s erotic appeal is that the frame of a traditionally moral universe binding these explorations protected the female or female-oriented writers from prosecution for their “spicy” content.

In contrast, the sexualization of the texts in question, and the sexualization of the act of women reading, are addressed by critics. In her essay “‘Highly Flavoured Dishes’ and ‘Highly Seasoned Garbage’: Sensation in *The Athenaeum*,” Ellen Miller Casey explores the way in which influential publications, such as the prestigious *The Athenaeum*, sought to delegitimize and to stigmatize women’s reading of the “spicy” content in these novels.²⁵⁶ In

²⁵⁶ Ellen Miller Casey expands on the gender politics of criticism of the sensation novel, in “‘Highly Flavoured Dishes’ and ‘Highly Seasoned Garbage’: Sensation in *The Athenaeum*,” in

“What Could I Do?": Nineteenth-Century Psychology and the Horrors of Masculinity in *The Woman in White*,” Andrew Mangham delineates the seducer-villain and the monstrosity of male sexuality as key characters and components of the seduction and betrayal narrative (115-124). A “purity” position for a female writer was a professional security bid, and one that was not as plausible for a male writer.

Many Victorian critics who reviewed “sensation novels” equated female literary awakening with female sexual awakening in general; H. L. Mansel, for example, wrote in his 1862 essay “Sensation Novels” in *Quarterly Review* that this genre corrupted young women sexually. His metaphors use orgasm tropes for reading tropes, and the “addictive” nature of these novels is described in the same cautionary terms as contemporary warnings described the effects of masturbation:

Excitement, and excitement alone, seems to be the great end at which they aim [...] and as excitement, even when harmless in kind, cannot be continually produced without becoming morbid in degree, works of this class manifest themselves as belonging [...] to the morbid phenomena of literature – indications of widespread corruption, of which they are in part both the effect and the cause; called into existence to supply the cravings of a diseased appetite, and contributing themselves to foster the disease, and to stimulate the want they supply. (486)

Without, however, recognizing the influence of the laws on marriage, divorce and obscene publications, we do not have the tools fully to analyze why the monstrous male, and often, the monstrous husband including his oppressive sexuality; his traducing of the sacred bonds of marriage through bigamy, adultery or deceit; and his theft of the wife’s property— all standard tropes in the sensation novel—resounded strongly with readers who found themselves in an institution—marriage—recently transformed by the law to

eds. Kimberly Harrison and Richard Fantina, *Victorian Sensations: Essays on a Scandalous Genre* (Columbus: Ohio State UP, 2006) 3-14.

protect men in just these ways. Without an appreciation of these laws, we also cannot fully understand the legally dangerous position of the writer who has “suppl[ied]”—especially to a female reader—“the cravings of a diseased appetite.”

A major legislative event shaped the seduction and betrayal narrative from 1857 onward: secular divorce became available in Britain for the first time and established for the first time the sexual double standard as a material undergirding of the new law regulating marriage and divorce. The revamping of divorce law began in 1853, when Parliament, as we saw in Chapter One, convened a commission to study the secularization of the divorce process: a process championed by feminist agitation. This campaign and commission’s work led at last to the passage of the Matrimonial Causes Act of 1857, which, as we saw, codified the sexual double standard, again to feminist public outrage as Ann Summer Holmes confirms in “The Double Standard in the English Divorce Laws, 1857–1923.”²⁵⁷ Indeed, the years after 1857 saw a tremendous social outcry from heterosexual women against the Matrimonial Causes Act, and the provocation of the Contagious Diseases Acts of 1864 and 1869 added fuel to this feminine outrage at men’s legally entrenched sexual perfidy.²⁵⁸

²⁵⁷ See Ann Summer Holmes, “The Double Standard in the English Divorce Laws, 1857–1923.” *Law & Social Inquiry* 20.2, (1995): 601–620.; and Danaya C. Wright, “Untying the Knot: An Analysis of the English Divorce and Matrimonial Causes Court Records, 1858–1866,” 38 *U. Rich. L. Rev.* p. 903 (2004), available at <http://scholarship.law.ufl.edu/facultypub/205x>. Accessed June 12 2013. Web.

²⁵⁸ The 1857 law, among other injustices, allowed middle-class and aristocratic women to protect their property only by having it placed in a trust. This law is reflected in the plot line of Wilkie Collins’ *The Woman in White*, in which the villain’s effort to steal his wife’s property centers on his securing her signature to gain control of her trust.

The 1857 divorce law was a radically unjust departure from the far more difficult but more equitable legal process of obtaining a divorce that it supplanted. Danaya C. Wright, in “Untying the Knot: An Analysis of the English Divorce and Matrimonial Causes Court Records, 1858-1866,” points out that this defined “the marital couple” for the first time as “a legal entity” (903-04). *Mary Poovey, in “Covered but Not Bound: Caroline Norton and the 1857 Matrimonial Causes Act,” notes that one must understand this major alteration in the legal landscape if we are to understand the literature that followed its passage.²⁵⁹

The 1857 law specified that husbands could be adulterous, but, as we saw above, that it was not possible for a woman to seek divorce on those grounds, though a husband could divorce an adulterous wife. The wife, rather, could secure a divorce on the grounds of a husband’s adultery only if this included cruelty and abandonment, and/or bestiality, sodomy and rape. However, in pursuing divorce, she risked never seeing her children again, as the law maintained that custody reverted to the husband. After the passage of the Matrimonial Causes Act of 1857, adultery was much discussed, necessarily, in divorce court proceedings, and these proceedings were reported in Victorian newspapers. Barbara Leckie, in *Culture and Adultery: The Novel, The Newspaper and the Law, 1857-1914*, documents how powerfully court and Parliamentary reporting influenced adultery narratives in fiction, as these reports became front-page content in British newspapers. The narratives then shaped plot lines of novels, in the second half of the nineteenth century.²⁶⁰

²⁵⁹ Mary Poovey analyses the role that the Norton trial had on popular discourse and the law in “Covered but Not Bound: Caroline Norton and the 1857 Matrimonial Causes Act.” *Feminist Studies* 14. 3 (1988) 467-485.

²⁶⁰ See Barbara Leckie, *Culture and Adultery: The Novel, the Newspaper and the Law, 1857-1914* (Philadelphia: University of Pennsylvania Press, 1999).

Indeed these divorce court proceedings, without being fictionalized, became a visible “literary” genre of their own.

The power and effectiveness of the “justice” literary tradition that consolidated itself in the wake of these legal events—a tradition that frames women’s discourse around sexuality, especially in relation to the law, to this day—has obscured the fact that it is only one tradition. Feminist criticism has at times tended to take the “justice” tradition of women’s writing about sexuality as *if it were women’s writing about sexuality*. In other words, this feminist critical position tends to take the representation of inequities inbuilt into the framing of the “seduction and betrayal” model of straight women’s sexual experience, as if it were coextensive with a core, even archetypal narrative about female sexuality itself, instead of its being one useful and politically effective rhetorical tropology dating from the mid-Victorian period.

The female or women-oriented writers, whom we are exploring, cast male sexual excess in a tropology of “filth” that we saw also became associated with sodomy. The issue of “cleanness” and “filth” that we tracked in terms of the municipalization of water and disease control in the 1840s, gained ground in the 1860s because of the language of sexually transmitted diseases. As noted, 1864 and 1866 saw the passages of the Contagious Diseases Acts, which included the government push to eradicate venereal diseases in the armed forces by intrusive sexual scrutiny of the prostitutes who worked in barracks towns (Walkowitz 69). Just as the 1840s problem of the purification of water sources and sewage outlets invented a commons around germs and infection that weakened the traditional British notion of private space, so the problem of how to purify sexual emissions and transmissions—including vaginal discharge, which was, as Judith Walkowitz reports, seen

as communicating sexually transmitted diseases—introduced a notion of the policing of a sexual commons. As David J. Pivar demonstrates in *Purity Crusade: Sexual Morality and Social Control, 1868-1900*, the role of policing was often assumed by middle-class women and reflected in their literature and rhetoric (65). (This rhetoric, I note, often included the description of the seduced heroine as “pure,” and is reflected, too, in the tropes of corruption and infection that we will see in Christina Rossetti’s verse of this period.) Parallel legislation was introduced to manage the sexually transmitted diseases of the colonies as well. This globally-enforced legislation also intruded on the personal sexual privacy of prostitutes and other women suspected of sexual contact with British military personnel through forced pelvic examinations and forced incarceration.²⁶¹

The Victorian feminist social purity campaigns, notably Josephine Butler’s, which successfully addressed the 1864 and 1866 Contagious Diseases Acts, did, as noted, much to advance as well as to draw on this frame of argument.²⁶² The 1864 Act applied to eleven British cities, and sent plain-clothed policemen and registered doctors to judge any woman. If the plainclothes officer or physician thought that a woman was a common prostitute—notably, no definition was supplied for that idea -- then he made the charge before a Justice of the Peace, who then could demand that the woman appear for a forcible pelvic exam at a hospital. If she refused, she would be forced to the location. “Resistance to examination or refusal to obey the hospital rules could be visited with one month’s imprisonment for first

²⁶¹ For more information, see Philippa Levine, “Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India.” *Journal of the History of Sexuality* 4.4 (1994): 579.

²⁶² See Judith Walkowitz, *Prostitution and Victorian Society* (Cambridge: Cambridge UP, 1980) 16, 22; see also Martha Vicinus, *Suffer and Be Still: Women in the Victorian Age* (London: Methuen, 1980) 81.

offense and two months for any subsequent offense,” reports Martha Vicinus in *Suffer and Be Still: Women in the Victorian Age* (94-5). If such women were found to be infected, they could be detained for up to six months forcibly. Butlers’ and other writers’ advocacy discourses advanced the “justice” tropology. Butler stressed the injustice of targeting women and not men and the cruel treatment of women, which violated “the feelings of those whose sense of shame is not wholly lost, and further brutalizing even the most abandoned.” She argued that “it is unjust to punish the sex who are the victims of a vice, and leave unpunished the sex who are a main cause, both of the vice and its dreaded consequences.”²⁶³ After a long campaign the Contagious Diseases Acts were finally removed from the statute books, but only in 1886.

This feminist tradition of reframing sexual themes was concerned with justice, not with the individuals’ ecstatic eruption out of rigid artistic and social norms. Its language tended toward realism, the better to critique current social conditions in contrast with the sexual transcendentalists’ project of investigating the relationship of language to the divine. We will see echoes of this project in the work of Christina Rossetti.

Christina Rossetti

In 1850, the twenty-year old Christina Rossetti had entered the public arena with seven poems, published in the Pre-Raphaelite Brotherhood journal, *The Germ*.²⁶⁴ In subsequent publications in journals and religious anthologies throughout the following decade, and culminating in the 1862 release of Macmillan’s *Goblin Market and Other Poems*, Christina Rossetti developed a voice that addressed issues of female passion, desire and sensuality.

²⁶³ Butler is quoted here in Vicinus 95-6.

²⁶⁴ See Alexis Easley, “Gender and the Politics of Literary Fame: Christina Rossetti and ‘The Germ.’” *Critical Survey* 13.2 (2001): 61-77.

By the time her first collection appeared in print, Christina Rossetti had fully established a moral semiotics in such poems as “Divine and Human Pleading” (1848), “On the Convent Stair” (1862) and “Repining” (1862), which defined female sexuality as “a heavy chain,” a “stain,” and a “curse.”²⁶⁵ Christina Rossetti, after a brief, if fruitful engagement with monistic eroticism in *Goblin Market and Other Poems*—in which, I will argue, she both echoed and rejected Whitman’s influence—she positioned herself in her later devotional verse above the feminist and sexual fray. She would solve the problem posed by intolerable norms of female sexual subordination by casting the locus of eroticized healing in another, sacred dimension; as her verse matured, she would not engage with the sexual battles of her literary contemporaries, but instead develop a tropology that would place a King of Heaven or Jesus figure in the role of the lover. Thus she found a way to write about female desire without risking the penalties for such investigation that she witnessed around her. With her later fame as a writer of devotional verse and prose, she established a safe space for herself in the culture.

The feminists of the 1860s sought to engage the increasingly well-known Christina Rossetti in their advocacy, but with mixed outcomes. In her essay “From Langham Place to Lancashire: Poetry, Community and the Victoria Press’ ‘Offering to Lancashire’,” Julie M. Wise points out that in the winter of 1862, activist Isa Craig and her associates at the experimental London-based feminist Victoria Press solicited contributions from many writers, including Christina and Dante Rossetti for a publication titled: “Poems: An Offering to Lancashire.” The project was intended to support out-of-work cotton workers who had

²⁶⁵ R. W. Crump, ed. *The Complete Poems of Christina Rossetti, Vol. III* (Baton Rouge Louisiana State UP, 1990) 20, 24. Hereafter, all quotations from Rossetti’s poems will be cited from this collection unless otherwise indicated.

lost employment in the North of England subsequent to the trade embargo due to the US Civil War. The Langham Place circle were among the Victoria Press luminaries; these included Emily Faithfull and Christina Rossetti's social peer Barbara Bodichon (52). Wise notes that the poet reacted conservatively as early as that year: "Rossetti also stands apart from the other contributors to *An Offering*, since unlike most of them, she rejected core principles of democratic reform, most prominently the growing insistence [...] on equality and universal suffrage."²⁶⁶ Wise adds that Christina Rossetti was no more eager to support Langham-group style feminism directly in the 1870s: "[w]hen Augusta Webster wrote to [Christina Rossetti] in 1878 asking her to support a petition for women's suffrage, Rossetti famously declined" (523, 525). Christina Rossetti's explanation was that her religious faith, and the establishment within it of men as Priests, "leaves me no doubt that the highest functions are not in this world open to both sexes."²⁶⁷

The evidence of Whitman's influence on Christina Rossetti's work is not direct. The British poet neither mentions Whitman in her letters, nor is there mention in her family's letters of any direct connection between the two poets. However, there is compelling indirect evidence of possible influences from Whitman to Christina Rossetti, and even stronger evidence that Christina Rossetti may have actually influenced Whitman. We will see that evidence in *Goblin Market*, which has echoes of the 1855 and 1860 *Leaves of Grass*.

Additional indirect evidence of a possible influence includes the literary record of family letters revealing that the siblings William, Dante Gabriel, and Christina showed one another

²⁶⁶ Wise 525. For more on the Victoria Press as an early feminist experiment, see Maria Frawley, "Feminism, Format and Emily Faithfull's Victoria Press Publications." *Nineteenth Century Feminisms* 1 (1999): 39-6.

²⁶⁷ Ed. Anthony Harrison. *The Letters of Christina Rossetti, Volume 1 1843-1873* (New York: University of Virginia Press, 1997) 158-60.

their work regularly. They wrote their criticisms and suggested changes in letters sent by post, and even referred their publishers to the advice or contributions of their siblings, as Christina Rossetti did in her letters to Macmillan regarding *Goblin Market*.²⁶⁸ This three-way years-long record of close editorial collaboration suggests that it is likely that Christina Rossetti was aware of her brother William's championing of *Leaves of Grass*, and of the risk he took in preparing the British bowdlerized version for its 1867 publication. Given this project, it is reasonable to assume that Christina Rossetti had, indeed, read her brother's 1855 or 1860 illegal US editions of *Leaves of Grass*. We saw in the last chapter that Whitman's 1855 volume and the 1860 revision were both reviewed in, among other British periodicals, *The London Review of Politics, Society, Literature, Art and Science*, *The Saturday Review* and *The Athenaeum*.²⁶⁹ Many of these journals, as her family's letters confirm as well, were part of Christina Rossetti's ongoing literary diet. It is clear that Whitman was exposed to the Rossetti circles' work, including possibly writing by Christina Rossetti, since as editor of, and contributor to, *The Brooklyn Daily Eagle*, Whitman's column from 1846 - 1850, titled "Literary Notices," reviewed English books and periodicals and summarized the British literary press. His column coincides with the publication of the much-noticed *The Germ*. Whitman even summarized *Littell's Living Age*, itself a summary of the British literary reviews.²⁷⁰

²⁶⁸ Christina Rossetti et al., *The Rossetti-Macmillan Letters*, Ed. Lona Mosk Packer (Berkeley: University of California Press, 1963) 31-2, 37, 38, 39, 40-1, 44.

²⁶⁹ Jan Marsh's *Christina Rossetti: A Writer's Life* (New York: Penguin, 1994) documents Christina Rossetti's reading of these publications, as we saw. . See pp. 108, 149, 248, 282, 284.

²⁷⁰ Ed. Herbert Bergman. *Walt Whitman: The Journalism, Vol. II* (New York: Peter Lang, 1969) 33-4.

In Christina Rossetti's iconography, in contrast to Whitman's and Swinburne's, the natural world is a venue of dangerous seduction. In her poem "Repining," composed in 1847 when she was seventeen and published in *The Germ* in February of 1850, a "solitary damsel" longs for love: "Day followed day; and still she sighed/ For love, and was not satisfied" (20). A nameless male lover appears and takes her to what seems like a blissful erotic pastoral in which a "streamlet [...] sent life up/ Green succous stalk and flower cup" (20).

This scene of a natural world that is an extension of sexual pleasure prefigures Whitman's similar scenes in the 1855 *Leaves of Grass*. The play of shine and shade on the trees as the supple boughs wag—turns immediately into an apocalyptic drama in which the couple witnesses scenes of multitudes dying by drowning and then by flame, and at last there are simply heaps of corpses. The narrator of Rossetti's poem finally kneels down and asks forgiveness for her longing: "My heart's prayer putteth me to shame" (24). This poem communicates a spectacle of a great imagination at the mercy of a counterphobic imperative: the least stirrings of sexual arousal are met and punished with scene upon scene of gore and suffering.

In *Leaves of Grass*, Walt Whitman introduced, in contrast to Christina Rossetti's usage, a redemptive sexual and natural world. Whitman's frequent references to "sap," "roots" and "vines" throughout *Leaves of Grass* was understood from its first publication as carnal. In one of the most erotic passages of *Leaves of Grass*, Whitman invokes the "loveroot [...] crotch and vine [...]"²⁷¹ Nature is a lover and beneficent: "Root of washed sweet-flag, timorous pond-snipe, nest of guarded duplicate eggs, it shall be you/ [...] Trickling sap of maple, fibre of

²⁷¹ Walt Whitman, *Leaves of Grass: The Original 1855 Edition* (Mineola: Dover Publications, 2007) 21.

manly wheat, it shall be you [...] Winds whose soft-tickling genitals rub against me it shall be you." (39-40). As Hans Reisiger points out in his essay "The Heartbeat of True Democracy," the eroticization of nature in Whitman includes both men and women in an Eden that cannot fall. Reisiger writes, "[Whitman's] penchant toward the organic [...] is not only directed to the receptive female 'you' but also to the male, the 'camerado' in 'The Garden of the World'."²⁷² An eroticized natural world prevails and includes an eroticized God: "I will go to the bank by the wood and become undisguised and naked,/ I am mad for it to be in contact with me [...]" (21). In Whitman's re-presentation of nature, British readers found a prelapsarian condition in which there is never "any more heaven and hell than there is now./ Urge and urge and urge,/ Always the procreant urge of the world [...]" (22). He describes this "merge" as "unitary" and includes the Divine in the love-fest: "As God comes a loving bedfellow and sleeps at my side all night [...]" (23). Indeed, the acts described in this sacralized way are explicit in this very first edition, including the famous fellatio description: "I mind how we lay in June [...] You settled your head athwart my hips and gently turned over upon me,/ And parted the shirt from my bosom-bone, and plunged your tongue to my barestript heart/ And reached till you felt my beard, and reached till you held my feet./ Swiftly arose and spread around me the peace and joy and knowledge [...] And I know that the hand of God is the elderhand of my own." (24). In a world of shame and prohibition discourses around this and similar sexual acts, it is not surprising that this sacralized eroticism would appeal to the religiously conventional Symonds.

²⁷² Reisiger 208. For a reading of the disparate forms of moral messaging involved in metaphors of landscape and the organic among the Victorians, see Pauline Fletcher, *Gardens and Grim Ravines: The Languages of Landscape in Victorian Poetry* (Princeton: Princeton UP), 1983.

And it is likely that this sacralized erotic/natural tropology provoked the devout Christina Rossetti as well. In her earlier verse, nature is often a trope for erotic potential, but in her cosmology, as in “Ash Wednesday,” it has been blighted or has faded away, unfulfilled: “I” am a “fig-tree, fruit-unbearing” (35). In her poem “I Know You Not,” composed in 1856, a year after the first *Leaves of Grass*, the natural world is as eroticized as it is in Whitman, but the difference is that God trans-substantiates natural metaphors into divine ones. The narrator addresses Jesus, the beloved, as being “[s]tronger than Lebanon, thou Root,/Sweeter than clustered grapes, thou Vine [...] Ruddier than the Ruby, Thou [...] I thirst for Thee, full Fount and Flood [...]” (36). The vines, roots and sap in Christina Rossetti’s imagination are almost always, as in Whitman’s imagination as well, masculine and sexual; yet in Rossetti, these masculine roots, vines and sap can also be threatening, and must therefore be sacralized.

The possibility that Christina Rossetti had read Whitman is supported by the evidence of the same tropes with the same sexual referents that migrate from poet to poet and from the “Children of Adam” section of the 1860 *Leaves of Grass* to the 1862 *Goblin Market*. Indeed, a cross-pollination of tropes —suggested by, in one example, Rossetti’s title “Daughters of Eve,” which directly echoes or perhaps replies to Whitman’s most censored section, “Children of Adam”—is so striking that it supports the premise that she read Whitman, but makes the conjecture that Whitman was provoked by Rossetti even more plausible.

In “Repining,” Christina Rossetti had introduced an unusual but what would become a signature scenario in her work: the narrator of the poem is taken by a lover/guide figure to witness multiple scenes, as if from above or from a distance. Rossetti’s scenes are often of human activities seen in stereoptical distance. In the 1855 *Leaves of Grass*, the same

detailed, cinematic scenario is replicated. Whitman presents his narrator in the 1855 “Song of Myself” in *Leaves of Grass* as being taken on a vision quest, and shown diverse scenes and images of human struggle and action in similarly magisterial, apocalyptic, long-distance dimensions. Christina Rossetti, in “The Dead City” (1857) and in several later “vision” poems, often draws again upon this scenario of silently arising, often with a spiritualized guide figure beside her, and similarly shows majestic sweeps or apocalyptic revelations of ruined cities, warring factions, massive banquets, and distant vistas.

Goblin Market and Other Poems, 1862

Christina Rossetti’s *Goblin Market and Other Poems* was published in 1862 in a volume illustrated by Dante Gabriel Rossetti with an allegorical frontispiece, that also had a substantial cultural impact and that sold well, establishing Christina Rossetti’s reputation. In the litany of oral sensualities centered on ripe, red fruit, vines, roots and sap, juice and liquidity in “Song of Myself,” there are precursors to be found in “Goblin Market.” The similarities in their language and symbol system are strong enough to suggest that Christina Rossetti may have had to resist or reject the compelling, exciting call for a sacrament of the flesh set out in the 1855 *Leaves of Grass*. “At the cider-mill,” writes Whitman, “tasting the sweet of the brown squash ...sucking the juice through a straw,/ At apple-pealings [sic], wanting kisses for all the red fruit I find [...]” (47). Whitman makes explicit his association of sexual expression with the power of speech: “Through me forbidden voices/ Voices of sexes and lusts...voices veiled, and I remove the veil./ Voices indecent by me clarified and transfigured. [...] I do not press my finger across my mouth [...] Copulation is no more rank to me than death is.” (39). Whitman would never be this explicit again.

Whitman's possible influence also appears in her early experiments in open scansion: experiments that concerned Dante Gabriel Rossetti enough to argue against them.²⁷³ In the mid-1850s, Whitman's open line structure and conversational verse form, influenced as it was by the Psalms and by Proverbs, was unusual. Christina Rossetti continued to play with uneven scansion in *Goblin Market*.²⁷⁴

Sexual shame is a consistent theme in Christina Rossetti's poetry, from "On the Convent Stair" to "Goblin Market," as well as in her feminist activism, particularly as she worked with the "fallen" women of the Highgate penitentiary. Whitman's challenge to the validity of sexual shame for women, like men, may have plausibly elicited one of two responses in a reader of Christina Rossetti's social and religious background. In the first case, it could have encouraged a reexamination of the strictures around her as it did for readers such as Ann Gilchrist. In the second case, which I argue is the more likely scenario, it may have elicited a necessary translation of Whitman's carnal language and imagery to a spiritual context as Christina Rossetti's did in her poetry.

Whitman's provocation to a conventionally Christian reader such as Christina Rossetti was direct: "What blurt is it about virtue and about vice?" Whitman asks. (37). Whitman asserted the equality of body and soul through mirroring language: "I am the poet of the body. / And I am the poet of the soul" (36). Where St. Paul asserted that in Jesus there was neither male nor female, because both genders will have transcended the flesh, Whitman claims parity for both *within* the flesh: "I say it is as great to be a woman as to be a man."

²⁷³ Ed. William Michael Rossetti. *Dante Gabriel Rossetti: His Family-Letters, with a Memoir by W. M. Rossetti* (London: Elli, 1895) 66.

²⁷⁴ See Christina Rossetti, *Goblin Market and Other Poems* (London: Macmillan, 1862), 1-35. The poem has uneven scansion throughout.

Like Jesus, of whom Luke [7:34] describes critics objecting that “The Son of Man came eating and drinking, and you say, “Here is a glutton and a drunkard, a friend of tax collectors,” Whitman in the 1855 “Song of Myself” posits himself subversively, even parodically, as a carnal Jesus figure: “Walt Whitman [...] Disorderly fleshly and sensual[...] eating drinking and breeding.” (38).

Like Jesus standing with the Samaritan woman against the opprobrium of the men of the Sanhedrin in John 3:42, Whitman claims sympathy and even identification with the “fallen” woman. Unlike contemporary depictions of the “fallen woman,” most of which are hortatory or symbolic, filled with stock censure or sentimentality as in Dickens’ earlier *Oliver Twist* or in Gaskell’s *Ruth*, Whitman’s verse shows an image of the prostitute with realism and compassion: Whitman goes even further by extending a spiritual embrace to this representative of “fallenness.” Like Jesus, he invites the prostitute to the love feast: “The prostitute draggles her shawl [...] the crowd laugh at her [...] the men jeer and wink to each other,/ (Miserable! I do not laugh at your oaths nor jeer at you).” (31-2). Indeed his identification with “the keptwoman” is so strong that her voice becomes his. Paraphrasing, but adding a shocking twist to the Song of Songs’ assertion that “Love is as strong as death,” Whitman insists that “[c]opulation is no more rank to me than death is [...]” This position would be a challenge to the justice discourses proposed by Christina Rossetti’s middle-class female contemporaries. Whitman’s manifesto of acceptance for all that is human and sensual leads Whitman to write from the perspective of the female heterosexual gaze as he depicts a lonely, hidden woman observing young men bathing: “Ah the homeliest of them is beautiful to her [...] she saw them and loved them [...] Little streams passed all over their bodies/An unseen hand also passed over their bodies. “(28)

The echoes of Whitman in *Goblin Market and Other Poems* are obvious: “You cannot think what figs/ My teeth have met in,” ” cries Laura, before the sticky, spilled juices of the “Goblin Men” make her ill.²⁷⁵ In *Goblin Market*, which can be positioned as a rebuttal to “Song of Myself,” Christina Rossetti writes using Whitman’s precise sexual iconography of root and sap, juice and sunlight, red fruit and kisses, while precisely inverting the moral – the fruits are toxic: “O Laura, come;/ I hear the fruit-call but I dare not look: You should not loiter longer at this brook” (13). But Laura, in spite of this warning:

[S]ucked their fruit globes fair or red:
Sweeter than honey from the rock,
Stronger than man-rejoicing wine,
Clearer than water flowed that juice; [...]
She sucked and sucked and sucked the more
Fruits which that unknown orchard bore;
She sucked until her lips were sore; (7-8)

“Sugar-sweet” was the fruit’s “sap,” reports Laura to Lizzie (10). Later, dejected with deprivation, Laura’s “tree of life drooped from the root” (14). “Must she no more that succous pasture find”(14)? Laura plants her “kernel-stone,” “[d]ewed it with tears, hoped for a root./ Watched for a waxing shoot/ But there came none;/ It never saw the sun [...].” (15-6). When Lizzie redeems Laura through her own sexualized sacrifice with “goblin men” who thrust the fruit against her resisting mouth, the sister cries “Laura [...] Come and kiss me [...] Hug me, kiss me, suck my juices/ Squeezed from goblin fruit for you.” (25). The luscious “apples” and other fruit of the landscape present a treacherous seduction from which only self-discipline and self-sacrifice can protect a female reader.

In both Whitman and Rossetti, we see a very similar iconography featuring sexual juices, luscious, just-ripe fruits and vegetables, mouths and teeth, and liquids overflowing or

²⁷⁵ Christina Rossetti, *Goblin Market and Other Poems* (London: Macmillan, 1862) 10.

spilling. Indeed, we see the same eroticized fruit scene in Swinburne's poem "August" in *Poems and Ballads and Atalanta in Calydon* (1866 would have been when William Rossetti was actively investigating a possible *Leaves of Grass* edition). Christina Rossetti's apples of 1862 are repositioned for the reader as a wholesome symbol of eroticism—"the blood was ripe inside the core [...] the sweet blood filled them to the core"—in what sounds like a rebuttal to the argument of toxic sweetness in the earlier poem. Swinburne also seems to echo the "peace" imagery in Whitman's fellatio scene, turning this poem into a three-way conversation about the redemptive or damning nature of eros:

There were four apples on the bough
 Half gold half-red, that one might know
 The blood was ripe inside the core [...]

There were four apples on the tree
 Red stained through gold, that all might see
 The sun went warm from core to rind [...]
 Against the stem I leaned my head [...] the brown tree-root
 Felt the mould warmer: I too felt [...]
 The peace of time wherein love dwelt.[...]
 There were four apples on the tree,
 Gold stained on red that all might see
 The sweet blood filled them to the core [...].²⁷⁶

The opposing "morals" of the male sexual liberationists, Whitman and Swinburne, and of Christina Rossetti, challenged each other. In *Leaves of Grass*, the spilled juices are redemptive in themselves. In *Goblin Market and Other Poems*, they are, as in legal and medical texts of the 1860s dealing with feminine body fluids, tainted or the cause of a fall,

²⁷⁶ Algernon Charles Swinburne, *Collected Poetical Works, Volume I* (New York: Harper and Brothers, 1920) 215-17. For additional exposition of the lyrical connections and conflict including Swinburne's denunciation of Christina Rossetti's Christianity and the later "détente" between Rossetti and Swinburne, see Dinah Roe, "'Good Satan': The Unlikely Poetic Affinity of Swinburne and Christina Rossetti" in *Algernon Charles Swinburne: Unofficial Laureate*. Eds. Stefano Evangelista and Catherine Maxwell (Manchester: Manchester UP, 2013) 171.

and must be paid for. In "August", Swinburne aligns himself with the fruits on Whitman's side of the debate, or of the sequence of metaphors.

Christina Rossetti's posture in *Goblin Market and Other Poems* was one of rejection of, or resistance to, literary invitations issued by male sexual liberationists.²⁷⁷ The seductive message of Whitman's paean of union with men and with women, essences and juices, the trees, roots and sky --- may have called down survivable scandal on the head of a Brooklyn-based male writer; but middle-class women were not situated, in the England of the 1860s, to heed a sexually libertarian invitation. Christina Rossetti read such publications as the *Westminster Review*, the *Athenaeum*, *The Edinburgh Review*, *The Guardian* and *The Express*. In the 1860s and 1870s, these periodicals covered the costs to women of "fallenness" and the medical ravages of masculine sexual "vice." The poet had witnessed the social vulnerability in her own circle of such sexually compromised women as Elizabeth Siddall, who spent years awaiting the security of a marriage proposal from Christina Rossetti's brother Dante Gabriel Rossetti while compelled to sustain his many infidelities. She had firsthand knowledge of the lives of sex workers. With this range of experience of the dangers of out-of-bounds sexual expression, a call such as Whitman's invited a literature of resistance. Within the security the "purity" persona offered the poet, she was also able to draw on tropes of spirituality that descended intact from the female Christian mystical tradition and were reanimated by the Tractarian movement, as Lynda Palazzo and Mary

²⁷⁷ See Kathy Alexis Psomiades, "Whose Body? Christina Rossetti and Aestheticist Femininity" in *Women and British Aestheticism*. Eds. Kathy Alexis Psomiades and Talia Schaffer (New York: University of Virginia Press, 1999) 101-118. Psomiades shows a continuity between Christina Rossetti and Swinburne in terms of their interest in the feminine experience in relation to pleasure.

Arsenau have argued. This strategy allowed her to redirect a threatening and seductive feminine sensuality into a secure and ecstatic lover-like relationship with the Divine.

Christina Rossetti's letters and the accounts of her contemporaries of her choices regarding political action reveal that she was not oriented toward her era's feminism within a radical political context. Rather, as Arsenau argues persuasively, she was oriented toward a version of feminism, or "sisterhood," within a religious, and specifically Tractarian, context . Mystical language also solved, for this poet, the serious problem posed to her by mid-Victorian feminism. Within the Tractarian community and its lay sisterhoods, Christina Rossetti did find a valorization of feminine authority and power that secular culture could not offer.

Other critics have delineated the costs to women writers in the mid-nineteenth century of a transgressive intellectual assertiveness. Sandra M. Gilbert and Susan Gubar, in their essays, "The Buried Life of Lucy Snowe" and "Strength in Agony: Nineteenth-Century Poetry by Women—The Aesthetics of Renunciation," point out in their discussion of Christina Rossetti, that:

[i]f the extraordinary difficulty of conceiving and sustaining living poetry in a woman's body is made clear when we read the pronouncements of "masculinist" critics, it is made even clearer when we compare the self-images of the women who did manage to become poets with those of similarly situated male poets.²⁷⁸

Elsie B. Michie, in her own study of the social costs to women of transgressive writing in this period, *Outside the Pale: Cultural Exclusion, Gender Difference and the Victorian Woman Writer*, reads five nineteenth-century women authors in terms of the pressures of this set of

²⁷⁸ See both essays in Sandra M. Gilbert and Susan Gubar, *The Madwoman in the Attic: The Woman Writer and the Nineteenth Century Literary Imagination* (New Haven: Yale UP, 1979) 372-398, 539-580, 549-554.

constraints (4). She argues that being a literary woman in that period was an act that by definition tested the boundaries of sexual propriety. She identifies the way in which Victorian models of the female body and biology served to exclude George Eliot, for example, from the Arnauldian realm of “culture” (4-5).

I agree with Michie’s conclusion that in the cases of Mary Shelley, the Brontes, Gaskell and Eliot, the issues foregrounded by the writers are linked to existing “political, social and economic” concerns being discussed in the public arena, as well as those being suppressed (6). Her point is germane to Christina Rossetti as well. This view is more plausible than Terence Holt’s reading of “Goblin Market” as representing a masculinist and capitalist economic dimension, a set of concerns for which Christina Rossetti’s letters show little interest. Christina Rossetti, whose letters to Macmillan show her to be acutely conscious of the literary marketplace and the politics of reputation, sought a cultural niche that would keep her untainted.

In Gilbert and Gubar’s discussion of Christina Rossetti in *The Madwoman in the Attic*, they make the case that female literary self-assertion, as in Christina Rossetti’s *Maude*, would, for a nineteen-year-old girl writing in 1849, have provoked such anxieties that Christina Rossetti could not see a creative way forward without recourse to masochism, and to the redemption of a masculine God: “The Maude in Christina Rossetti – the ambitious, competitive, self-absorbed and self-assertive poet – must die [...]. Whether literally or figuratively, a woman must never become enamored of her own image in nature or art” (552). Gilbert and Gubar see Christina Rossetti’s subsequent decision, as they satirically put it, to “spend a lifetime writing ‘Amen for us all,’” as being a more passive set of choices than

does the wave of more recent feminist critics who see Christina Rossetti's devotional verse and prose as radical theological arguments against a suppressive masculinist God.

Kate Flint draws a conclusion that builds upon Gilbert and Gubar's reading: Flint sees "Goblin Market," which she calls "a deeply, unabashedly oral poem," as a claim of the right to assert female desire; Flint stresses how rare and radical this was at a time when "[s]pinsters are not free to write of sexual love of passion as the 'happy' married woman is...The unmarried woman has something important [...] to say about sexual feeling but is blocked by convention from saying it."²⁷⁹ More recent feminist critics of Christina Rossetti's work, such as Catherine Maxwell in "Tasting the 'Fruit Forbidden': Gender, Intertextuality, and Christina Rossetti's *Goblin Market*," have also focused on the sexual content in "Goblin Market."²⁸⁰

Thus, Kate Flint, Sandra M. Gilbert, Susan Gubar, and Catherine Maxwell all tend to address the sexual material in "Goblin Market" as if it is content that was suppressed in the unconscious of the poet. They approach the erotic material in the poem as if the carnal substratum of the work were hidden from a Victorian audience in general as well.²⁸¹

Other critics make the same elision from other vantage points. Antony Harrison, in "Christina Rossetti: Illness and Ideology," is one of the contemporary critics who casts Christina Rossetti as being sexually unconscious as well as sexually conflicted. In his

²⁷⁹ Flint 360. See also Isobel Armstrong, *Victorian Poetry: Poetry, Poetics and Politics* (London: Routledge, 1993) 339.

²⁸⁰ See Catherine Maxwell, "Tasting the 'Fruit Forbidden': Gender, Intertextuality, and Christina Rossetti's *Goblin Market*" in *The Culture of Christina Rossetti: Female Poetics and Victorian Contexts*. Eds. Mary Arseneau, Antony H. Harrison, and Lorraine Janzen Kooistra (Athens: Ohio UP, 1999) 75-104.

²⁸¹ Sandra M. Gilbert and Susan Gubar, *The Madwoman In the Attic: The Woman Writer and the Nineteenth Century Literary Imagination*. 434.

reading, this sexual form of suppression led to a form of hysteria: “It is tempting to see [her] lifelong malaise,” Harrison writes, “as a manifestation of extreme sexual conflict and suppression, one of its psychosomatic consequences. Her condition was surely in part a product of the moral and religious values dominant in her cultural milieu (and to which she rigidly adhered) in combination with the authoritative influence of the Victorian medical establishment.”²⁸² But can we convincingly infer psychological disease from repression of sexual content in a legal context in which openness about this material in print is a crime?

Thus Flint, Gilbert and Gubar, and Harrison, as I noted, all tend to treat the sexual content in “Goblin Market” as unconscious or as, at least, “merely” allegorical. But this misprision derives partly from reading the poem independently of its publication history. This approach goes against important historical evidence. As we will see from the record of her 1862 publishing choices, revealed in her letters to her publisher Macmillan, Christina Rossetti was well aware of the sexual nature of the material she was handling, and of the image that she was commissioning from her brother Dante Rossetti for the frontispiece; and her audience would have been also. And given the tightening legal situation around obscenity, we should not make the ahistorical mistake of reading sexual material that is presented in oblique or coded formats necessarily as a Freudian response.

Among the assessments that Macmillan (and possibly his counsel) would have made in 1862 in accepting for publication an erotic fable, especially one aimed at women, would have been that it was, precisely because of that layer of allegorization involving mysterious creatures and ripe fruit, literally *publishable*. In other words, critics who read the sexual

²⁸² Antony H. Harrison, “Christina Rossetti: Illness and Ideology.” *Victorian Poetry* 45.4 (2007): exact page number of quote. 415-428.

subtext as pushing up *beneath* the apparent, conscious, subject matter despite of the author's intention, may have their analyses precisely backward. Writers in Christina Rossetti's circle were, rather, by 1862, often forced thinly to *cover* sexual material about which they consciously wished to communicate, laying a veneer of allegory over the text, for the sake of working around the wording of the 1857 obscenity law. A tale about seduction, sexual temptation, various kinds of kisses, and the threat of untreatable venereal disease, would certainly have the effect of "corrupting" the innocent and would have been actionable; while an allegory about "Goblin men," tempting plums and peaches, and a venereal-diseases-like wasting away after succumbing to oral temptation, is, on the technicalities provided by allegory, safe from being prosecuted as a criminal offense.

Their illustration choices also support my reading focusing on legal constraints. I subscribe, as does Lorraine Janzen Kooistra, to the notion of a materialist aesthetic, in which a text is composed of its publication context and physical presentation in addition to words alighting in the mind. Kooistra, in *Christina Rossetti and Illustration: A Publishing History*, investigates Christina Rossetti's career-long preoccupation with the relationship between words and images, including her own early desire to be a visual artist, and her practice of painting watercolors in the margins of her own volumes of verse. In that light, it is crucial to bear in mind that the first edition emerged with much-heralded illustrations by Dante Gabriel Rossetti. We then see that a tale involving the exploration of an unconstrained female sexuality, followed by a vivid demonstration of the punishments that surely must upon it, were presented to a popular audience by the physical format of the 1862 *Goblin Market and Other Poems*.²⁸³

²⁸³ See the images in the first edition of Christina Rossetti, *Goblin Market and Other Poems*

I would add that there is a contrast between how we usually see these frontispieces, and how they originally appeared. Even the best reproductions of the Dante Rossetti plates to “Goblin Market” tend to miss a great deal of the graphic and evidently intentional sexual messages of the book as a whole when it first appeared. When one examines a first edition of the Macmillan *Goblin Market and Other Poems*, multiple emphases are clear that are not otherwise apparent in a reading of either the engravings or the title poem on its own.

The 1862 volume’s packaging choices make it evident that it was not intended as an ethereal publication. Rather, the commercial decisions that Macmillan made and that Christina Rossetti actively debated, edited and finally endorsed—as her letters to Macmillan make clear— show that “Goblin Market” was poised to be a mass market bestseller with overt moralistic messaging about female sexuality for its Victorian audience.²⁸⁴ A series of documents in the collection of letters between the Rossettis and publisher Arthur Macmillan refer to the images. “[Y]our woodcuts are so essential to my contentment that I will wait a year for them if need is – though (in a whisper) six months would suit me better,” Christina wrote to her brother.²⁸⁵ The cover design is carefully thought out: gold embossing with pre-Raphaelite-type grids highlight the blue-black silk cover. This detail indicates that the publisher invested more heavily in the volume’s production values than he would for a typical circulating-library type volume. Gilt is more costly to produce than other colors, and embossing is more costly than a one-surface dimension for a cover. Alexander Macmillan thought the volume would be a popular gift book. Notable, too, is that *Goblin Market and*

(London: Macmillan, 1862) and the second edition, (London: Macmillan, 1865) at the Fales Manuscript Collection, Bobst Library, New York University. See also the frontispiece in Appendix B.

²⁸⁴ *The Rossetti-Macmillan Letters* 34-48.

²⁸⁵ *The Rossetti-Macmillan Letters* 48.

Other Poems included fifteen pages of advertising at the back for other Macmillan publications, including vacation guides, travel memoirs, disposable romances, *Tom Brown's School-Days*, the popular *Golden Treasury* books for children, and even books on fishing, mosses, lichens, and Cambridge University student high-jinks. In other words, Christina Rossetti was not being presented to the public as a highbrow writer like Elizabeth Barrett Browning or even a niche voice such as Whitman himself. In other words, she was not marketed then as she appears in the literary canon now: culturally elevated and ethereal. As Christopher Ricks explains in his article on the mass-market associations with this publication in "Christina Rossetti and Commonplace Books," Christina Rossetti was being presented to a middlebrow, conventional, mostly female audience. Her "brand" involved the communication of the mainstream message of sexual dangers and boundaries (190).

By *Goblin Market and Other Poem's* publication date, the erotic nature of much of Dante Gabriel Rossetti's visual iconography was already controversial, and the sensuality of his approach, including in commercial illustrations, was a matter of public comment. The Renaissance garb of sisters Laura and Lizzie in the engravings, and the deliberately archaic typography of "Christina Rossetti" on the title plate, with its early eighteenth-century "s" that resembles "f," echo the many visual archaisms typical of the Pre-Raphaelite Brotherhood. The prominent display of the Dante Gabriel Rossetti engravings facing one another on the title page make the Pre-Raphaelite Brotherhood into a kind of Victorian branding, even as the title poem goes on deliberately to establish Christina Rossetti as the Rossetti who engages with the same kind of salacious material but who, from a feminine, religious vantage point, purifies it to redeem it.

Dante Gabriel Rossetti's frontispiece illustrations are direct about the sexual content of the poem to follow, so much so that it is not plausible to imagine that Christina Rossetti was unaware of what her brother's engravings were "saying." She solicited the engravings from her brother repeatedly, in writing. They were, like so many Dante Gabriel Rossetti commissions and commitments, delivered late. In fact, they were so late that they made the book miss its publishing schedule, which was costly. Christina Rossetti did not only "commission" them, she clearly approved them. Indeed her highly stylized "CR" logo was embedded, unusually for an author vis-à-vis an illustration, into the lower-right hand corner of the left-side engraving, and another "CR" symbol was embedded in the lower-left hand corner, as we see in Appendix C.

The original Dante Gabriel Rossetti engraving for *Goblin Market and Other Poems* that appeared on the left of the title page, the one depicting Laura cutting her "golden curl" as the "goblin men" crowd around her, features an owl-like "goblin man" holding a vividly labial pomegranate toward Laura's face. The pomegranate is cut open vertically so the seeds are visible. The fruit has anatomically correct but botanically incorrect folds on either side of the vertical opening. The goblin nuzzles the opening of the pomegranate and holds the bowl that contains it while he seeks to make eye contact with Laura. The same suggestive pomegranate, this one without labial folds, is held to the face of Proserpine in Dante Gabriel Rossetti's 1873 canvas by that name. In the context of the Persephone myth however, the symbolism of the pomegranate derives from the Classical rather than Judeo-Christian tradition of "forbidden fruit."²⁸⁶

²⁸⁶ See details of the original 1862 edition frontispiece in Appendix B.

Other sexually graphic details are clear in the original 1862 engraving that are not so obvious in the darker cross-hatchings of reproductions. In the upper-left hand corner, a rat-like creature beckons to the fleeing Lizzie, who holds an intact vessel, with a curving forefinger. He is positioned behind her with a phallic staff from which a bunch of grapes hang, suspended. A cat-like creature kneels before Laura, who is also kneeling. He has wrapped her long golden hair around his neck, and is caressing a strand of it with a suggestive gesture and a sexually ecstatic expression on his face.. There is a platter of fruit, which extends from this creature's lap and rests between Laura's thighs. Another element that is clear in the original and unclear in Carolyn Hares-Stryker's collection of Pre-Raphaelite Brotherhood source materials, as well as in other reproductions, is that the phallic tail of this creature, who is wearing a typical Victorian man's jacket and trousers, rises up in the lower right quadrant of the engraving from between the creature's legs. Finally, two figs are present on this thigh-level platter. In Dante Rossetti's vision, at least, it is a scene of a consensual sexual expressiveness, possibly with multiple sexual orientations. The spotted frog-like creature in the upper-right hand corner may be suggestive of the lesions of venereal disease, which in the 1860s was a concern never too far from descriptions of sexual yielding, and which is suggested in the text by the way Laura pines away and sickens.

The disturbing but direct eroticism of the left hand engraving is resolved graphically within the right hand engraving and then within the text. In the facing engraving, Laura and Lizzie clasp one another: a scene that occurs at the end of the poem. All these threatening images of masculine sexual aggression are encapsulated graphically in a feminine full-moon image in the upper left. Indeed this image of a full moon conceals a crescent moon, as if a

doubled feminine symbol makes this scene distant and unthreatening. In reproductions, this image seems to be one of innocence, sexual safety and emotional resolution, with Lizzie embracing Laura and Laura's hair descending behind her shoulders. What is visible in the original, however, is the flush on Laura's cheek. In Hares-Stryker's anthology, for example, a typical reproduction of the image is too dark to reveal many of these nuances.²⁸⁷ Appendix B of this thesis includes photographs of the frontispieces of the 1862 and 1865 editions, which reveal that a sexually graphic image in the first edition became even easier to read graphically in the later edition. Concluding *Goblin Market and Other Poems* with a set piece of single women's eros channeled safely and diffusely into female family and friendship contexts was not a subversion of Victorian social norms but a conventional reaffirmation of them. When Laura returns to Lizzie's arms, she is returning not to an unspeakable intimacy but to what was in some ways a conventional one. *Goblin Market* is consciously sexual material for conscious readers who by now have become used to reading between the lines of the stated. It does not subvert Victorian sexual norms but explores female sexuality in order finally reassuringly to reify them.

Another level of allegorizing passion is to place it in a theistic dimension. The theological dimensions of Christina Rossetti's later verse are the focus of the analyses of Lynda Palazzo, Dolores Rosenblum and Mary Arsenau.²⁸⁸ Even though eventually Christina Rossetti's work would manage to unite body and soul and transmute eros into spirituality, her self-

²⁸⁷ Ed. Carolyn Hares-Stryker, *Anthology of Pre-Raphaelite Writings* (Sheffield: Sheffield Academic Press, 1997) 140.

²⁸⁸ See Dolores Rosenblum, "Christina Rossetti's Religious Poetry: Watching, Looking and Keeping Vigil" in *Victorian Woman Poets: A Critical Reader*. Ed. Angela Leighton (Oxford: Blackwell Publishing, 1996) 114. See also Dolores Rosenblum, *Christina Rossetti: The Poetry of Endurance* (Carbondale: Southern Illinois UP, 1986) 21, 22.

censoring statements, from early on in her career, could be extreme. In *Dante Gabriel Rossetti: His Family-Letters*, we learn that though Christina Rossetti loved Italian literature, she foreswore reading it because she did not wish to encounter unsuitable passages.²⁸⁹ In Christina Rossetti's prose piece *Letter and Spirit*, she writes her counter-"Song of Myself": a "Song of Selflessness":

For the books we now forebear to read, we shall one day be endued with wisdom [...] for the music we will not listen to, we shall join in the song of the redeemed. For the pictures from which we turn, we shall be welcomed into angelic society [...] For the pleasures we miss, we shall abide, and forever abide, in the rapture of heaven. (103-4).

Rossetti's decision to sacralize the discussion of illicit female passion was another way to escape the wording of the obscenity laws. If God is the bridegroom, there can be little legal question about the intent of the author. After the legal atmosphere tightened in the 1870s, it is notable that the lush eroticism of *Goblin Market* was followed by two decades of Christina Rossetti's poetic language becoming increasingly devotional, Tractarian, and sexually conservative. I will demonstrate the seriousness of the threat of arrest in the 1870s in my discussion of the landmark Boulton and Park trial (1871-2), the arrest of painter Simeon Solomon (1872), who was a habitu  of the Rossetti circle both before and after his arrests, and finally the trial of Annie Besant and Charles Bradlaugh for distributing obscene literature (1878) in the following chapters. All of these may have influenced Christina Rossetti as her career unfolded to move into the far safer "purity" discourse around issues of desire and passion.²⁹⁰

²⁸⁹ Dante Gabriel Rossetti, *Dante Gabriel Rossetti, His Family-Letters, Vol. II* (London: Ellis, 1895) 162.

Indeed the tightening atmosphere may have led the poet to establish social as well as literary distance from key figures. Christina Rossetti's and Swinburne's letters, as Dinah Roe notes, reveal a friendship. In a letter of June 1, 1871, from Swinburne to Dante Gabriel Rossetti, for instance, he expresses concern about an illness of hers (Hares-Stryker 74). But as Christina Rossetti's later letters reveal, as Dante Gabriel Rossetti warned her about the taint to her reputation that could come from embracing Swinburne's work too publicly, she became aware of the dangers to a woman poet's association with sexual scandal. Christina Rossetti withdrew from Swinburne, even raising her eyebrows about his intoxicated behavior at parties in her letters to others, though he, for his part, would dedicate a collection of poems to her, as well as a ballad.

The relatively short sentences such as the three months to two years' imprisonment that were standard punishment for booksellers or publishers found guilty of obscenity in the 1860s should be evaluated not only by the duration of the time incarcerated, but also the risk of death, or broken mental and physical health that resulted from a sentence of penal servitude. Penal servitude now involved solitary confinement and enforced silence, conditions which have been documented to cause permanent psychotic conditions. The bookseller, William Dugdale, about whom we read in the Introduction, died in 1868 in the House of Correction at Clerkenwell—the first prison-death in Britain—after being convicted of trafficking in obscene publications. Christina Rossetti and her literary circle would have been aware of arrests of booksellers for obscenity, since there were about forty such mentions in regional and London newspapers in the British Periodicals Online database in the 1860s.

For a more accurate sense of what led to her literary choices around the theme of passion, I would argue, these two schools, the psychological (actually, Freudian) reading of repression represented by Harrison, and the feminist-theological readings represented by such critics as Palazzo and her colleagues, should be drawn together, and then both placed against the intensifying legal constraints around her and her peers. Sexual suppression, combined with religious fervor, may well have shaped Christina Rossetti's conflicts, but the legal constraints around writing were imposing comparable constraints upon sexually frank speech in general.

Tractarian Influences and the Spiritualization of Eros

The Tractarian cosmology, which reifies the mind-body split, hardly meant that Christina Rossetti turned away from eros in her later poems and in the devotional prose that follow "Goblin Market." Rather, her strategy, understandable given the influence upon her of Pusey and Keble through Dodgson and the Tractarian movement, in addition to the constraints of speaking about passion, especially as a single woman in a period in which female desire was still often legally and socially "unsayable" except obliquely, is to eroticize the language of orthodox Christianity. In reaffirming the duality of body and soul, and rejecting the claims of the body but transmuting passion, longing and eros itself into a spiritual discourse, she is taking up a long feminine mystical tradition within the Judeo-Christian tradition, one that started with the female narrative voice of the Song of Solomon and reached high points in

terms of poetic expression in the ecstatic language and visions of the great female mystics including Teresa of Avila in her classic *Interior Castle*.²⁹¹

We would be wrong to interpret Christina Rossetti's allegiance to a mind-body duality and to a cosmology of sexual sin and redemption that is limited to a Puseyite and Paulite division. A more recent wave of criticism, whose high point has been the publication in 2004 of Palazzo's monograph, *The Feminist Theology of Christina Rossetti*, has chosen to address Christina Rossetti's spiritual orientation, and in particular her devotional verse, not in a traditional Tractarian context but to situate Tractarianism and spiritual/erotic tropes within a feminist and post-feminist theological perspective (xi). This approach is the more subtle and accurate one in my view.

Just as Whitman creates an avenue to the Divine through the most carnal or the most "degraded" of physicalities and fleshly situations; that is, he unites the base with the heavenly, so the Christian female mystical tradition can and often has used language that unites the heights of the cosmos to the physical depths. Through spiritualizing the Bridegroom, a bruised or frightened sensibility can indeed craft a genuine emotional life imbued with a vibrant sense of passion and even intimacy, or a lived experience of the lover embracing the beloved.

Many of the earlier poems set up and revisit dramas of a monstrous masculine sexuality at heights of aggression that then subside into a less threatening, or even normalized, state. In "The Convent Threshold" (1862) the drama starts *in medias res*. The metaphor in use

²⁹¹ See St Teresa of Avila, *Interior Castle*. Tr. E. Alison Peers (New York: Image Publishing, 1972).

involves the most socially and personally censored aspect of many women's sexual experience: sexual abuse within the family:

There's blood between us, love, my love,
 There's father's blood, there's brother's blood;
 And blood's a bar I cannot pass:
 [...]

 My lily feet are soiled with mud,
 With scarlet mud that tells a tale
 Of hope that was, of guilt that was, [...]

 My heart, this selfsame stain is there:
 I seek [...]

 To wash the spot, to burn the snare; [...]

 You sinned with me a pleasant sin:
 Repent with me, for I repent.
 [...]

 I tell you what I dreamed last night: [...]

 Cold dews had drenched my plenteous hair
 [...] I answered half asleep:
 `My pillow is damp, my sheets are red,
 There's a leaden tester to my bed:
 Find you a warmer playfellow,
 [...]

 There we shall meet as once we met
 And love with old familiar love.²⁹²

We can hear the bitter echo of the word in "playfellow" of the peacefully reverie of the beloved "bedfellow", which had been used so buoyantly in the two early editions of *Leaves of Grass*.

Some critics, including Jan Marsh, have proposed that Christina Rossetti suffered a sexual assault or violation.²⁹³ But this does need not be confirmed for us to pay attention to the aura around the issue. As we saw from the medical literature, the strictures against female sexual expression at this time would have been so great that this sense of taintedness may

²⁹² Christina Rossetti, "The Convent Threshold," in *Christina Rossetti: Poems and Prose*. Ed. Simon Humphries (Oxford: Oxford UP, 2008) 85-69.

²⁹³ See Jan Marsh, *Christina Rossetti: A Literary Biography* (London: Jonathan Cape, 1994) 42-54.

not necessarily have been triggered by trauma. A female subject might have felt traumatized simply from the guilt and anxiety attendant upon sexual desire. Christina Rossetti's earlier verses return continually to metaphors of coldness, freezing, death-in-life, and numbness. The poem ends with a fantasy of being reunited innocently in heaven; it is an example of one of Rossetti's recurrent schematics of a carnal union made pure by a spiritual union.

A Tractarian conviction of feminine sexual taint may partly explain the sense that the narrator in Christina Rossetti's work often carries an original stain within her. This sensibility could also lead to the scenes of masochism that frequent her work: images of the speaker wishing to cut, burn, or root out painfully, the toxicity of the self.

Above all, Christina Rossetti's role as devotional poet shows how she sublimated these pressures into a creative whole. Her devotional poetry has been incorporated into many mainstream current accounts of the Oxford movement, and analyzed in such accounts of the Tractarian awakening as G. B. Tennyson's *Victorian Devotional Poetry: The Tractarian Mode*. *Christina Rossetti in Context*, by Antony Harrison, also analyzes her theology, and the 1998 volume edited by David A. Kent and P. G. Stanwood, *The Selected Prose of Christina Rossetti*, retrieves some of the devotional prose from the limbo of having gone out of print for a popular audience.²⁹⁴

In Palazzo's *Christina Rossetti's Feminist Theology*, which addressed Christina Rossetti's devotional texts as complete volumes "each with a theological message to convey", Palazzo makes a strong case that Christina Rossetti's devotional poetry was written in the context of the Victorian religious revivals of both the Evangelical and Tractarian movement.

²⁹⁴ See eds. David A. Kent and P. G. Stanwood, *Selected Prose of Christina Rossetti* (London: Palgrave Macmillan, 1998).

Critics who have focused on Christina Rossetti's devotional prose and poetry have called attention to the ways in which the leaders of the Tractarian Movement drew on "a renewed emphasis on women's sinfulness, moral weakness and role in the Fall" and also to the role of the Oxford Movement in reiterating the sinfulness of women in particular. Palazzo calls Edward Pusey, who saw no gender bias in his preaching, "possibly the most powerful single influence of his time on public attitudes toward the morality of women" (xii). She notes that his sermons focus repeatedly on "the role of Eve in the Fall and her consequent legacy of corruption," and her agency in the infection of her husband with sin. In one Pusey sermon, "The Dangers of Riches: Seek God First and Ye Shall Have All," in *Two Sermons Preached in the Parish Church of St. James Bristol*, Pusey comments on Genesis 3:6. The ur-Rossettian symbol for female sexuality, the tainted fruit, is elaborated: "when the woman saw that the tree was good for food (this was the lust of the flesh) 'and that it was pleasant to the eyes' (this was the lust of the eye,) [...] she took of the fruit and 'did eat,' and, 'as the first fruits of her sin, she spread her sin to whom she could' [...]" (29).

Pusey invokes the Church Fathers' tradition of the sinfulness of women, hearkening back to Tertullian:

And do you know that you are [each] an Eve? The sentence of God on this sex of yours lives in this age: the guilt must of necessity live too. *You* are the devil's gateway; *you* are the unsealer of that [forbidden] tree: you are the first deserter of the Divine law [...] on account of *your* desert – that is, death – even the Son of Man had to die. And do you think about adorning yourself? (29)

Pusey renewed the Pauline invocations of strictures against women's self-assertion, and Pauline revulsion toward the body and the female body in particular. Elizabeth Johnson notes that this construct recast the female body as a prison "that shuts them [women] off

from God,” and that can be opened only by a masculine messiah.²⁹⁵ Ruth Jenkins in *Reclaiming Myths of Power: Women Writers and the Victorian Spiritual Crisis*, notes that this re-affirmation of a feminine role of innate moral culpability and subordination led to a movement that would try to redeem aspects of the Divine that are traditionally seen as feminine.

There is no doubt that Christina Rossetti’s symbolic system incorporated images of revolting female sexuality that the Church Fathers had highlighted from the New Testament and Apocrypha. In “Babylon the Great” (1862), Christina Rossetti dwells on the diseased sexuality of the Whore of Babylon:

Foul is she and ill-favored, set askew:
Gaze not upon her till thou dream her fair,
Lest she should mesh thee in her wanton hair [...]
Her heart lusts not for love, but thro’ and thro’
For blood, as spotted panther lusts in lair;
No wine is in her cup, but filth is there
Unutterable, with plagues hid out of view.²⁹⁶

Perdition—an unusually sadistic setting—awaits this representative of sullied female sexuality. “At the far end of her long desire,” writes Christina Rossetti, the Whore of Babylon will be “set on fire” alive. She will be consumed by flames, along with all her sensuous raiment and adornments.²⁹⁷ Palazzo argues that it is a mistake to assume, like William Rossetti, that “[t]he dominating element in [Christina Rossetti’s] daily life...was religion; religion of an old-fashioned rigidity that turned life into a bitter and constant struggle for

²⁹⁵ See Elizabeth Johnson, *SHE WHO IS: The Mystery of God in Feminist Theological Discourse* (New York: Crossroad Press, 1996) 153.

²⁹⁶ Christina Rossetti, *Christina Rossetti: The Complete Poems* (New York: Penguin 1979) 470.

²⁹⁷ See Susan Haskins, *Mary Magdalen: Myth and Metaphor* (New York: Riverhead Books, 1993) 342-355 for a discussion of Dante Rossetti’s and the Victorians’ images of the Magdalen.

spiritual perfection [...].”²⁹⁸ She argues, rather, that William Rossetti’s judgmental attitude toward his sister’s religiosity obscured the true nature of her search for a more redemptive faith and her questions about the role of gender within spirituality. “It has been widely assumed,” Palazzo writes, “that she accepted the teachings of Pusey and the other great Tractarians, writing poetry in the wake of Keble until finally consolidating an imitative Tractarian position in her devotional prose.”²⁹⁹ The Tractarian influence on Christina Rossetti is no longer in question; indeed, in their essay “Rossetti and the Tractarians,” Diane d’Amico and David A. Kent summarize the evolution of Christina Rossetti scholarship from a focus on her love life to a foregrounding of her devotional verse and prose over the course of the past quarter-century.³⁰⁰ This shift in focus is illuminating and welcome; however, the new emphasis on the Tractarians should not obscure entirely other significant influences upon Rossetti we have examined, such as the examples of women contemporaries’ critical reception, the influence of sexual liberationists within the Rossetti circle, and the pressure of punitive sexual and medical norms upon female expression.

Christina Rossetti grew up during the latter years of the Oxford Movement and attended, with her mother and sister, the most engaged Tractarian parish in London: Christ Church in Albany Street. Christ Church was led by Rev. Charles Dodgson, who was a disciple of Pusey’s. Palazzo sees the origin of Rossetti’s “severe physical collapse” as a teenager as having been caused by “a spiritual crisis” in the wake of “the mounting hysteria in Christ

²⁹⁸ Quoted in *The Poetical Works of Christina Rossetti, with Memoir and Notes by William Rossetti*. Ed. William Rossetti (London: Macmillan, 1904) x, lxxviii, lv.

²⁹⁹ Palazzo 2. For further exploration of Christina Rossetti’s relationship to Keble’s work, see Esther T. Hu, “Christina Rossetti, John Keble and the Divine Gaze.” *Victorian Poetry* 46.2 (2008): 178.

³⁰⁰ See Diane D’Amico and David A. Kent, “Rossetti and the Tractarians.” *Victorian Poetry* 44.1 (2006): 93-103.

Church" (3). Unpublished remarks by her doctor to her family circle suggest the origin of her breakdown in "a kind of religious mania" (4). Palazzo takes issue with Jan Marsh's interpretation of Rossetti's teenage breakdown as stemming from a possible sexual transgression against her, and instead sees the cause of the crisis as theological. According to Palazzo, the subdued, self-critical poetry of Rossetti and the personality change she underwent following the crisis are the consequences of her introduction to a harsh, judgmental Puseyite Father God.

Recent studies confirm a more engaged proto-feminist struggle with issues of Biblical and doctrinal authority; an active struggle that one can see in the tensions around her representations of female sexual sinfulness and her struggles for a sexuality of redemption. Palazzo reads "Repining" in this Puseyite lens, which draws upon the misogyny of St. Jerome. Palazzo observes that "Rossetti notes in her poem High Church Anglicanism's insistence that for women with spiritual fulfillment comes the necessity for an often brutal stripping away of female attributes" (6). Similarly, Palazzo reads the anguished "On the Convent Stair" as stemming from the influence of Puseyite sisterhoods that sought to redirect women's otherwise sensual passions into a controlled religious zealotry. She notes that the Puseyite calls for mortification of the flesh—most notably in the form of the 1835 tract on baptism that dwelt upon sin—led to stresses upon young women in the Movement. Many women began to engage in this extreme behavior: "Pusey's calls for the mortifications of the flesh, especially in his sisterhoods, had serious consequences for many of the young women under his spiritual guidance. A few women even died, worn out by the cramped mental life, and the bodily austerities" (7).

Grace Jantzen writes about the influence of the early Church Fathers upon the Puseyite “sisterhoods” and the Oxford Movement’s articulation of female fallenness, and cites the revival of the influence of St. Jerome—whom she characterizes as “arguably one of the most misogynist of all the patristic writers” and “also [the one] most preoccupied with women’s sexuality, deploring it even when it was expressed within marriage (which he referred to as ‘vomit’)”—as having been particularly significant to the Oxford Movement’s re-assertion of the negativity of female embodiedness.³⁰¹ Some later feminist critics see Rossetti’s devotional poetry and prose not as blindly following Puseyite calls for self-mortification but seeking some redemptive perception of the natural world and even of a sexual self. Palazzo argues that Christina Rossetti’s devotional prose—some of which drew upon Keble’s “Tract 89,” which elucidates “the Poetical, Moral and Mystical” aspects of nature—was in such demand precisely because of her “simple observations and accounts of the natural world.” Rossetti’s positing of the natural world as a medium for divine congress was of great importance to readers “and addressed the current thirst for accessible religious texts after the controversies of the 1850’s and 1860’s” (72). Palazzo’s effort to identify Rossetti as exposing Puseyite misogyny rather than allowing for the possibility that the poet was authentically tormented by an internalization of an ideology of female sexual sinfulness is, I would maintain, somewhat anachronistic.

Emma Mason situates the young Christina Rossetti among the Puseyites in her essay “‘A Sort of Aesthetico-Catholic Revival’: Christina Rossetti and the London Ritualist Scene.’” Mason believes that it was indeed Christina Rossetti’s sense of herself within the Tractarian

³⁰¹ Grace Jantzen, *Power, Gender and Christian Mysticism* (Cambridge: Cambridge UP, 1996) 5, 47.

movement that may have contributed to her “breakdown in 1845 due to religious mania” (116). She argues that Rossetti became a lifelong Puseyite, always wearing black like the Puseyite Sisterhoods, engaging like them in fasts, and even working at the St. Mary Magdalene House of Charity in Highgate. Rossetti eventually became a “kind of part-time sister,” yet felt herself to be too morally unworthy to join a formal religious sisterhood (119). Diane D’Amico, in her essay “Equal Before God: Christina Rossetti and the Fallen Women of Highgate Penitentiary,” also argues that Christina Rossetti’s work with the prostitutes of Highgate was an avenue for her to manifest a religious devotion. However, this mission also dovetailed with an implicit critique common to female activists of the time of women’s role in a society that subordinated them for sexual purposes.³⁰²

In her 1847 poem “Divine and Human Pleading,” which was privately printed in 1847, in G. Polidori’s *Verses: Dedicated to her Mother*, the male speaker appeals to “blessed Mary Magdalene”, who is emblematic of the fallen woman. Perhaps a male persona—“a trembling contrite man”—was invoked because it would be too shocking for a female narrator to pray for deliverance from her sinful inclinations from a reformed prostitute with whom she shares her “fallenness.” Mary Magdalene identifies herself as “sin-stained” and she refers to her guilt:

My guilt was as a heavy chain
That bound me to the earth.

It was a clog upon my feet,
To keep me from Life’s path;
It was a stain upon my hands,

³⁰² See Diane D’Amico, “Equal Before God: Christina Rossetti and the Fallen Women of Highgate Penitentiary” in *Victorian Literature and Art*. Eds. Antony H. Harrison and Beverly Taylor (Dekalb: Northern Illinois UP, 1992) 67-83.

A curse upon my hearth.³⁰³

She goes on to say that a “mighty Power and Grace” can loosen the heavy chain, “free the feet [...] cleanse the hands,” and “purge the hearth.” (89). She refers to an array of instruments of seduction that she has renounced, and uses an erotic metaphor to indicate that a new and holier “fire” has replaced the fire of carnality: “I have cast away my jewels/ And my rich attire;/ And my breast was filled with a holy flame,/And my heart with a holy fire” (90). She explains that “my youth and my beauty/ Were budding to their prime” but that she wept nonetheless for “the great transgression/ The sin of other time” (90). The Magdalene figure assures the penitent that the King of Heaven—in, again, a lover-like relationship—“broke and healed my heart” and adds, intriguingly, “no man was there to intercede”; that is, the spiritual lover has made a human lover unnecessary (90). Safely, great passion, embodied in a prostitute, is here channeled into a licit relationship with a Lover.

· In *Christina Rossetti: The Poetry of Endurance*, Dolores Rosenblum accurately reads the religious iconography in Christina Rossetti within its own feminine and eroticized but mystical tradition.³⁰⁴ The dramas of terror, punishment and suppression of female sexuality in Christina Rossetti cannot be plausibly described as a nuanced and distanced proto-feminist exposé of a tyrannical masculinist theology; rather, they are obsessive poetic explications of a body and soul in genuine uncertainty about the possibility of torment and culpability.

³⁰³ Christina Georgina Rossetti, *The Complete Poems. Of Christina Rossetti* Ed. R. W. Crump (Baton Rouge: Louisiana State UP, 1990.) 88-9.

³⁰⁴ See Dorothy Rosenblum, *Christina Rossetti: The Poetry of Endurance* (Carbondale: Southern Illinois UP, 1986) 21-23.

In *The Culture of Christina Rossetti: Female Poetics and Victorian Contexts*, Marjorie Stone notes that Rossetti resisted “[t]he personification of Love as a palpably physical presence” and opposed the risk of an “absorption in earthly love” which Barrett Browning manifests in *Sonnets from the Portuguese*.³⁰⁵ Stone traces rightly an inversion in Rossetti of Barrett Browning’s evolution from erotic love to spiritual love. Rossetti is not ignorant of discourses inviting the reader to embrace carnal love and sanctify it. Rather, as she had perhaps done with Whitman, she engages with them and denies or defies them.

Yopie Prins, in “Elizabeth Barrett, Robert Browning and the *Differance* of Translation,” notes that ancient Greek had been “a special language of desire” for the Brownings, and that Italian served the same purpose for Christina Rossetti when she wrote love poems to Charles Cayley. She concludes that the trope of translation into a foreign tongue underscores for both women poets that any writing in a female voice about love and desire “in the context of an overwhelmingly masculine amatory discourse” is necessarily a matter of ongoing translation (437).

Alison Chapman, in “Father’s Place, Mother’s Space: Identity, Italy and the Maternal in Christina Rossetti’s Poetry,” in the same anthology, locates a sensuality in Christina Rossetti’s positioning of “the primal love object.” She agrees with Stone that Italian served as a vehicle for a translated discourse of passion in a sequence of Italian love poems for Cayley, but takes this argument one step further. According to Chapman, Rossetti’s verse

³⁰⁵ See Stone’s chapter “Monna Innominata and Sonnets from the Portuguese’: Sonnet Traditions and Spiritual Trajectories” in *The Culture of Christina Rossetti: Female Poetics and Victorian Contexts*. Eds. Mary Arsenau, Antony H. Harrison, and Lorraine Janzen Kooistra (New York: Ohio UP, 1999) 26-7.

“does not endlessly rehearse the painful trauma of loss” but create a space that “signifies the paradisaical” by suppressing consciousness of separation from the mother. Rossetti reconstitutes the mother as muse and love object to generate a space that is “both maternal and recuperative and gestures to the utopian possibilities of paradise as a refound homeland.”³⁰⁶

Mackenzie Bell, Christina Rossetti’s first biographer, her brother William, in his *Family Letters*, and Christina Rossetti herself, all stress the primary relationship of Christina Rossetti’s life as being that with her mother, whom in 1882 she identified as “a better sort of Venus” (Chapman 241). By sublimating erotic love into this redemptive channel, Rossetti could find one solution—of a sort—to the impossible, or negative options offered by Victorian feminine sexual roles. As Deborah Gorham observes in *The Victorian Girl and the Feminine Ideal*, the core paradox of Victorian female sexual norms—the insistence on a sexual purity and ignorance coupled with the sexual activity that leads to idealized motherhood—is brought into some sort of resolution by the Victorian idealization of aspects of dutiful daughterliness (7).

Sex and Death

Victorian male poets, visual artists and novelists often eroticized an image of dying or dead heroines. Many critics have deconstructed this trope, but I would argue that the primary reason for this vogue had to do with a reaction against the lively, disruptive advocacy and

³⁰⁶ See Alison Chapman, “Father’s Place, Mother’s Space: Identity, Italy and the Maternal in Christina Rossetti’s Poetry.” *The Culture of Christina Rossetti: Female Poetics and Victorian Contexts*. Eds. Mary Arsenau, Antony H. Harrison, and Lorraine Janzen Kooistra (New York: Ohio UP, 1999) 235-259.

vitality of the recently educated women of the expanding middle and upper classes, agitating for education, legal reform and the vote. I would add to this that, like Hellenization, religiosity, medicalization and exoticization, all tactics which the writers we are examining will utilize, in my reading, in part to avoid Hicklin while discussing sexual themes and physical desire, death too serves effectively to tamp down any post-1857 suggestion of authorial corrupt intentions.

Susan Conley, in “Rossetti’s Cold Women: Irony and Liminal Fantasy in the Death Lyrics,” finds an eroticism presented by Christina Rossetti in the context of death. In locating a set of tropes that prefigures aestheticism and follow from the Gothic, she reveals Rossetti infusing the grave, vampiric images or skeletal images with a transgressive desire.³⁰⁷ But in Conley’s reading, the lover is dead from the start of the verse itself. Conley’s interpretation is persuasive: the dead or dying woman who was also an object of desire was a popular image in mid-Victorian poetry and visual representation.

As Elizabeth Bronfen proposed in *Over Her Dead Body: Death, Femininity and the Aesthetic*, dead or dying mid-Victorian icons of femininity codified the “not-me” of the feminine ideal. These images of feminine mortality ranged from the pre-Raphaelite painter John William Waterhouse’s paintings of Lord Alfred Tennyson’s 1832 poem “The Lady of Shallott” to the many related images in the culture of the dying Ophelia, including among them A. Ercoles’s 1859 version, W. C Marshall’s 1863 variant, and the acclaimed Sir John Everett Millais’ version now in the Tate Gallery, completed in 1852 and exhibited that year

³⁰⁷ See Susan Conley, “Rossetti’s Cold Women: Irony and Liminal Fantasy in the Death Lyrics.” *The Culture of Christina Rossetti: Female Poetics and Victorian Contexts*. Eds. Mary Arsenau, Antony H. Harrison, and Lorraine Janzen Kooistra (New York: Ohio UP, 1999) 260-284.

at the Royal Academy. (This is the scene for which the then-nineteen-year-old Elizabeth Siddall was submerged, fully clothed, in a bathtub at Millais' studio at 7 Gower Street). The popularity of these dead or dying beauties, depicted by male hands in erotic poses and settings, should be read in the context of the law. Just like Hellenization, spiritualization, and later medicalization became safe frames for sexual discourse in the shadow of the Obscene Publications Acts, so, too, death casts a pall that safeguards a writer or painter from charges of "corrupting" or "inflaming" imaginations.

Christina Rossetti uses "dead bride" metaphors repeatedly in "The Ruined Cross." The bride

[s]aw decay in every tree [...]
 She might not pause upon the road,
 Lest Death should claim his promised bride
 Ere yet her longing was fulfilled,
 Her young heart satisfied. (77)

She finds a cross, and there kneels and prays. In a seductive gesture, she "hung her garland on the stone" and knelt in prayer "until her heart was satisfied." (78) The poem is a love poem between a wanderer and an eroticized cross.

In "The Dead Bride," the danger of a sensuality that can only be cleansed by death is made explicit. The dead bride in her white robes is a

Happy bride if single-hearted
 Her first love to God was given; [...]
 But alas! If tainted pleasure
 Won her heart and held it here,
 Where is now her failing treasure,
 All her gladness where? (102)

Even the trope of the bride, which of all images in the Victorian canon of archetypes of femininity represents a sanctified erotic initiation, is too dangerous to contemplate without

some dramatic intervention; in this case, the most drastic of all, the intercession of the grave.

Tropes of death and death-in-life join narratives of daughterliness; carefully calculated allegories transpose sensuality and recast the lover as the Redeemer. These are strategies that Rossetti masterfully used in order to tell all the truth, but tell it Slant, to echo Emily Dickinson, about female passion, its risks and its dangers.

The strategies were successful in professional terms. By the year of her death, 1894, Christina Rossetti had attained an iconic cultural status. She was “read” within her own lifetime as a living literary marker for feminine virtue and faith.

This nexus of sexual shame in the context of Christina Rossetti’s Tractarian upbringing sheds light on the nature of the questions Rossetti continually demands of the body: What is the moral nature of desire? Why are some chosen, seemingly inexplicably, for healthful love, and others for blighted eros or for lifelong solitude? How can a physical sin be truly cleansed? How can eros be spiritually sublimated?

We see from the Tractarian tropes at play in her work, the possibility of Christina Rossetti’s engagement with *Leaves of Grass* and the certainty, reflected in family letters, that Christina Rossetti and her brother William, Whitman’s editor, worked on each other’s manuscripts in the 1860s, from graphic and commercial decisions made by the poet and her publisher Macmillan, and by the biographical evidence of Christina Rossetti’s involvement with the prostitutes in Highgate Penitentiary – that the poet was so far from being unaware of the sexual content in *Goblin Market*, or of the echoes of eroticism in her later devotional poetry and prose.

Christina Rossetti's metaphors are continually positioning for a female audience an endorsement of Lord Cockburn's view of the world of temptation: in "The Novice," she writes that 'love's joy [...] and "gladness" is like war in Hell/ More than repose in Heaven. / Ya, it is as a poison cup/That holds one quick fire-draught within:/ For when the life seems to begin/ The slow death looketh up." Given this toxicity the speaker longs for "a solitude/ Where love may neither come nor go [...]" (139-40). A Victorian female audience would have understood what that 'poisoned cup' referred to, so evocative of the "arsenic and prussic acid" speeches in Parliament. They would have understood that the "spot" the poet references "The Convent Stair" is culturally, spiritually and medically, unwashable; the "snare" is not subject to human fire.

Christina Rossetti proposes the anti-Whitman position. She rejected the arguments for a unification of the body and soul put forward in the 1860s and 1870s by Whitman, Swinburne and some of their male peers. The poet chose a dualism only the Redeemer could unite: only the living water could redeem the fallen sexual self, especially the fallen feminine self, and offer a way to transcend what she was committed to describing as the tainted and vulnerable female sexual body.

Chapter Four

John Addington Symonds and Walt Whitman: Other “Vistas”

Christina Rossetti may have been beckoned by Whitman to a transcendentalist position that was monistic, and may have resisted. John Addington Symonds, for his part, did not resist the appeal of Whitman’s call, but his engagement with Whitman’s seductive literary position was anxious. In this chapter, I present Symonds as a case study of the literary adaptation to, and subversion of, the darkening legal environment of the 1870s and 1880s. I maintain that his continually evolving strategies in response to legal pressures reveals

both a concerted effort to avoid legal jeopardy and yet an interest in continually challenging suppression.

The Crisis Years: 1871-1873

In this chapter, I will be analyzing the dangerous 1870s, as Symonds' letters, manuscripts, and published work, all illuminate what the actual legal norms were around sexual expression as they tightened in that decade. Symonds' literary choices continually illustrate the shifting lineaments of the "test case." We will explore the catalyzing effect of the 1860 "Calamus" poems on Symonds. We will also read Symonds' copy of Whitman's 1871 volume *Democratic Vistas and A Passage to India* to identify its eventual influence on Symonds' *A Problem in Greek Ethics: Being an Inquiry into the Phenomenon of Sexual Inversion, Addressed Especially to Medical Psychologists and Jurists* (written in 1873, privately published in an edition of ten copies in 1883, published by The Aeropagitica Society in 1908).³⁰⁸ This chapter will also discuss the secret cache of privately published sexually explicit verse that Symonds kept in a locked drawer in his study, entrusting the key only to his closest friend. Symonds' *Tales from The Greeks: Eudiades and a Cretan Idyll* (privately printed, 1878) will be discussed alongside the unpublished poem "Ithokles and Lysander." Finally, we will show how Whitman's influence foreshadows Symonds' most overt advocacy text about homosexuality, "A Problem in Modern Ethics: Being an Inquiry into the

³⁰⁸ The title page of the Aeropagitica Society's 1908 edition of this volume, which had to be printed in Holland, speaks eloquently of the difficult publication choices the threat of censorship caused: "The following treatise of Greek Love was written in the year 1873 [...] I printed ten copies of it privately in 1883." See the title page of John Addington Symonds, *A Problem in Greek Ethics: Being an Inquiry into the Phenomenon of Sexual Inversion, Addressed Especially to Medical Psychologists and Jurists* (London: The Aeropagitica Society, 1908).

Phenomenon of Sexual Inversion, Addressed Especially to Medical Psychologists and Jurists”,” privately printed in London in 1896 in an edition of a hundred copies, and also points the way to Symonds’ final act of genre warfare: his creation with Havelock Ellis of a sexological discourse that includes homosexuality in his posthumously published and coauthored volume, the 1896 *Sexual Inversion*.

I will argue that Symonds is a key figure in the discussion of the influence of sex crime and obscenity law on British literature in this period. His continual renegotiating represents a transitional literary phase bridging the disruptive (and illegal) frankness of the 1855 *Leaves of Grass*, and the younger generation of sexual radicals’ innovations in pushing the boundaries of sexual explicitness in the 1880s and into the 1890s. (The next chapter will examine these tactics of the 1880s and 1890s, including the scrimps of indirection and syllogism deployed by Wilde, the uses of exoticism invoked by Sir Richard Burton, and the frames of medicalization advanced by Havelock Ellis and Symonds.)

Symonds was preoccupied with the same themes that would occupy Whitman and Wilde as well: homosexuality and its relationship to transcendental experience. He inherited, as a young man educated at Oxford, the Paterian/Rossettian project of aestheticism that recast the senses as ennobling. However, raised in the solid middle-classes, and lacking the protection of an independent income, Symonds was vulnerable to the examples of economic and professional disasters that he would witness in secondary school and face himself in seeking a professorship at Oxford; cases in which publicly revealed private letters—which crossed legal boundaries around homosexuality in print—led to the blackmail of a mentor by Symonds’ own father while Symonds was an adolescent, and eventually led to the derailing of his potential professorial position at his alma mater as

an adult. These formative experiences of the criminalizing and disgracing letter prepared the ground, I argue, for Symonds' heightened consciousness of the criminality of letters, poems and other personal texts that alluded to homoerotic content. Symonds' social class played a role in his extreme sensitivity to these boundaries and thus to his record of literary hesitation. His sensitivity to what was at stake if he crossed a legal/social boundary differed from Whitman's. Whitman, a child of the working class, could, until the 1880s at least when he would come under prosecutorial fire himself, disregard such boundaries. Symonds also differed from the aristocratic Wilde, who until the 1890s at least, assumed he had the right to ignore or mock such boundaries.

It may be useful at this point to summarize briefly the legal context in 1873 before analyzing Symonds' textual choices in that period. An 1864 ruling established that "evidence of the defendant's character – whether offered for or against him – must speak to reputation, and not mentality," as H. G. Cocks points out, in *Nameless Offenses: Homosexual Desire in the Nineteenth Century*. (Cocks 47). By the time Symonds came of age as a poet and critic – he was thirty in 1870 -- this ruling had established that a pattern of homosexual acts in the past could not be introduced in a sodomy trial and that a pattern of demonstrated respectability could protect a man accused of sodomy. Thus the role of "character" was elevated as an issue among Symonds' peers who might fear being at risk of sodomy convictions (Cocks 47). H. G. Cocks examines the way that reputation began to release men accused of sodomy, since it was understood that a moral man could not have committed such an act.³⁰⁹ Men who committed sodomy, H.G Cocks explains, were not seen,

³⁰⁹ Sir Alexander Cockburn had also said that character was critical: it was the "tendency or disposition of the prisoner's mind" as well as his general reputation that was significant. "Evidence for the defendant's 'good' character helped to establish that he was unlikely to

in the 1860s and 1870s, as members a psychological or sexological subculture. Rather, in criminal trials, the act was treated as evidence of one of three possible categories of behaviour: immorality, insanity or ignorance. Insanity and ignorance were both exonerating; immorality convicted.

Cocks notes that homosexual acts were read as intentions to commit sodomy and that character became dispositive since there were usually no clear witnesses to any act. He found, as I did as well, that as the century progressed, the trial records themselves were censored, the conviction was entered into the Old Bailey Sessions, but unlike other crimes, the record of what transpired at the trial was not recorded. This erasure of legal precedent creates a terrifying reality for those accused as their attorneys cannot point to previous cases for exonerating examples or outcomes. The erasure of the institutional legal database explained how convictions in the decades I examine fluctuate so wildly, reflecting social mores that are in turn reflecting legal imperatives.

Cocks concludes persuasively that the 1864 ruling on character evidence recast not only the structure of sodomy trials and the kinds of evidence that could be introduced and that prevailed—that is, evidence of a man’s character and reputation, apart from evidence of the deed itself—but makes the crucial point, for our purposes, that character evidence shaped the understanding of homosexuality in general in the 1860s and 1870s. Cocks cites Samuel Smiles’ bestsellers *Self-Help* (1859) and *Character* (1871), which both established the link between morality and character in this period. The legal context had, I maintain, a significant effect on the literary record: Symonds and his sexually transgressive peers (and

commit the acts with which he had been charged” and evidence of “bad” character had the opposite effect. Cocks 47-8.

in this I include known flagellant Swinburne) had at various times to establish public markers of being “respectable.” Writers with an ongoing homosexual life had to establish a more sterling character than their peers who were not at risk of accusations of sodomy or the intent to commit sodomy. We should bear the role of character testimony in mind when we look at the exchange between Symonds and Whitman about “Calamus”—with Symonds citing his wife, child and even at one point, his family dog. Each letter could, in the blink of an eye, become evidence in a trial. (To glance ahead, we should also prepare to see the ripple effect of the 1864 decision on “character” in relation to sodomy conviction, in Wilde’s later upending of stereotypes about the role of character and respectability in his aperçus of the 1880s and early 1890s).

Cocks’ analysis of the database of sodomy conviction before 1857 finds that in London, where sodomy is most frequently prosecuted, “there is a clear increase in the numbers of sodomy/indecent assault cases” and that “this pattern of increase is repeated throughout the nineteenth century” (47). Cocks reports that 8,497 men were committed for trial between 1806 and 1900 and 56 were put to death.

Added to the record of sodomy convictions should be the record for penal servitude sentences for obscenity by the 1870s and 1880s. Most sentences of booksellers arrested for obscene publication, as reported in the regional British newspapers in the 1870s and 1880s, consisted of three-month prison sentences at hard labour, and/or a fine. The updates in 1872 (“Macaulay”) to the Indian Penal Code of 1860 sought to codify the law to make it universalizable around the world.³¹⁰ The updates spelled out the terms of what

³¹⁰ *Codification, Macaulay and the Indian Penal Code: The Legacies and Modern Challenges of Criminal Law Reform*. Eds. Dr. Wing-Cheong, Chan, Professor Barry Wright, Professor Stanley Yeo (Farnham: Ashgate Publishing Co., 1988), 19-58. “[w]here sodomy,

that means, and it involved near-torture. This version of the Indian Penal Code codified sodomy in a broader way than it had yet been framed in Britain. This dialectic -- a more severe law being tried out on overseas populations—is not atypical. Historians of the law codes developed and exported to manage the British Empire in the nineteenth century, such as Piers Brendon in *The Decline and Fall of the British Empire, 1781-1997*, identify legal codes exported to the Empire's outposts that then served British legislators as test cases.³¹¹ Legislation regarding the arrest and incarceration of prostitutes, for instance, was initiated overseas and brought back to Britain for the Contagious Diseases Acts of 1864-8, and laws forbidding homosexual congress were similarly developed in the Empire's penal codes, and then brought back home to Britain.

Thus, by 1873 in Britain, when Symonds was awakening to Whitman, and when he wrote the private and preliminary advocacy cri de coeur *A Problem in Greek Ethics*, an act of proven sodomy could put a man with Symonds' desires in prison for life; his lover could be charged as an accomplice to the crime if he was charged; poems, private letters or essays that addressed these subjects could be evidence in such a trial (as they would be in the 1895 Wilde trials); and testimony from a venereologist detailing a man's most intimate bodily orifices could be entered into a public court record.

Symonds' Silences

Literary critics who address Symonds' work often read his elisions, translation choices and

homosexuality or any other unnatural sexual practices were under consideration, mutual consent was no protection and the age of the parties was irrelevant." 50.

³¹¹ See Piers Brendon, *The Decline and Fall of the British Empire, 1781-1997* (London: Vintage, 2010).

euphemisms as evidence of psychological inhibition rather than responses to laws and consequent market pressure. Sarah J. Heidt, for instance, in her article, “‘Let JAS words stand’: Publishing John Addington Symonds’s *Desires*,” reads Symonds’ *Memoirs* in the context of a psychosexual revelation, asking important questions, from a Queer Theory perspective, about the ethics of “translating” Symonds’ texts about sexuality into different genres.³¹² However, she does not grapple with the material issues of arrest or unemployment. David Amigoni, in “Translating the Self: Sexuality, Religion, and Sanctuary in John Addington Symonds’s *Cellini* and other Acts of Life Writing,” also reads Symonds’ choice to translate Benvenuto Cellini’s memoir—as well as the trope of translation in Symonds generally—as a model of psychosexual displacement in relation to speaking about homosexuality.³¹³ But also like Heidt, Amigoni does not address the legal context that would serve to make such displacement necessary.³¹⁴ However, Amigoni notes rightly that erasure of Symonds’ sexuality was a hallmark of the elisions and edits made by his literary executor, Horatio F. Brown, from the “complex autobiographical manuscript” he left that was published posthumously as a biography in 1893. He too summarizes the issues Heidt raises, but in a strictly literary context: “In an important recent article on Symonds’ various autobiographical acts [of erasure] and the status of the manuscript memoirs in assessing their claims to authority, Sarah J. Heidt addresses Symonds’ life writings to ask searching questions about the ethics of editing different forms of inscription

³¹² See Sarah J. Heidt, “‘Let JAS Stand’: Publishing John Addington Symonds’ *Desires*.” *Victorian Studies* 46.1 (2003): 7-31.

³¹³ See Benvenuto Cellini, *The Autobiography of Benvenuto Cellini*. Trans. John Addington Symonds (New York: P. F. Collier & Son, Co., 1910).

³¹⁴ See David Amigoni, “Translating the Self: Sexuality, Religion, and Sanctuary in John Addington Symonds’s *Cellini* and other Acts of Life Writing.” *Biography* 32.1 (2009): 161-170.

into a "corpus" of materials that reflect on sexuality, and its complex place in both public and private life". An "ethics" of self-editing, or even of executor Horatio Brown's editing, presupposes free will; but the legal context in which Brown made his severe editorial cuts was one that could have exposed both him and his publisher to prosecution.

Symonds' letters, unpublished notebooks and manuscripts, and privately printed pamphlets of verse, reveal him to be tormented throughout his career by the difficult condition of splitting public from private expression that he felt compelled to inflict on his creative process and on his published texts. He frequently circulated manuscripts of such work to a trusted circle of male homosexual friends. He sought to both present the unpublishable content in a fairly safe context and also to ensure that the poems and essays could be edited and masked sufficiently to avoid legal trouble prior to publication. His secrecy around these texts established itself after 1871. It is worth noting this date as a collector in Symonds' circle, Henry Ashby whose alias was William Lazenby—aficionado of erotic books and ephemera—was arrested for violation of the Obscene Publications Act. He was tried at the Adjourned General Quarter Sessions on July 17, 1871, and received two years' imprisonment.

One tactic Symonds sought to use was ventriloquism – or projecting his message into another writer's mouth. The year after Ashby's prison sentence, and the Boulton and Park trial, Symonds reached out to Whitman by letter. He then spent two decades— from 1872 until Whitman's death in 1892, lobbying Whitman to make a public avowal of homosexuality in defining in writing "what Calamus means."

Another strategy was substitution of genders: Symonds wrote manuscript drafts of clearly themed homoerotic poems such as the 1878 *Eudiades and a Cretan Idyll* and then

substituted female pronouns for male in the published versions of the work. In his 1878 *Many Moods: A Volume of Verse*, he expressed in various ways the literary and emotional cost involved in same-sex love and in its repression. In “Love and Death,” he invokes the great lovers of antiquity, stressing the price they paid: “Did not Patroclus die, Achilles pay/ Though goddess-born, his life, a little price/ For love made sure [...]?”³¹⁵

A third tactic was projection back in time. Symonds often used the projection of an historical precedent to discuss homoerotic love. Christopher Marlowe served as such a placeholder in Symonds’ introduction to *Christopher Marlowe*, and in his *Shakspeare’s Predecessors in the English Drama* (1884).³¹⁶ Symonds similarly used the persona of Michelangelo Buonarroti as a literary mask –making the case in 1892, the year before he died, in *The Life of Michelangelo Buonarroti: Based on Studies in the Archives of the Buonarroti Family at Florence*, that Michelangelo’s sonnets should have the male pronouns restored, after they had, he felt, been misread for centuries as having been addressed to a female lover. The volume was published in 1897, one of several posthumous forays into explicitness.³¹⁷ The cumbersome subtitle invokes historical and archival validation to discuss a dangerous subject.³¹⁸

Michelangelo was a choice of subject that could mirror Symonds’ own dividedness: Symonds found in Michelangelo’s letters pronouns that suggested that romantic interest was addressed to male subjects, and contrasted Michelangelo’s passionate modeling of

³¹⁵ John Addington Symonds, *Many Moods: A Volume of Verse* (London: Smith Elder, 1878) 165.

³¹⁶ See Symonds, *Christopher Marlowe* (London, E. Benn, 1951); Symonds, *Shakspeare’s Predecessors in the English Drama*. (London: Smith, Elder, and Co., 1884)

³¹⁷ John Addington Symonds, *The Life of Michelangelo Buonarroti: Based on Studies in the Archives of the Buonarroti Family at Florence* (New York: Read Books, 2009).

³¹⁸ Symonds, *ibid.*, title page, unpaginated.

male nudes with the abstract treatment the artist gave to female forms. Michelangelo's poems, like Symonds' depict self-tormented conscience: "death and my soul are still battling"; and the sculptor depicted a possible psychological struggle in the Sistine Chapel's image of the flayed skin of St. Bartholomew, bearing his own features; some critics, such as Jorella Andrews, read this image as the artists' struggle with a sense of damnation for homosexuality.³¹⁹ Symonds thus used the genre of biography and situated it in other cultures and historical periods as a tactic to write safely about homoerotic themes, which he otherwise concealed in his published bylined writing.

Other projections followed. A one-step-forward-one-step-back movement was frequent in the record of his work that included sexual material. The threat of prosecution must be factored into any analysis of this anguished literary ambivalence and redirection.

Near death, he would finally draw near enough to homoerotic themes to write a detailed study of Walt Whitman.³²⁰ He would also collaborate with Havelock Ellis, also just before his death, in a study of homosexuality, *Sexual Inversion*, in which his autobiographical experiences were rewritten as case studies.³²¹ I would argue that we should also read the sexologists' medicalization of the frames of reference in which homosexuality began to be discussed in light of Lord Campbell's wording: a medical or psychological treatise is boring enough or abstract enough to defend the author against legal charges that he may have intended to "corrupt" minds "open" to impure influences, or to inflame innocent

³¹⁹ See Jorella Andrews, *Showing Off: A Philosophy of Image* (London: Bloomsbury, 2014) 187.

³²⁰ Phyllis Grosskurth, *The Woeful Victorian: A Biography of John Addington Symonds* (New York: Holt, Rhinehart & Winston, 1964) 2. From herein, biographical details are sourced from Grosskurth and from Symonds' *Memoirs*.

³²¹ For the tortured history of *Sexual Inversion's* publication, see Ivan Crozier, ed. *Sexual Inversion: A Critical Edition* (London: Palgrave Macmillan, 2007).

imaginations.

Symonds, also at the end of his life, wrote his sexually frank autobiography, *The Memoirs of John Addington Symonds*—a title that could not more clearly spell out the nonfictional nature of the text or of the author’s intentions—but then placed a fifty-year embargo upon its uncensored publication.³²² On his deathbed, he instructed his friend and executor, Horatio Brown, to save the memoirs from destruction after his death, but to have them published after a lapse of time when it could no longer hurt his family.³²³

These textual veilings took a toll on Symonds’ voice and, his letters and diaries reveal, on his life. He experienced self-loathing as a man when he expressed the impulses he called “the wolf,” and self-loathing as a writer when he repressed or censored them on the page. As Grosskurth puts it, “he believed that he had never been able to attain complete self-fulfillment because of the constant façade he was forced to maintain. A man hidden behind a mask, a writer who never attained first-rank, he suffered the tormented struggle of a homosexual within Victorian society” (4).

The need for textual veiling was made clear to Symonds early in his life. At Harrow, the teenaged Symonds was surrounded by well-established homoerotic practices both among the students and between students and faculty. His autobiography is filled with memories of “crude carnality” that, he reports, shocked him. It was also a theatre of social hypocrisy. Although everyone was aware of these relationships, boys were flogged, and faculty careers ended, if their actions became public knowledge.

³²² John Addington Symonds, *The Memoirs of John Addington Symonds*. Ed. Phyllis Grosskurth (New York: Hutchinson, 1984).

³²³ *The Memoirs of John Addington Symonds*, 27.

In 1858, when Symonds was eighteen, a friend, Alfred Pretor, wrote to the young man to let him know that Pretor was erotically involved with the respected Headmaster of the school, Dr. Vaughan. (Dr. Vaughan had made a tentative approach to Symonds as well.) Symonds' father removed him from the school, and the young man enrolled at Balliol. But on an outing with Corpus Professor of Latin John Conington, Symonds confided the information about Vaughan.³²⁴ Conington insisted that Symonds disclose the information to his father. Feeling torn because he identified with Vaughan's sexual tendencies, but also wishing to align himself with his father and with the social propriety and security that his father represented, he showed his father his friend's incriminating letter. This decision is relevant to the inner conflicts the literary record reveals later, as a mature Symonds' grappled with letters, poems or essays that could be used as evidence against him of violation of the laws against sodomy and obscenity.

Dr. Symonds then wrote to Dr. Vaughan, essentially blackmailing him. He offered the headmaster the choice between resignation and public exposure. In September of 1859, Dr. Vaughan retired as headmaster, and Symonds' three best friends never spoke to him again. Dr. Symonds continued to hound Dr. Vaughan with the threat of "outing" him (foreshadowing how Symonds the younger would hound Whitman to "out" himself) as Dr. Vaughan went from post to post thereafter until the man's death. (In one of the first of many instances of sexual/textual elisions and omissions in Symonds' life and work, his first biographer, Horatio Brown, omitted the entire episode from Symonds' first posthumous biography. Indeed, the volume is doubly censored as it begins with a preface by Mrs.

³²⁴ For the changing social construction of children's relationship to sexuality in this period, see George Rousseau's discussion of "arcadian adolescents" in *Children and Sexuality: From The Greeks to the Great War* (Oxford: Palgrave Macmillan, 2008).

Symonds explaining that Symonds had tasked Brown on his deathbed with publication of his papers, but that he was trusted to select from them and assured her that nothing that Brown published would be without her approval for the “delicacy” of the task.³²⁵)

Symonds felt a sense of liberation upon reading Plato’s *Phaedrus* and the *Symposium* at Oxford. The beauty of the relationships that Plato described formed a turning point for Symonds, and allowed him an imaginative space separate from what he saw as the sordid lusts of his schoolmates (Grosskurth 34). Because of the “fleshliness” of the contemporary social frame around homosexual acts, Symonds, like other homosexual contemporaries of his, would have a great desire for an ennobling frame in which to view them, as well as a legal need to use an ennobling frame to skirt Lord Campbell’s wording about obscenity. This Hellenistic inheritance, as Evangelista and Dowling point out, allowed gay men of Symonds’ generation access to a transcendentalist or Sublime view of “deviant” sexuality. Indeed Hellas was already by 1859 a trope for “homosexual”: Symonds’ college friends G. H. Shorting referred to sharing Symonds’ “‘Arcadian’ tastes” (Grosskurth 58). Hellas had become for Symonds, as it was for his homosexual contemporaries, a trope through which to understand his sexuality without self-loathing, as Evangelista and Dowling make clear; but Hellas also served as a rhetorical frame that could elide the censor.

Venereology, Medical Testimony, Character Testimony, and the Anti-Vice Societies

³²⁵ See Brown, Horatio, ed. *John Addington Symonds: A Biography, Compiled from his Papers and Correspondence* (London: Nimmo, 1895) vi-xiv. Margot K. Louis, in *Persephone Rises, 1860–1927: Mythography, Gender, and the Creation of a New Spirituality*, make the important cases that Victorian women, too, plundered Hellenistic iconography in order to write about unfair divorce laws and other legal injustices.

At this point it would be useful to consider three important developments to better understand pressures on male homosexual writers in Britain in the 1870s: the rise of venereology and its introduction into sodomy trials; the increased use of character testimony in sodomy trials; and the explosion in the influence of the vigilance societies in that same period.

The development of the in some ways imaginary field of venereology had a tremendous impact on writers who might be at risk for a sodomy prosecution. The 1870s and 1880s saw the establishment of new penal codes that involved new “forensic mythologies” relating to sodomy.

The shame of a venereological exam was exacerbated by new technologies and practices of reporting court records - including forensic testimony. National and regional newspapers reported forensic testimony in trials in the 1870s though the reporting itself was redacted and was described as “confused” in the famous *Regina v. Boulton* trial of 1871. This reporting may well have heightened this sense of dread and terror around the public revelation of sodomy in Symonds’ privately published 1878 Greek poems that centered on this tabooed request. The pressure of this threat may be perceived in the fact that Symonds’ *A Problems in Modern Ethics* (written in 1873) would eventually specifically challenge the introduction of venereological testimony and made the case that current laws led to blackmail.

Recent scholarship has established the prevalence and influence of the graphic discourse of venereology in sodomy and indecent assault trials in Britain in the 1870s. Both Ivan Crozier and Scott Long identify, through court testimony, that venereologists in the 1870s and 1880s argued it was possible to discern scientifically the mark of sodomy on a

male body.³²⁶ Katherine Denise Watson in *Forensic Medicine in Western Society: A History*, points out that by the mid-nineteenth century, the rise of policing led to the use of forensic exams for sodomy. Though sodomy, as we saw, was decriminalized elsewhere in Europe, it became more highly criminalized in this period in Germany, Prussia—and England (117-118). Ivan Crozier, in his important essay, “Striking at Sodom and Gomorrah: The Medicalization of Male Homosexuality and its Relation to the Law,” also traces the rise of venereology in Britain in the later Victorian period.³²⁷ Crozier makes the point that the Victorian period with the rise of sensational newspapers saw many moral and sexual panics, and that “what is to be done?” was the reformist question, to which the responses came from the law and medicine. Medicine, he writes, was struggling to assert its social authority -- hence the rise of venereology reports in the courtroom. Doctors were summoned to give expert testimony to judges about the “six signs” of passive sodomy on the bodies of the accused: exploitation of this legal knowledge enhanced the status of physicians. (In rape cases, these physicians also asserted details of ‘virginal’ breasts and hymeneal ‘normal’ states before defloration.)³²⁸ Crozier argues that the expansion of what was under scrutiny in the courtroom went from a narrow question of – did sodomy take

³²⁶ See Gethin Rees and Ivan Crozier, “Making a Space for Medical Expertise: Medical Knowledge of Sexual Assault and the Construction of Boundaries between Forensic Medicine and the Law in Late Nineteenth-Century England.” *Law, Culture and the Humanities* 8. 2 (2012): 317-35. The authors note that the Victorian development of the microscope played a role in creating the specialized examination of body fluids that in turn affected the nature of invasive testimony in both sexual assault and sodomy cases.

³²⁷ Ivan Crozier, “Striking at Sodom and Gomorrah: The Medicalization of Male Homosexuality and its Relation to the Law.” *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage*. Eds. Judith Rowbotham and Kim Stevenson (Athens: Ohio UP, 2005) 126-13.

³²⁸ For the iconography of the “good” raped vagina in court trials, see Carolyn Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford: Oxford Up, 1991) 173.

place? -- to a larger scrutiny of a legally impeachable "homosexual type."

Crozier maintains that the moral panic about homosexuals in medicine was not about sodomy primarily but a contestation of the authority of the law: which professional would have the authoritative social voice. He notes that there were different fields with different frames: forensic medicine, venereology, psychology and sexology (129). Their practitioners had different attitudes to the same subjects under study. Practitioners of sexology argued against criminalization of same-sex acts, whereas venereologists designed tests to assist the identification by the law of the commission of sodomy. The role of print media, he notes, was first to stoke moral panic but then to reassure the public that it was manageable; venereologists reassured the public that sodomy could be identified and that thus the law facilitate its management (129). Victorian courtrooms elaborated a vision of the homosexual and of sodomy that was lastingly influential in our period. Taylor established the idea that sodomy was easily identifiable on the male body. And finally he asserted that there is no such thing as male-male rape; rather, all sodomy implies consent: "in a state of insensibility, it is not possible to conceive that this offence should be perpetrated in an adult of either sex against the will of the party [...] [The] slightest resistance will suffice to prevent its perpetration."³²⁹ The venereologists Alfred Taylor and Auguste Tardieu and the Victorian medical practitioners who gave testimony of such exams, elaborated a construct that is still with us: homosexuality is defined by sodomy as by far the central issue and central act.

The "forensic mythologies" about sodomy in these decades led to the court context

³²⁹ See Mario M. Ruiz, "Virginity Violated: Sexual Assault and Respectability in Mid- to Late-Nineteenth-Century Egypt." *Comparative Studies of South Asia, Africa and the Middle East* 25.1 (2005): 214-227.

becoming a kind of theatre of unveiling of otherwise unidentifiable or hidden “catamites,” akin to the identification in courts of inquisition of the “devil’s mark” on the bodies of witches in the sixteenth century. Venereologists and thus courts were searching accused men in the 1870s and 1880s for the mark of an “infundibuliform” (meaning “funnel-shaped”) “orifice,” as the accounts of the trials of “Fanny and Stella”—the two men tried in London for dressing as women in 1871-2—reveal.

This practice, of a state-appointed, court-reported venereological exam of the accused sodomite’s rectum, became so well-established that by 1884 it was standard in the policing of Empire. In Section 377 of the Indian Penal Code, “Queen-Empress v. Khairati,” the defendant—a “eunuch” who may have been a member of a cross-dressing caste “found singing dressed as a woman among the women of a certain family”—was convicted of sodomy. He “did in the district of Moradabad abet the offence of sodomy, by allowing some unknown person to commit the offence of sodomy on his person.”³³⁰ Again a highly intrusive practice developed in law overseas, was brought home to Britain.

In his article “When Doctors Torture: The Anus and the State,” Scott Long notes that:

Evidentiary requirements to prove the offence of sodomy have helped to establish the state’s authority over the suspect body, as well as to create the criminal identity of the homosexual [...] The various nineteenth-century Contagious Diseases Acts enacted in Britain and throughout its colonies created the category of the “common” or habitual prostitute. Under those acts, women’s bodies were subjected to brutal medical exams. A diagnosis of venereal disease was the equivalent of criminal conviction, and led to jailing. (114)

Long goes on to compare the scrutiny by the State of the (allegedly prostituted) female body, that we explored in Chapter Two, to the introduction in the British colonies and then

³³⁰ See Queen-Empress v. Khairati. Allahabad High Court. 1884. *Indian Law Report* 6: 204, 602.

at home of the scrutiny of the (allegedly sodomized) homosexual body by the State.

Forensic medicine, writes Long, developed “imaginary sets of signs to find the ‘habitual sodomite’” (114). Long points out that the origins of this mythological sodomitical evidentiary checklist donated to courts by the new science of venereology, descended to British trials from Auguste Tardieu, the French physician who wrote a treatise on how to positively identify prostitutes and pederasts in 1857. Tardieu listed the six signs of anal penetration that inevitably revealed, he said, passive sodomy.³³¹ Indian forensic-medical experts followed Tardieu in elaborating the condition that identifies a catamite. Long notes that venereologists used actual sphincterometers to identify sodomites by millimeters of dilation.³³² “These conjectures,” notes Long, “by forensic writers are not attempts to document single sexual acts, but to infer life histories and an identity” (114).

Long notes that the state was now personified as something/someone that could be offended by homosexual acts as opposed to the sixteenth-century legal situation, in which homosexual acts were far more privately constructed as crimes not against the state, but against God.³³³

Long makes the case that medical forensics and venereology developed in the 1840s to 1870s to challenge the hegemony of the law in dealing with sodomy and to provide medical testimony for sodomy trials. He, too, examines the Boulton and Park transcripts from 1871;

³³¹ Auguste Ambroise Tardieu, *Etude Medico-Legale sur les Attentats aux Moeurs*. 3rd ed. (Paris: J. B. Bailliere: 1859) cited in Long 142-3. Long reports that Tardieu’s “six signs” are still in use in medical jurisprudence in countries ranging from Egypt to Zimbabwe and that the examinations, with their state-imposed humiliation, are a form of torture.

³³² The court provides “a rough sphincterometer,” requiring as proof an opening of “4 to 5 cm. in diameter through which rectum can be seen.” See Long 114.

³³³ See also William Cohen, *Sex Scandal: The Private Parts of Victorian Fiction* (Raleigh-Durham: Duke UP, 1996) 124.

the transcripts show pages of medical testimony, via Tardieu and other Continental writers, about the signs of sodomy. The Boulton and Park transcripts also reveal that an arrest for sodomy in London in 1871-2—the years of the Magdalen College choirboys scandal in Symonds' life, the years just preceding Simeon Solomon's arrests and the Indian Penal Code, and the start of the decade which would see the private publication by Symonds of erotic verse in *Eudiades and A Cretan Idyll* about forbidden sodomitical acts between lovers—could now involve pages and pages of public testimony about the shape, folds, details etc. of the arrested person's anus in the public record.

Symonds' own circle witnessed a legal catastrophe in the fall of the gifted homosexual painter Simeon Solomon, which proved to be a life-destroying sexual scandal. Solomon, a scion of a well-established Jewish merchant family and a much-praised member of the pre-Raphaelite circle, had been celebrated by Pater and by Swinburne. Solomon had created illustrations for Swinburne's "The End of a Month" in an 1870-71 Oxford journal titled *The Dark Blue*.³³⁴ Swinburne in turn had written an appreciation of Solomon in the same collection. Walter Pater, in his 1876 essay "A Study of Dionysus," had referred to a painter who was clearly Solomon, as Kate Hext points out in *Walter Pater: Individualism and Aesthetic Philosophy* (178). The examples and responses in the circle were so close that the arrest left marks on the record, literary and epistolary.

Solomon's images from the early 1870s are often ambiguously gendered, and depict what could be read as beautiful young men clasping one another romantically, closely entwined. But Solomon was included in passing in Robert Buchanan's/Thomas Maitland's

³³⁴ Algernon Charles Swinburne, *The Dark Blue*. Ed. John Christian Freund (London: Sampson Low, Son, and Martson, 1871).

attack on “The Fleshly School of Poetry and Other Phenomena” in the *Contemporary Review*. This background of fervid homosexually-themed scandals in the press and visible confiscations from 1871-3, is an important context to consider when assessing reviews such as that written in 1871 by critic Thomas Maitland. Swinburne and Dante Gabriel Rossetti formed part of what Maitland called, with disgust, “the Fleshly School of Poetry.” This essay used the actual metaphors of the 1868 obscenity law. Swinburne’s and Dante Rossetti’s “fleshliness [...] was unwholesome when there is no moral or intellectual quality to temper or control it” (334). The consequences of this kind of attack on a writer had changed by 1871. The issue now is not merely a bruised reputation; rather, an attack such as Maitland’s could expose Rossetti and Swinburne to criminal prosecution, and threaten their publishers, too, with confiscations of their print runs, as well as three month to two year sentences of penal servitude.

Attacks by the press were often followed by an arrest, and one sees how criticism for obscenity is in this period more than mere opinion, and why it had such a chilling effect on the writers and artists in question. Solomon was arrested in a public lavatory in London in 1873, and convicted of attempting to commit sodomy. Symonds was aware of Solomon’s arrest. Given its coverage in the British press, he was also likely to have been aware of the confiscations of print runs and destructions of printing presses by the Vigilance Societies. Solomon’s arrest proved a trauma in the artist’s life from which he could not recover: he was exiled from society thereafter, and was unable to earn a living (and in 1905, died penniless and as an alcoholic in a workhouse).³³⁵ Except for a brave position review of

³³⁵ See Colin Cruise, “‘Lovely Devils’: Simeon Solomon and Pre-Raphaelite Masculinity.” *Re-Framing the Pre-Raphaelites: Historical and Theoretical Essays* (Aldershot: Scolar Press, 1996) 195-210; see also Thaïs E. Morgan, “Perverse Male Bodies: Simeon Solomon and

“Bacchus” by Walter Pater, “A Study of Dionysus,” in the *Fortnightly Review*, December 1876, the footprint of reviews of Solon’s work in the Simeon Solomon archive goes dark until 1894.³³⁶

Solomon’s arrest was part of a wave of high-profile prosecutions in 1871-3. The success of the private prosecution movement and opposition from the anti-vice societies even led, by 1873, to a popular London tourist attraction; Dr. Kahn’s Anatomical and Pathological Museum. This, the 19th century’s most famous such museum, was designed to show the “wondrous” form of the body and to warn of the damage done by various pathologies. The closing of the museum was a widely covered event in London newspapers. Dr. Joseph Kahn (an immigrant Jew, thus more easily targeted) had impinged on the profits of established physicians. He had used the Museum as a treatment clinic as well for men suffering from venereal diseases and “excessive masturbation”.³³⁷ But medical and moral gatekeepers had not been able to shut the operation down with the existing law before 1857. Thus, the Society for the Suppression of Vice used the 1857 obscenity law to go where previous law had not been effective in protecting certain kinds of privilege.

The Society for the Suppression of Vice led Kahn’s prosecution, using the obscenity law now empowered by the private funding of prosecutions. The London police broke into the Museum, and confiscated several expensive waxwork anatomical “Venuses” and “Samsons,” as well other life-size figures. The prosecutor who had been hired by the Society for the Suppression of Vice, Mr. Collette, asked the police for the “privilege” of starting the process

Algernon Charles Swinburne.” *Outlooks: Lesbian and Gay Sexualities and Visual Cultures*. Eds. Peter Horne and Reina Lewis (London: Routledge, 1996) 61-85.

³³⁶ Walter Pater, “A Study of Dionysus.” *Fortnightly Review* 26 (1876): 752-772.

³³⁷ R. Darby, “Pathologizing Male Sexuality: Lallemand, Spermatorrhoea, and the Rise of Circumcision.” *Journal of the History of Medicine* 60 (2005): 283-319.

of destroying the figures.

Flanked by the police inspectors, “he proceeded to smash with a hammer the first of the anatomical waxes, the fragments of which were then handed back to the defendants. The destroyed models, noted the *Times*, “were of the most elaborate character, and said to cost a considerable sum of money.”³³⁸ The year after this, the Society declared that “a great good was effected” by this museum having been “broken up.” Liverpool’s and Manchester’s anatomical museums were also closed by police. Could reports of violent confiscations and shameful arrests such as these, along with London newspaper reports of Old Bailey convictions, have influenced Symonds?

Anatomical specimen display or demonstration was afterwards made obscene in Britain, and education about human anatomy was confined to those entering medicine. As is often the case politically with speech laws, an outcome that makes them so alluring to establishment figures, prosecuting entities used the Vice Societies as proxies for their own agendas.

I have spoken of 1871-3 as a watershed year. In 1872, London and regional newspapers reported extensively on another trial punishing men who had engaged, not in sodomy, but in cross-dressing. The charge in “*Regina v. Boulton and Park*” was that the two men arrested had entered into a “conspiracy” to commit sodomy. In “‘All the Appearances were Perfectly Natural’: The Anus of the Sodomite in Nineteenth-Century Medical Discourse,” Ivan Crozier notes that historians of sexuality agree that prior to Carl Westphal’s research in psychology, released in 1869, “there was no such thing as the homosexual, only the

³³⁸ See A. W. Bates, “Dr. Kahn’s Museum: Obscene Anatomy in Victorian London.” *Journal of Research in Society and Medicine* 99.12 (2006): 618–624.

sodomite”; that is, not a sexual type but a proscribed action (66-7). He notes that Victorian physicians were called upon at times to establish if sodomy had occurred:

This was done by a vigorous examination of the suspect’s body, in particular his anus [...] [T]he anus became a proxy for the sodomite’s body as a whole. If the anus was “perfect,” then there was no forensic medical evidence that penetration had taken place, and hence other proof of criminal activity had to be found. In such instances, the body refused to plead guilty. If the anus showed signs of being “abused” then the suspect was liable for the full penalty of the law. In a very real sense the body of the sodomite was equated with the condition of the anus: a reduction of type from the presence of a sign. (66-7)

I would argue that it was from the 1860s establishment of the State’s engagement in this intrusive and violating scrutiny of the bodies of accused “sodomites”—in a decade when two Acts were passed allowing the State to scrutinize the genitals of accused women—that the cultural association of homosexuality with effeminacy became established, and that we can see this contestation reflected in the literary record of the 1860s and 1870s. With venereological exams established as part of the criminal accusation of sodomy, accused gay men became culturally and legally categorized along with women as having sexual bodies that can be intimately scrutinized and violated by the State: a form of vulnerability from which heterosexual men were exempt. Categorization of a subsector of men alongside women is of course a cultural demotion. I would argue that this historically novel reclassification led to the emphasis in literary advocacy around homosexuality by Symonds and his allies on the “manliness,” “cleanliness,” and “vigor” of Whitman, as well as leading to the phobic treatment of sodomy that we will see in Symonds’ *Eudiades and a Cretan Idyll*. I would add that this legal demotion of accused sodomites to the status of women under the Contagious Diseases Acts, and this construction of a form of physical vulnerability aimed at accused sodomites at the hands of the State, added fuel to the Hellenizing discourses of Pater and Mahaffy in the 1870s. Hellenization was a form of revalorization of masculinity,

and the homoerotic warrior ideal an imagined counterpart to this extreme victimization and enforced physical vulnerability.

News reports also documented the venereological examinations that both Boulton and Park were forced to endure. This was the news that a 32-year-old John Addington Symonds read, and which just predated his first embrace of Walt Whitman. Venereologist A. S. Taylor's *Manual of Medical Jurisprudence* codified Tardieu's signs of sodomy in an influential 1865 edition. He revised the manual in 1878 to incorporate the Boulton and Park findings. These editions systematized and publicized in Britain the "funnel-shaped" or "dilated" sign on the body that could convict a man of passive sodomy (conditions that later proctologists agreed showed no "proof" of sodomy at all) (Crozier 82-3). In the case "Regina v. Boulton and Park," a total of seven doctors were asked to give evidence to the court of venerological (that is, anal) examinations of both men.³³⁹ All of the doctors' reported testimony referred to details of this kind of examination. The press, in turn, reported to its readers enough for them to understand the nature of the humiliating examination, while still protecting their own publication legality by insisting that full details of the testimony were "both disgusting and confused."³⁴⁰

Ivan Crozier, in "The Medical Construction of Homosexuality and its Relation to the Law in Nineteenth-Century England," argues that Victorian medical writers did not write much

³³⁹ Crozier 66-9. Physician James Paul, Divisional Physician to the Metropolitan Police, found that both Boulton and Park had "dilation" of the anus. Physician John Gibson noted an "abrasion" on the body of Boulton, Alfred Taylor reported a "light excoriation," and so on. The public medical testimony describes the anuses of both men in minute detail. See also Crozier 75-6.

³⁴⁰ For more on forensic testimony in *Regina v. Boulton and Park*, see Ivan Crozier and Gethin Rees, "Making a Space for Medical Expertise: Medical Knowledge of Sexual Assault and the Construction of Boundaries between Forensic Medicine and the Law in Late Nineteenth-Century England." *Law, Culture and the Humanities* 8.2 (2012): 317-335.

about sexuality or homosexuality.³⁴¹ He misattributes, in my view, the reason for their reticence. I would maintain that they were concerned about obscenity law. As the 1878 Charles Bradlaugh and Annie Besant trial would show, any writing, even medically oriented writing about sexuality, subjected the author in the 1870s and 1880s to arrest.³⁴²

However, when the context was the doctors' or medical writers' "expert" support of trials for homosexual sex crimes and "indecenty," writers such as Tardieu and Acton were free to write about sexuality and the body in acutely detailed terms, and to be freely published.³⁴³

What was the impact on literary production? By 1871, an arrest for "conspiring" to commit sodomy could involve a humiliating public shaming that could in turn generate a conviction on the basis of minute variations in the shape of one's anus ranging from the loss of "rugae" or folds, to dilation of the sphincter, to a "funnel-shaped" opening: signs that modern medical practitioners term common variations unrelated to passive sodomy. A conviction for sodomy, which could now arise from a letter, a social association, or a poem and lead to an exam looking for minute physical variations, could convict a poet or essayist to penal servitude for decades.

The Voluntary Societies' Growing Power, 1860s -1870s

The reticence on Rossetti's part and the care on Symonds' were necessary by 1868 and

³⁴¹ See Crozier, "The Medical Construction of Homosexuality and its Relation to the Law in Nineteenth-Century England." *Medical History* 45 (2001): 61-82.

³⁴² S. Chandrasekhar, *Reproductive Physiology and Birth Control: The Writings of Charles Knowlton and Annie Besant* (Piscataway: Transaction Publishers, 2002) 26-8. The 1868 Bill had newspapers deposit 800 pounds against blasphemous libel charges.

³⁴³ See Crozier, "The Medical Construction of Homosexuality," 61-82.

imperative by the 1870s. The legal and political context for publication and criticism was further restricted due to a rise in the power of the voluntary societies. Regional British newspaper articles of the 1870s reveal that the Society for the Suppression of Vice in Britain had become formidable by the 1870s in its power to arrest and prosecute booksellers and destroy publishers' presses. The US version of the organization had similarly sweeping powers in this decade as well.

By 1872, the British Society for the Suppression of Vice and the newly established US separate but similarly named umbrella group, the Societies for the Suppression of Vice, were organized in similar ways.³⁴⁴ They were also engaging in similar strategies to suppress publications. Both countries' Societies raised funds from patrons and the public to hire undercover agents who would pose as book buyers and then arrest booksellers and publishers. The subsequent prosecutions were initiated and paid for by the society. This power to initiate convictions was unusual for a private group. The Societies had created a secret army of informers. Any customer asking for any title might prove to be an undercover agent who would then arrest the bookseller; confiscate or destroy books, type, and even printing presses; and put the publisher in jeopardy of prosecution. A review of the British Library archive or regional British newspapers in the 1870s shows that about two dozen arrests of booksellers and publishers for distributing obscene publications were reported in the regional press per year. The booksellers, whose arrests were reported in the newspapers of Leeds, Manchester, Bristol, Edinburgh and other regional city centers, as well as in the Capital, were not simply being targeted in the 1870s for simply material

³⁴⁴ See Edward Bristow, *Vice and Vigilance: Purity Movements in Britain since 1700* (New York: Gill and Macmillan, 1977) 75-79.

William Dugdale would categorize pornography.³⁴⁵ Rather, the books that led to such arrests now included Baudelaire's *Fleurs du Mal*, Whitman's unexpurgated editions of *Leaves of Grass*, and, as the Bradlaugh/Besant trial proved, pamphlets such as Dr. Charles L. Knowlton's *Fruits of Philosophy: Or, the Private Companion of Young Married Couples* about contraception that had been for sale since the 1830's.³⁴⁶ A search of the Regional British Newspapers database, as noted, shows that booksellers around Britain were convicted for an average of three months for each arrest during the 1870s. These sentences were carried out in conditions that included hard labour.

Symonds, as we saw, first began to write to Whitman directly in the crucial year of 1872. But by then, Whitman's legal context was changing as well. David J. Pivar, in *Purity Crusade: Sexual Morality and Social Control, 1868-1900*, identifies the powerful alliance forged in America in the 1870s among abolitionists in search of a new cause, public health reformers, temperance reformers, feminists and anti-reglementation activists ("reglementation" meaning the legalization of prostitution to protect public health). Pivar calls this "the social purity alliance" and sees its apex as the years 1877-1885 in America. The movement was solidified with its own influential publication, *The American Bulletin*; its own organization, the International Purity Federation; and its own power base, the New York Committee of the International Congress for the Abolition of Government Regulation of Prostitution. Within a few years, moral education societies would be operating in Boston, Philadelphia, and other cities across the nation (Pivar 78-85).

³⁴⁵ See Thomas C. MacKey, *Pornography on Trial: A Reference Handbook* (Goleta: ABC-CLIO, 2002).

³⁴⁶ See Roger Manvell, *The Trial of Annie Besant and Charles Bradlaugh* (London: Elek Pemberton, 1976) vii, 61.

The purity campaign was extremely successful, argues Pivar, in gaining censorship regulation in America on state and local levels, though it was less effective on a federal statutory level.³⁴⁷ In other words, by the early 1870s, Whitman's world was changing the way Symonds' already had in the 1860s. As Donna L. Dennis points out in "Obscenity Law and Its Consequences in Mid-Nineteenth-Century America," the picture in the United States tightened in the 1870s as well.³⁴⁸ The Annual Report of the New York Society for the Suppression of Vice, printed for the Society on January 27, 1876 and housed in the Harvard College archives, demonstrates how powerful such social purity societies had become in Whitman's home nation by the mid-1870s. In an unusual development, the New York State Senate and New York State Assembly—two elected legislative bodies—gave a private organization the power to make arrests, seize books and publications, and notably, keep in its own pockets fifty per cent of the fines that accrued as a result of the sending of publishers committing the crime of obscenity to jail or to a sentence of paying a fine. The power to make arrests, confiscate print runs, and even help sentence publishers to hard labour, was vested in the hands of a private organization of private censors.³⁴⁹

³⁴⁷ Pivar 237. As noted above, US censorship movements closely parallel British movements and legislative victories in this decade and the next. Josiah Leeds, a Women's Christian Temperance Union liaison in Philadelphia, began his career as a public censor by lobbying to suppress indecent billboard advertising in 1876. He went on to seek legislation against "pornographic magazines" including the *Police Gazette* and "indecent art." The targeting of indecent advertising in 1876 echoes Britain's legislation aimed at indecent advertising.

³⁴⁸ See Donna L. Dennis, "Obscenity Law and Its Consequences in Mid-Nineteenth-Century America." *Columbia Journal of Gender and Law* 16.1 (2007): 43-95.

³⁴⁹ This system reached an apex in the United States in the 1890s when the New York City Police took the profits of "indecent" images and events, which was eventually threatened by the investigation of purity crusader Reverend Charles H. Parkhurst. See Richard Zacks, *Island of Vice: Theodore Roosevelt's Doomed Quest to Clean Up a Sin-Loving City* (New York: Doubleday, 2012).

The charter also instructs the New York City and State police forces to “aid” the Society in any way that the Society sees fit. This effectively created an extra-legislative and extrajudicial body—with the power so the State behind it—but with no check or oversight on its actions. This created entity is outside the US system of tripartite government by elected representatives. Both countries’ voluntary organizations also began criminalizing the commerce involved in distributing obscene materials through their focus on the postal service. The British voluntary organizations learned new and more aggressive political tactics from their US counterparts, and vice versa. In New York City, the New York State Legislature granted a charter to the organization to engage in arrest, and then to keep half of the fines generated by these arrests. This was a novel and in all ways unconstitutional arrangement, as it gave powers of arrest, seizure and prosecution—and major financial incentives for such actions—to private citizens to wield against fellow private citizens.

This new set of powers was capped in 1873 in the United States by the US Society’s successful passage of the Comstock Laws.³⁵⁰ The New York Society for the Suppression of Vice was founded in 1873. The fact that the Comstock Laws passed that same year showed how powerful were its allies, just as the British virtue societies had powerful Parliamentary allies. Its mission was to monitor booksellers’ and publishers’ compliance with state laws against obscene materials, and to aid courts and district attorneys in conducting prosecutions. This was also the case in Britain with its historically unusual endowment of a private, unelected and un-appointed organization with para-judicial and para-prosecutorial powers. It also lobbied for legislation against what it saw as other kinds of immorality. The

³⁵⁰See Janice Ruth Wood, *Footnote Work for Free Speech: The Contributions of Doctors Edward Bliss Foote and Edward Bond Foote to Anti-Comstock Operations, 1872-1915*. Diss. Southern Illinois University, 2004.

New York Society for the Suppression of Vice surveilled newsstands and prosecuted the sale and transmission through the post of literary texts.³⁵¹

Anthony Comstock had founded the New York Society for the Suppression of Vice. Before Congress passed the Comstock Act, or 17 Stat 598 in the United States, there had been no Federal statute criminalizing speech.³⁵² But this Federal Act now made it “a crime to send through the mails any contraceptives, any information about contraceptives, or any information about how to find out about contraceptives” as well as criminalizing the mailing of any “obscene, lewd, and/or lascivious” materials.³⁵³ Comstock was as diligent as his British counterparts: he asserted that, in his role as special agent, he had caused 3600 defendants to be prosecuted and had confiscated and destroyed more than 160 tons of obscene literature.

Since all of Whitman’s publications at this time were national—that is, Whitman’s Boston publisher would have to ship books across state lines—it was now illegal to publish the 1855 and 1860 versions of *Leaves of Grass* in America. In a dramatic wave of repression, twenty-four US states soon followed suit, passing state laws banning the distribution by mail of similar materials. This upended the relative freedom to publish that had allowed Whitman to write and distribute *Leaves of Grass*. Now, in those states, *Leaves of Grass* and similar texts could not legally be sent from the publisher to bookstores.

³⁵¹ See Jon Bekken, “These Great and Dangerous Powers: Postal Censorship of the Press.” *Journal of Communication Inquiry* 15 (1991): 55-71.

³⁵² “Comstock Law of (1873).” *Law.jrank.org.*, n.d. Accessed August 22, 2014. Web.

³⁵³ See M. McGarry, “Spectral Sexualities: Nineteenth Century Spiritualism, Moral Panics, and the Making of United States Obscenity Law.” *Journal of Women’s History* 12. 2 (2000): 8-29. McGarry concludes that the passage of the Comstock Law in 1873 vastly accelerated censorship by enlarging the category of obscene literature to include printed matter.

We should set this wave of censorship in the US in the 1870s against the powerful argument made by William Leach, in *True Love and Perfect Union: The Feminist Reform of Sex and Society*, that the 1860s and 1870s in America were marked by a highly articulated and mainstream feminist movement that had a dual aspect. On one hand, it foregrounded instructional discussion in public about female sexuality, seeing this as central to its mission of uplifting women from ignorance and powerlessness: “the vocal, often embarrassing, preachings of free-love feminists – Mary Gove, Julia Cranch, Stephen Pearl Andrews, and others – at feminist conventions and in free-love periodicals” (82). But other voices in the movement communicated a “justice” narrative of male sexual abusiveness, and formed similar kinds of vigilance groups as those of the moral reform societies. A forerunner was the Boston Moral Science Association, “the first moral education society in America,” which was emulated in Philadelphia, New York, Chicago and Washington (86-90). Leach quotes a moral education society’s magazine’s prospectus, which uses a language of “purity” and “freedom” in relation to women’s sexual self-possession, co-opts the discourse of the British feminists who had fought the Contagious Diseases Acts, and incorporates Hicklinesque language about women’s “purity”:

We advocate a change in the present marriage laws, which gives women bound body and soul to her master, for his use and gratification – such a change as may be necessary to secure to her by law, the ownership of her own body, that she may hold it in all purity and freedom from use for what man calls ‘physical necessity’ – that children may be born under better conditions and educated to understand their physical natures and how to control them. (86-7)

These groups’ version of feminism sought to extend “purity” from being a domestic marker of the feminine, to becoming a general social condition; that is, they sought “an equal and

high standard of purity for both sexes.”³⁵⁴ In this way, the British and American waves of feminism in the 1860s and 1870s actually fed the normalization of social support for proliferating censorship and sex crime laws, rather than challenging it. Without the popularization of this strain of feminist argument in the United States, it is difficult to imagine the success of a statute such as that of the Comstock Act. Just as the discourses around drains, wells, filth, infection, and public health measures created the cultural template for the 1857 Obscene Publications Act, so, I would argue, the American feminist discourse of intervention in private life to “purify” male sexuality and to “cleanse” marital sexual relation, created a cultural template for the intervention of the State in “cleansing” private reading habits. These groups created a typology for the idea of social or state intrusion into what had been seen in the 1840s through the late 1850s in both countries as private sexual behavior, and thus inadvertently normalized the idea that the state could also have a role in regulating or suppressing what had been private homosexual conduct.³⁵⁵

³⁵⁴ The influential American feminist Lucinda Chandler, for instance, who wrote for American feminist magazines of the 1870s such as *Woodhull and Claflin's Weekly*, called for a feminist program of female sexual “self-ownership.” Chandler sought to embed this code of female sexual self-ownership in the law by repealing the law of *couverture* in the District of Columbia. She made the case that empowering women through law would be a *de facto* way of legally enshrining personal sexual and moral purity: to give every woman “legal [...] custody and control of her person in wifhood to govern according to her wisdom and instincts the maternal office and protect her child as well as she may from the dangers of selfish passion, alcoholism and vice” (90). Chandler and other feminists sought to make a law of regulated heterosexual relations. This approach was so influential that Leach, along with historian Linda Gordon, concludes that by the 1870s, the central plank of American feminism went past “the rationalization of sexual desire” into further interventions and rationalizations of formerly private life, such as the insistence on all births’ being planned (92).

³⁵⁵ For further accounts of the feminist sexual purity crusades in the United States in the 1870s, see Daniel Scott Smith, “Family Limitation, Sexual Control and Domestic Feminism in Victorian America” in *Clio's Consciousness Raised: New Perspectives on the History of Women*. Eds. Lois Banner and Mary Hartman (New York: Harper and Row, 1974) 119-136;

British voluntary societies modeled the same approach, learning from the United States about modes of censorship. In 1876, three years after the Comstock Laws were passed, the British Parliament passed, as we saw, the Customs Consolidations Act, which forbade the importation of goods such as “Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles.”³⁵⁶ The two new laws had immense influence on publications sent through the postal services (we have seen the impact on imports from overseas). The postal service was analogous to the “sewers” metaphor we discussed above, in terms of being a distribution network for “filth” that endangered public (moral) health. Like their US counterparts, British publishers in the 1870s relied on the postal service to ship their products to regional booksellers and to individual subscribers. By crippling postal distribution of “obscene” books, the Society for the Suppression of Vice economically destroyed publishers of materials that could be considered indecent. A publisher might be willing to print a dangerous Swinburne or Whitman text but could find, if targeted by the Society, that he was prevented from even unloading the costly boxes of books from their warehouses. This tactic reinforced a situation of “prior restraint”; that is, it brought about conditions in which, at the first hint of “controversy” or “scandal”—the code words that surface in letters between writers and publishers in this period—writers preemptively censored themselves, publishers preemptively censored their writers, or publishers abandoned their writers mid-print-run, before a book was even brought to market. It made the period after a manuscript was

Linda Gordon, *Women's Body, Women's Right* (New York: Viking, 1976) 48-9, and David Pivar, *The Purity Crusade* (New York: Greenbriar Press, 1974) 80-1.

³⁵⁶ See “Customs Consolidation Act of 1876” (Ch. 36, 39 and 40 Vict.) *Hansard 1803-2005*. UK Parliament, n.d. <http://hansard.millbanksystems.com/acts/customs-consolidation-act-1876>. Accessed August 2, 2014. Web.

turned in, when the first reviews appeared and before the books were in stores, a volatile and legally fraught time. Early reviewers had much greater power to cause material harm to a book, writer, or publisher, to the extent of provoking prosecution. This threat was serious enough to warrant Swinburne's response to the charges of indecency, in the form of the pamphlet *Swinburne Replies: Notes on Poems and Reviews, Under the Microscope* (I note that "the microscope" was a new technology being used to identify whether ejaculation had occurred in an accusation of sodomy. An exhibit of medical microscopes at the Galileo Museum in Florence, Italy, showed in August 2014 that microscopes evolved from being so cumbersome and costly that they were only available only to institutions and aristocrats, to being inexpensive and small enough for any physician to acquire one, only in the 1860s and 1870s).³⁵⁷ Swinburne takes aim at Moxon, his anxious publisher, and rebuts the obscenity charge by declaring that he himself would act as a more thorough censor than the official censor: "if in any work of mine I could discover anything so scurrilous and obscene as some of the commentaries issued against my last book, I should be the first to tear out, ashamed and repentant, the disgraceful page" (22, 128). He ends with the double-negative grammatical near-gibberish that Hicklin was forcing writers and reviewers into adopting: "But I need not say I have found none such" (128).

The British Society for the Suppression of Vice was at a zenith of political power in the 1870s, and its mission in that decade was to suppress "low and vicious periodicals," and bring the dealers to punishment. Its mandate was also to destroy "large quantities of infidel

³⁵⁷ Algernon Charles Swinburne, *Swinburne Replies: Notes on Poems and Reviews, Under the Microscope* (Syracuse: Syracuse UP, 1996) 22, 128. In the introduction, Swinburne notes his wish to refer directly to the threat of prosecution but his publisher asked him not to do so.

and blasphemous publications.”³⁵⁸ British voluntary society confiscations of literature in the 1870s were reported in national publications such as London’s *The Leisure Hour*, and regional newspapers read by Symonds, the Rossettis, Swinburne and the young Wilde. By 1873, the minutes of the British Society for the Suppression of Vice reported vast amounts of literary confiscation:

This society, instituted in 1802, has laboured unremittingly to check the spread of open vice and immorality, and more especially to preserve the minds of the young from contamination by exposure to the corrupting influence of impure and licentious books, prints, and other publications, its difficulties have been greatly increased by the application of photography, multiplying, at an insignificant cost, filthy representations from living models, and the improvement in the postal service has further introduced facilities for secret trading which were previously unknown [...] To put the law in force, seize the stock, and punish the offenders, it is necessary to engage trusty and intelligent paid agents, who have to make the purchases—evidence of dealing; and there are no funds at the disposal of Government and the police applicable to such purposes, and the country does not in these prosecutions allow any part of the expenses [...] This society has been the means of suppressing the circulation of several low and vicious periodicals. Within the last two years it has also been the means of bringing to punishment, by imprisonment, hard labour, and fines, upwards of forty of the most notorious dealers, and within a few years has seized and destroyed the following enormous mass of corrupting matters: — 140,213 obscene prints, pictures, and photographs; 21,772 books and pamphlets; five tons of letterpress in sheets, besides large quantities of infidel and blasphemous publications; 17,060 sheets of obscene songs, catalogues, circulars, and handbills ; 5,712 cards, snuff-boxes, and vile articles; 844 engraved copper and steel plates ; 480 lithographic stones ; 146 wood blocks; 11 printing presses, with type and apparatus; 81 cwt. of type, including the stereotype of several works of the vilest description [...] The testimony of many magistrates, teachers, and parents has shown the baneful effects of criminal literature, and we hope that this appeal for aid to this society in its useful labours for the suppression of vice will be liberally responded to.³⁵⁹

This public statement boasts of a substantial number of successful prosecutions of

³⁵⁸ *The Leisure Hour* 13 Jan. 1872 cited in *The Dictionary of Victorian London*. Accessed September 22, 2012. Web.

³⁵⁹ *The Leisure Hour* 13 Jan. 1872 cited in *The Dictionary of Victorian London*. Accessed September 22, 2012. Web.

booksellers and publishers over the course of only two years: the prosecutions set to the “punishment [...] hard labour, and fines” of forty booksellers or publishers, or about twenty a year. If this is the average (and this is only one society), the 1870s would have a minimum of about 200 convictions of booksellers or publishers in Britain as a whole. The elite patronage of the Society and its powerful backers is also significant. The Society mentions Lord Teignmouth as a patron, along with well-known bankers. In this report, *The Leisure Hour* reveals that the Society for the Suppression of Vice had destroyed an average of *seventy thousand images* each year, and—most importantly for our purposes—“21,772 *books and pamphlets*” [italics mine]. “[V]ile articles” probably refer to condoms and pessaries used for contraceptive purposes.

This passage also reveals the power of the purity societies at this time: “844 engraved copper and steel plates; 480 lithographic stones; 146 wood blocks; *11 printing presses, with type and apparatus* [italics mine]; 81 cwt. of type, including the stereotype of several works of the vilest description.” In Britain, this measurement— “one cwt”—is equal to 112 pounds in weight; therefore, the destruction of “81 cwt” means that nearly 100,000 pounds of hand-crafted, costly lead type were destroyed in just two years by this one voluntary society.

The real impact of this war against literature, writers and publishers can be read in the financial catastrophe these numbers represent. In Frank Harris’ memoir *My Life and Loves*, he recounts that when he was the editor of the *Evening News* in the 1880s—which regularly ran literary reviews and serializations, including such potentially actionable content as Guy de Maupassant’s short stories—Harris sought a new printing press. He expected to pay 15,000 to 20,000 pounds sterling for it. To give a sense of the economic

scale of these powers of confiscation, the *Morning Mail*, a rival newspaper of Harris', was launched for five thousand pounds and was successful with a circulation of 50,000 (418). Harris' single printing press, for his part, produced his entire print run of 20,000 to 40,000 daily copies of the newspaper. So if a voluntary society could destroy a printing press, it could destroy—at least for a time—a major reviewing or serializing newspaper, and close down its entire circulation (417).

Gustave Flaubert in 1857, we recall, had to have a pre-publication debate with his editors at *La Revue de Paris* to negotiate with them about their fears of prosecution or confiscation.³⁶⁰ The war against literature posed by the virtue societies would increasingly pit writers against their own newspaper and book editors, and vice versa; hence a conflicted relationship arose in the place of a relationship that had previously generated a common interest for both. Unsurprisingly, the British periodicals of the 1870s and 1880s

³⁶⁰ See Herbert Lottman, *Flaubert* (New York: Little, Brown, 1989) 130. Maxime Du Camp, Flaubert's editor, sent the author a memorandum of July 14, 1856, calling for cuts in a manipulative exchange that reflects the tensions obscenity law risks placed on the author-editor relationship. Du Camp soothed Flaubert by asking him to censor the work for obscenity but then run the excised sections in the book form of *Madame Bovary*; he swore to make no further changes other than the ones Flaubert imposed on the text for the *Revue*. Flaubert had been trained as a lawyer, and he won a promise that there would be no cutting. As the reception grew heated, the Dec 1st installment appeared without an erotic scene in a cab—an omission that Flaubert did not sanction—and with a publisher's note that said: "The publisher is obliged to remove a passage at this point that is not acceptable to the editors of the *Revue de Paris*." Flaubert fought back—textually—after calling his own attorney with a note above a subsequent installment: "Considerations that I am not obliged to judge have led *La Revue de Paris* to make a cut in the issue of Dec I [...] I therefore declare that I am not responsible for the lines that follow; the reader is asked to consider them fragments and not finished work." The Chief Prosecutor then sent the issue to Police Court. Many observers, including the publishers of the *Revue de Paris*, believed that Flaubert's prosecution was an entrée to the real goal, which was to attack the *Revue* for political dissidence: "a friend of [Du Camp's] who was close to the government warned him that the magazine was going to be taken to court. For *La Revue de Paris* had also published opponents of the regime" (Lottman 131-4).

made the editorial choice to attack writers when they were targeted by the virtue societies, rather than risk action at their hands.

As Maxime Du Camp of *La Revue de Paris* had warned in 1857 upon learning of the court case against the magazine, “[f]or us it [prosecution] means shutting down, and this is what must be avoided” (Lottman 131-4). By the mid-1880s in Britain, the vice societies had become so powerful that any publisher had to take into account Du Camp’s ominous calculations.

Years of Sentencing: Symonds’ Textual Ambivalence

As Symonds’ private letters, unpublished notebooks, privately published pamphlets from the 1870s, and his record of later formal publications all reveal, Symonds’ urge to express and express again homoerotic narratives and pro-“amative” argument—which he knew he could not publish in direct terms—resulted in a range of private and public, almost compulsive, textual activity that spanned a wide arrays of genres. The publication history of each elucidates the pressures of the law. For example, the unpublished 1859-61 *In Memoriam Arcadie*, written on 70 recto pages of a red leather-bound notebook, has its more graphic pages interpolated, that is inserted into a section of the book in which pages had been cut out, with glue, while the last six or seven pages remain cut out by a blade.³⁶¹ *In Memoriam Arcadie* is a hand-written elegy in which the nineteen-year-old Symonds mourns, in a mode recalling Wordsworth, a denied or forbidden love affair with a fellow student at Oxford identified only as “W” (probably a student named “Wright”).

³⁶¹ This excision of the final six pages by a blade was confirmed by the curator of the Pierpont Morgan Library manuscript room. Maria Molestina, message to Naomi Wolf. February 21, 2013. E-mail.

An 1862 professional conflict may have influenced Symonds' sense of how a written text about forbidden sexuality could turn against him in the "real world." In other words, he understood how literature could, in effect, attack the author from the page, leaping dangerously into "real life." G. H. Shorting, a school friend of Symonds', had been romantically pursuing choirboys at Magdalen College. Symonds sought to restrict Shorting's access to the boys, which infuriated Shorting. In retaliation, Shorting sent six of Magdalen's fellows, poems of Symonds', and extracts of Symonds' letters, which had been edited and rearranged to give the impression that Symonds, too, was pursuing choirboys sexually.

Symonds had to collect letters that testified to his upstanding character, and write a letter in his own defense. So already in his early twenties, Symonds was experiencing a kind of warfare involving texts around sexuality being used as weapons of attack and defense, with serious, real-life consequences. In a demeaning ritual, Symonds was called before the Fellows of Magdalen—many of whom he knew were homosexual as well—and asked to explain himself. He was acquitted by a General Meeting of the College of Magdalen, but two of his letters were censured, and he had to spend a year at Magdalen under a shadow of social opprobrium. This episode—involving pastiche of his texts by a peer, denial of texts he had authored, and censorship of his texts by a body of important authorities with direct responsibility for his future—was, I believe, formative for the young writer. His authorial path and voice into the future would be as fully engaged with the anguished cuts to, and omissions of, what he had to say as with the expressions of what he had say. He would, throughout his literary career, reveal in his genre and publication

choices an element of fear in relationship to his own authorial voice: the stronger the author's voice, the more dangerous the texts were to the author.

In December of 1869, Symonds wrote *Eudrades and a Cretan Idyll*, a long, often turgid romantic poem about a beautiful Greek youth and his older male lover. As I mentioned above, the centerpiece of the poem's dramatic arc is the longing for, and the regret after seeking, anal contact. Symonds showed his friend Henry Sidgwick this work, and others that were similar. Sidgwick was appalled, and cautioned him about the consequences that would ensue by writing even unpublished verse of this kind.

In a gesture of dramatic but also practical self-censorship, Symonds allowed Sidgwick to persuade him to place all the "dangerous" poems into a black box—the symbolism of this choice needs no elucidation—and to destroy them. In addition to the literary implications of this ambivalent set of actions, there is an important legal insight. What Symonds threw into the Avon in 1870 was not merely the "key," or access, to his suppressed feelings and emotions; he was destroying evidence of a crime. The criminal consequences of publishing under the terms of the Obscene Publications Acts at that time meant that literary self-expression and legal self-incrimination was often the same thing. And because *In Memoriam Arcadie* and the poems in the privately published 48-page pamphlet deals frankly and repeatedly with the temptation of, and the subsequent terror of the punishment for, anal sex, the poems could also have been used against Symonds—as similar poems were against Wilde in 1892—as evidence of sodomy with its potentially violent or even fatal penalties.

The Seedbed of Sexology? *Democratic Vistas*, *Passage to India*, *Calamus* and Symonds

An important dialectic developed between Symonds and Whitman when the former read Whitman's prophetic prose volume *Democratic Vistas* in the mid-1870s. The volume from Symonds' library is currently in the Pierpont Morgan Library in New York City. It is an 1871 Washington DC edition with two books, *Democratic Vistas* and *Passage to India*, enfolded in one binding. Whitman's vocabulary and frame of reference appear to have provided Symonds a foreshadowing way to synthesize eventually the opposed elements of his self-hating faith and yearning eros that were worked out obsessively, yet unsatisfactorily, in the privately printed poems of the 1870s such as *Rhaetica* and *Eudiades*. He would not achieve this synthesis fully until *Sexual Inversion* in 1893, but one can see in the 1871 volume the germ of the 1890s set of ideas.

Again and again, Whitman's insistence on the "amative" and "adhesive" qualities in men is cast, in *Democratic Vistas*, as being a kind of bedrock for a new social space; literally, a newly expanded "democratic vista" in which all are equally valuable and all have room to exist.³⁶² In this cosmology, male-male love serves as a kind of intellectual bulldozer to clear out the pieties and conventionalities of old Europe in favor of a psychologically New World (3-6). This volume is annotated with Symonds' notes and underlining. From this volume, we can clearly see Whitman as a catalyst for Symonds' evolution of thought in struggling to create an alternative conceptual/cultural matrix in which to situate and consider homosexuality.

³⁶² See Walt Whitman, *Democratic Vistas and a Passage to India* (New York: Electroplated by Smith McDougal, n.p., 1871) 24.

It is worth noting that the volume is missing bibliographical data. There is no publisher on the verso page. Then: “Entered According to an Act of Congress, in the year 1870, by WALT WHITMAN, in the Office of the Library of Congress, at Washington” (typically, in America, the publishing house enters the edition into the Library of Congress on this page). Then at bottom of the page: “Electrotyped by Smith & McDougal, 82 Beekman Street, New York.”

We see from this evidence that United States authors and booksellers in the 1870s were using the same tactics developed by their British counterparts as the vigilance societies were growing in influence. They deconstructed the publication process to diffuse legal exposure by describing “printers” or “electrotyped” activity rather than identifying publishers. With this awareness of what is missing from the title page, the poet’s capitalization of WALT WHITMAN as the “publisher” of the volume is a provocative statement in itself.

This provocation, among many, sparked many notes in Symonds’ hand. Symonds’ margin notes, perhaps intended for a review or article, show the word “quote” in a section on how religious discourse is waning and real prophecy must come from literature: “Viewed, today, from a point of view sufficiently over-arching, the problem of humanity all over the world is social and religious, and is to be finally met and treated by Literature. The Priest departs, the divine Literatus comes [...] Never was anything more wanted than [...] the Poet of the Modern,” writes Whitman (6). (“Importance of Literature,” is written in Symonds’ hand in the margin.) Whitman calls for “imaginative, spinal and essential attributes” in the vanguard of intellectuals that should redeem an etiolated society and here Symonds underlines “spinal” (9). He also underlines: “A lot of churches, sects, &c., the most dismal

phantasms I know, usurp the name of religion.” On every page with a note there is a Symonds summary, such as “[w]hat is wanted” at the point when Whitman urges for “a Literature underlying life, religious, consistent with science, handling the elements and forces with competent power” (17).

Whitman’s definition of democracy in this essay, turgid and unclear though it may be, is also prophetic. Whitman elucidates a vision of sexual variability in a *civitas* that is inclusive:

The purpose of Democracy” must shed “old belief” in “established dynastic rulership, temporal, ecclesiastical and scholastic” and embrace a new world in which “man, properly trained in sanest, highest freedom, may and must become a law, and series of laws, unto himself, surrounding and providing for, not only his own personal control, but all his relations to other individuals, and to the State. (17).

Whitman calls this plan “the only Scheme worth working from” and compares it to “Nature’s laws, reliable, when once established, to carry on themselves.”

This confident assertion that there is a transcendental, anarchic higher law for the human being that must supersede ecclesiastical, “temporal” and “scholastic” law—the kind that can send a man to a lifetime of hard labour in Britain for responding to a prompting from one of “Nature’s laws”—must have proven a powerful counter-template to the social and legal world around Symonds. Whitman’s robust insistence that this higher personal anarchism will create a new system of laws in a state of freedom and autonomy that is as “reliable” and positive as “Nature’s laws” and that will hold humanity in a kind of supernatural balance, like the “reliable” gravitational dance of the spheres, must also have been compelling to Symonds as a mirror image of existing law. The association of freedom—including men in a state of sexual freedom—with the process of strengthening democracy, is again, a seductive inversion of the role of the homosexual in Britain’s law and civic life as disruptor, transgressor, and instigator of the spread of dangerous “filth.” In

Whitman's vision, the homosexual plays a role as stabilizer of a more healthy society, and is tasked with being a kind of moral leavening agent.

It is worth noting that Symonds writes several question marks in the margins of this section. Symonds underlines the first line: "Leaving the rest to the sentimentalists, we present Freedom as sufficient in its scientific aspects, cold as ice, reasoning, deductive, clear and passionless as crystal" [with the note "quote" in the margin] (23). The next line and paragraph might also have made a strong impression on Symonds as a manifesto declaring that there is a Law higher than the law: a point that Symonds will echo in *Eudiades and a Cretan Idyll*, casting lawgiver Zeus as yearning for Ganymede. Whitman writes:

Democracy too is law, and of the strictest, amplest kind. Many suppose, (and often in its own ranks the error) that it means a throwing aside of the law, and running riot. But, briefly, it is the superior law, not alone that of physical force, the body, which, adding to, it supersedes with that of the spirit. Law is the unshakeable order of the universe forever; and the law over all, and law of laws, is the law of successions; that is the superior law, in time, gradually supplanting and overwhelming the inferior one. (24)

Whitman confirms that he is talking about an overthrow of actual existing law, and suggests that this succession take place in stages, "so as not to endanger the State" and so that "self-Government must abide its time" (24). He expands on this call for the overthrow of flawed existing law, and calls for a new law based on "[a]dhesiveness or Love, that fuses, ties and aggregates [...] fraternizing all" (24). (Again, Symonds underlines the text and writes "quote" in the margin.) Whitman's metaphors extend the sensual and homoerotic echoes of this vision of a new transcendent law and invigorated democracy, which he views as a message back to decadent Europe: "from the West comes solid personality, with blood and brawn, and the deep quality of all-accepting fusion" (25-32).

Whitman's vision of "Democracy" is Hellenized in the homoerotic strain that Symonds would recognize, in addition to invoking new-world manliness: it [Symonds underlines] "supplies a training-school for making grand young men. It is life's gymnasium [...] A brave delight, fit for freedom's athletes" (25-32). The contest 'fully satisfies...' and "we," the fighters in this "arena", benefit from the "hardening of the strong campaign and throb with currents of attempt" (25-32). The "fusion" of body with mind is what Whitman claims will make America's message of freedom more potent than Europe's decadent attachment to lesser networks of laws and power relations: "[d]ominion strong is the body's; dominion stronger is the mind's" (32). Again, Symonds makes a note to "quote" this text.

Other underlined passages have double meanings that can be applied equally to Symonds' struggle for a licit homoerotic language and literature, and to paeans for a new form of Democracy: "—Thus we presume to write, as it were upon things that exist not, and travel by maps yet unmade, and a blank. But the throes of birth are upon us" (25-32). Whitman's suggestion that in the effort to articulate what has never been said, the poet might speak with a flawed but sincere voice, is central to Symonds' critical longing for an authentic voice of his own: "the afflatus of such [unwritten, unsaid] themes, haply may fall upon us, more or less; and then [...] our speech, though without polished coherence, and a failure by the standard called criticism, comes forth, real at least, as the lightnings" (34). Symonds underlined this crucial passage.

One could read in another of Symonds' underlined sections a rebuke of the censors rampant in Britain: "[t]hus, in our time, refinement and delicatessen are not only attended to sufficiently, but threaten to eat us up, like a cancer" (38). Symonds' placed vertical lines in the margin to add extra emphasis and "quote" also appears here. Whitman had been

censored in Britain for three years upon this volume's publication, and is aware of the vituperative British reviews of his vulgarity and "coarseness" in spite of William Rossetti's cuts for "delicacy." "Already," he wrote, "the Democratic genius watches, ill-pleased, these tendencies. Provision for a little healthy rudeness, savage virtue, justification for whatever one has in oneself, whatever it is, is demanded" (34-40).

He goes on to complain: "[t]o prune, gather, trim, conform, and ever cram and stuff, is the pressure of our days." Symonds' also expresses interest in this section. This "trimming" and "pruning" leads, he argues, to "conventional, over-corpulent societies [...] becoming stifled and rotten with flatulent, infidelistic literature, and police conformity and art" (40). Whitman maintains that censorship of the "fidelistic"—a striking neologism—or, of the voice that is "real at least, as the lightnings" whatever its flaws, results in disease and decay. Symonds was in continual pursuit of his "fidelistic" voice, which he achieved only briefly. Whitman's turn of phrase is, again, a neat rhetorical inversion of the Hicklin and Campbell wording that frames "coarse" speech as causing physiological degeneracy, "rot" and "corruption" in the body politic and in the literary corpus.

Whitman asserts with brio that it is censorship itself that is the corruptor: it literally constipates the reading public. That is, Whitman uses the language of Victorian medicine to invert Hicklin. Constipation, in that period, was seen by physicians as "poisoning" the other systems of the body. Lord Campbell's use of pornography as "poison" posited that what you take in (read) can poison the system. Whitman argues instead that what you do not express leads to a poisoning of the system. Self-silencing, in Whitman's clever reversal of conventional disease metaphors, makes literature "flatulent" and even harmful to the health and wholesomeness of the commons.

In an even more polemical section a page later, Whitman releases a violent *cri de coeur* against censorship, though he does not use that term. The margin note in Symonds' hand refers to this section as "Polemic against Arnold." The issue in contention is: "what is 'Culture?'" Whitman seems to be arguing against a European—or, Arnoldian—critique of America, and perhaps of Whitman himself as lacking "Culture." One recalls that several British reviews of *Leaves of Grass* stressed the artless, formless, almost inchoate nature of the verse and denied any art, cultural agency, or even role of literary shaping, to Whitman's writing. "We find ourselves abruptly in close quarters with the enemy," Whitman writes, himself transitioning sharply and rather mysteriously. Who is the "enemy"? The issue at stake is "this word 'Culture.'" "Certain questions," he writes aggressively, "arise" with its introduction (39-40).

In one of his longer sections on culture, Whitman writes:

As now taught, accepted and carried out, are not the processes of Culture creating a class of supercilious infidels, who believe in nothing? Shall a man lose himself in countless masses of adjustments, and be so shaped with reference to this, that and the other, that the simply good and healthy and brave parts of him are reduced and clipped away, like the bordering of a box in a garden? You can cultivate corn and roses and orchids – but who shall cultivate the primeval forests, the mountain peaks, the ocean [...] Lastly – is the readily-given reply that Culture only seeks to help, systematize, and put into attitude, the elements of fertility and power, a conclusive reply? (Double vertical Symonds lines for emphasis) (39-40)

Whitman insists instead on a "radical change in category" – drawing on his signal, his rhetorical genius of inversion of accepted meanings. Symonds also took note of this section in particular: "I should demand of this programme or theory [of culture] a scope generous enough to include the widest human area [...]" (39-40). Arnold's and perhaps Britain's reviewers' (and maybe even censors') version of "culture" turns elemental forces, the tumbling gorgeousness of the clouds, into mere "attitudes" and "adjustments." They scale

down “primeval forests” into slightly ridiculous topiary hedges. Britain’s version of culture is man’s creative potency put at risk. The emasculation metaphors are vivid, and applicable equally to the “clipping” of a phallic image of potent energy, and to the “clipping” of illicit words in a bowdlerized text: “the good and healthy and brave parts of him are reduced and clipped away,” wrote Whiteman. Whitman will also posit a nearly postmodern suspicion of ideologies: “Is the readily-given reply that Culture only seeks to help [...] a conclusive reply?” (39-40).

In Whitman’s earlier manifesto, “the best culture” consists of eros, instinct, self-acceptance and love: it “will always be that of the manly and courageous instincts, and loving perceptions, and of self-respect [...] recruiting myriads of men, able, natural, perceptive, tolerant, real men, alive and full [...]” (40). Symonds takes note of this assertion, too. Whitman’s version of “culture” enticed Symonds and would be echoed in Symonds’ last manifesto. I maintain that page 55 of this essay reveals the seed of Symonds’ 1890s sexology taking root. We will see an echo of this argument and even of this language in Symonds’ breakthrough peroration asserting the rightness of the “manly and courageous” homoerotic instincts in his 1893 *Walt Whitman: A Study*.

In a footnote to his own text, Whitman remarks “[n]ote, today, Science, (twin, in its fields, of Democracy in its) – Science, testing absolutely all thoughts, all works, has already burst well upon the world [...]” And Symonds’ marginal note with two vertical emphasis lines declares: “good” (55).

On page 13 in Symonds’ edition of “Democratic Vistas” is a paean to the body’s integration with the life of the mind; page 61 is a long, elaborate development by Whitman of the idea of the pure, heroic love of the “Comrade” for his beloved. Whitman’s vision opens

an important door for Symonds. At the same time, these words also serve to repudiate the language of Hicklin: “Intense and loving comradeship, the personal and passionate attachment of man to man – which, hard to define underlies the lessons and ideals of the profound saviours of every land and age [...] will then be fully expressed” (13). Here, Symonds makes a double vertical line in the margin for emphasis. Whitman continues, “Literatus rejects orthodox religion: the devil, the grim estimates inherited from the Puritans, hell, natural depravity and the like. The great Literatus will be known [...] [by] his adherence to natural standards” (60). (Single vertical line). The religion-tormented Symonds scored this passage, which rejects dogma that censures love. Then alongside a footnote, with the phrase “fully expressed” inscribed by his hand, Symonds has placed a double vertical line:

It is to the development, identification and general prevalence of that fervid comradeship (the adhesive love, at least rivaling the amative love hitherto possessing imaginative literature [Symonds underlining “hitherto possessing imaginative literature] if not going beyond it) that I look for [...] Many will say it is a dream, and will not *follow my inferences* [italics mine]; but I confidently expect a time when there will be seen, running like a half-hid warp [...] threads of manly friendship, fond and loving, pure and sweet, strong and life-long, carried to degrees hitherto unknown – [...] unprecedentedly emotional, muscular, heroic and refined, [...] loving comradeship [...]. (60)

This is advocacy language in its essential distillate: the use of language in almost incantatory cadences to invoke in the reader a mind state and thus call into life an historical reality that does not currently exist. Whitman, in this essay, equates “adhesiveness” with democracy, democracy with a higher status than current corrupt law, equates democracy with Science and Nature, reclaims “culture” for instinct, and asserts that instinct is valid as part of Science. By all this robust sleight of hand, by page 54 Whitman has created a framework for an alternative world for Symonds to inhabit and

draw from in his own later arguments, a world whose qualities reverse that of Symonds' real-life social, legal, and cultural world. Symonds will use the same rhetorical sleight of hand by invoking authoritative validators for male-male love in *A Problem in Greek Ethics* that Whitman does by invoking the democratic values of the laudable New World. Symonds will adopt the fresh breeze offered by "[s]cience" as a validator in the 1896 *Sexual Inversion. Democratic Vistas*, indeed, solves for Symonds, or points the way to solving, many problems that in the worlds of *In Memoriam Arcadie*, and then *Eudiades and A Cretan Idyll*, had seemed I, impossible to resolve. This language and rhetorical intention should be borne in mind when we see a similar peroration from Symonds in his penultimate work, when he will ask: "Is this a dream?"

Homoerotic love is now "pure" "heroic" and "refined." This anti-Hicklin language poses a challenge to reviewers cowed into the discourse of filth and depravity around homoeroticism. Here, homoerotic love is figured as a fertile spouse or bridegroom in relation to Democracy: it gives Democracy its ability to "perpetuate itself" (61). In this manifesto, Whitman creates a spiritual genealogy: a sacred male-male marriage between Freedom and male love.

Whitman also anticipates reception theory by espousing the anti-Hicklin idea that it is the reader who creates the status of the book, rather than the Hicklin-derived notion that the book creates the status of the reader. In this he anticipates Wilde's elucidation of the same concept in "The Decay of Lying," which, we will see, is also a rebuttal of Hicklin. According to Whitman's program, in a passage that is also underlined by Symonds, he writes: : "Not the book needs so much to be the complete thing, but the reader of the book does. That were to make a nation of supple and athletic minds, well-trained, intuitive, used

to depend on themselves, and not on a few coteries of writers" (76). If the reader is "a complete thing": neither a book nor, presumably, a variation of an act of love in itself, can corrupt him or her.

On October, 7, 1871, Symonds sent an obsequious letter to Whitman. Since 1871 was also the publication year of this volume of "Democratic Vistas" in Symonds' library, it is possible that the reading of the essay prompted the letter. In this letter, he appropriated Whitman's own cadences and language that merged the energies of the natural world with a suggestion of a freer eros, and he promised to keep proselytizing. He also sent a "crude poem" in which he suggests Whitman may detect echoes of "Calamus." Symonds continues: "I cannot refrain from saying that since the time I first took up *Leaves of Grass* in a friend's rooms at Trinity College, Cambridge, six years ago till now, your poems have been my constant companions. I have read them in Italy by the shores of the Mediterranean, under pine trees or caverns washed by the sea – and in Switzerland among the alpine pastures and glaciers. At home I have found in them pure air and health – the free breath of the world – when often cramped by illness and the cares of life. What one man can do by communicating to those he loves the treasures he has found, I have done among my friends (Schueller and Peters *Vol. II.*, 167)." On February 7, 1872, Symonds made another attempt to "authenticate" the meaning of "Calamus." He wrote asking Whitman directly to define both his own sexual orientation and the orientation implied in the poems. Symonds did so using language that, as so often happened with the "Whitmaniacs" of the 1870s, conflated Whitman's poetry with an erotic experience in itself:

For many years I have been attempting to express in verse what in a note to *Democratic Vistas* (as also in a blade of *Calamus*) you call "adhesiveness." I have traced passionate friendship through Greece, Rome, the medieval & the modern world [...]

It was while engaged upon this work [...] that I first read *Leaves of Grass*. The man who spoke to me from that Book impressed me in every way [...] I did learn confidently to believe that the Comradeship, which I conceived as on a par with the Sexual feeling for depth & strength & purity & capability of all good, was real – not a delusion of distorted passions [...]

Yet even then how hard I found it – brought up in English feudalism [...] to winnow from my own emotions [...] all husks and affectations and aberrations and to be a simple human being. You cannot tell quite how hard this was, & you have helped me.

I have pored for hours over the pages of Calamus [...] longing to hear you speak, burning for a revelation of your more developed meaning, panting to ask – is this what you would indicate? – Are then the free men of your lands really so pure & loving & noble [...] Most of all did I desire to hear from your own lips – or from your pen – some story of athletic friendship from which to learn the truth. [...] Shall I ever be permitted to question you & learn from you? (Schueller and Peters 201-2).

Perhaps due to the pressure of censorship on the literary imagination, especially his own, Symonds describes the hermeneutic process in physical, almost carnal terms: he is “longing to hear [Whitman] speak, burning for a revelation of your more developed meaning, panting to ask – is this what you would indicate?”

Symonds’ phrasing proposes that if Whitman would only “authenticate” the meaning he ascribes to “Calamus,” then Symonds will experience release in a way that is more than merely literary. This need for authentication is so strong that Symonds is fetishizing even Whitman’s notes. He is making a sexual allusion as well, since the “blade of Calamus” is a phallic shape. At the end of almost every subsequent letter to Whitman, Symonds also mentioned his own married status and his child—sometimes even his dog—which was a useful “paper trail” in the event Symonds’ required a legal defense. It is this continual self-exonerating referent that will, I believe, eventually provoke Whitman’s riposte that he himself has six illegitimate children.

Whitman evaded all Symonds’ importuning until his death in 1890. Ironically, the frank passages in “Calamus” that had so moved Symonds in the 1860 US edition of *Leaves of*

Grass, would be omitted by Whitman from subsequent US editions of the book after, as noted, state laws had begun to tighten post-1873. A direct reply from Whitman to Symonds about “Calamus” in 1872 was already becoming risky. After 1873 such a letter would put Whitman in jeopardy of having violated the Comstock Acts as well as laws in any number of states across the country where he might have posted his hypothetical letter.³⁶³ No scholar of this correspondence that I have surveyed has taken into account this cause of Whitman’s reticence.

In 1873—in reaction to these recent years of high conflict around the legalization of homosexuality, and, as we saw, escalated sentences at the Old Bailey for sodomy—Symonds privately issued *A Problem in Greek Ethics: Being an Inquiry into the Phenomenon of Sexual Inversion*, which explored the relationship between *pederastaia* and the Greek ideal of beauty. Symonds chose not to publish it formally, fearing correctly that even with a Hellenized and idealized argument around the subject, it would run afoul of the 1857 law. He circulated the text, rather, in the form a 48-page pamphlet, the pages sewn together rather than bound, and issued in a private printing. Symonds’ opening argument refers to concealment; perhaps, in reference to the self-censorship required by the 1857 publications law, or to the sex crime statutes. Using codes commonly understood by his audience, Symonds cites the love of Achilles for Patroclus: “[Achilles], indeed, conceals their love, and does not give its proper name to the affection between them, judging that the extremity of their fondness would be intelligible to instructed men among his audience.”³⁶⁴

³⁶³ See Patrick J. Kelly, “Victorian Vice.” *Reviews in American History* 26. 4 (1998): 717-724.

³⁶⁴No page number. This 1908 edition was privately printed as well, and circulated in societies whose very names were left in the original Greek.

The title page versos of illicit publications in this period are, as we saw above, revealing; they often have either no publisher listed (a conventionally published book with no legal exposure would have the publisher and place of publication on the verso of the title page), or else the publication history is obscured or diffused. *A Problem in Greek Ethics*, for example, is privately printed and as such, there is no publisher named on the frontispiece. The formation of private societies of readers of banned texts, which we will explore further in the next chapter, allowed for some legal deniability. A private club, in effect, could be argued to not be “publishing” or “distributing” the material. This formation of readers may have been protected to some extent (or at least a potential defense would have been laid down in advance), from the 1857 law and the more specific 1876 Customs Declaration law that outlawed “distribution” in more Draconian terms.

In 1874, Solomon was arrested again – this time in Paris.³⁶⁵ Symonds’ literary reactions were conflicting. The literary record shows that he both sought to approach the issue of male-male love, as in the privately published texts of the mid-1870s, and also to flee from it, as in his continued use of distancing genres such as biographies of homosexual historical figures. Symonds, who had admired Solomon’s homoerotic aesthetic since at least 1868, took a courageous step in purchasing two such pictures from Solomon in the year after the painter’s second arrest in 1874.³⁶⁶ But the spectacle of Solomon’s fall was likely to have intensified Symonds’ ambivalence.³⁶⁷

³⁶⁵ See John Dececco and William Peniston: *Pederasts and Others: Urban Culture and Sexual Identity in Nineteenth Century Paris* (New York: Routledge, 2011), 77.

³⁶⁶ See Elizabeth Prettejohn, *After the Pre-Raphaelites: Art and Aestheticism in Victorian England* (Manchester: Manchester UP, 1999) 202.

³⁶⁷ Peniston contrasts the legal context in France, in which homosexual sex was “a crime against social order,” with Britain, in which it was “a criminal act” in itself. French penalties for sodomy remained less severe than British in the 1870.

By 1874 the mood had darkened further. An unsigned review in *The Academy* termed Whitman's poems "abnormal."³⁶⁸ It is worth noting that "abnormal and morbid" were Victorian code words for homosexual.³⁶⁹ The reviewer noted that the volume was a signifier among subcultures: "it had been considered that admiration of them must be a kind of voluntary eccentricity, a gratuitous flourish in the face of respectability and orthodoxy." It speaks of "the prominence [...] of the sexual passion, [...] he elevates it to almost the principle place, and treats of it in a manner somewhat shocking to those who are accustomed to speak of such subjects (we owe the word to Southey) *enfarinhadamente* [...]" He is never tired of repeating 'I am the poet of comrades'.³⁷⁰ Once the dominant culture can read a coded signifier, the subculture using the code is no longer safe from legal action. Symonds' self-publication of "Lyra Viginti Chordarum," in 1875, was thus another act of rash potential self-sabotage, or literary daring, or both.³⁷¹ The book is no pamphlet, but a veritable bound volume: thick and solid as a Victorian doorstep novel, and expensively produced. Though the title appears on the title page—it is embossed in costly gilt on the leather spine—and though the endpapers are produced with chaotic and elegant blue, red, and gold marbling, there is no author printed on any page. However, there is, in pencil, in Symonds' hand, his name where the author's name is traditionally printed in the upper right corner: "John Addington Symonds. Clifton House. Bristol. His Book." Underneath, in pencil

³⁶⁸ Unsigned review, "Leaves of Grass." Review. In *The Academy* (London: Chatto & Windus, 10 October 1874).398.

³⁶⁹ See Robert Sulzer, "Ten Per Cent: Poetry and Pathology" in *Victorian Sexual Dissidence*. Ed. Richard Dellamora (Chicago: University of Chicago Press, 1999) 239-41.

³⁷⁰ Unsigned review, "Leaves of Grass," *The Academy* (London: Chatto & Windus), 10 October 1874, 398.

³⁷¹ The copy, housed in the Pierpont Morgan Library, does not name a publisher on its title page.

and also in his hand, is the mysterious notation: “D. A. S. M. D. River Welland at [Illegible.] June 28, /67. Aged 19.” Could this be another commemoration of an early love story from that turning-point of his nineteenth year?

The volume, like the other self-published volumes, binds together self-published pamphlets so that the pagination starts anew with each of these individual collections. The content is for the most part that same fantasy-work dwelling on love between youths and men in mythical, far-off settings, sentimentally told. But moments of genuine poetic anguish jut through the tissue of escapism, as in the poem “The Upas Tree”:

And I too in my inmost sprit bred
 Desire of that fell fruit...and I stood
 And caught the falling juices; and though shame
 Shook in my shivering pulse, I snuffed the lewd
 Scent...Lying lapped in loathsomeness I spied
 Coming and going, men who yearned; and each
 Knew what his fellow's thin and shuddering side,
 Concealed of heart-ache, and of fear, of fire –
 Of fierce forth-stretchings after joys denied,
 And horrible, unquenchable desire. ..
 Pain that was pleasure filled them [...]. (21-2)

In 1867, Symonds sought, with strong wishes for success, to be named Professor of Poetry at Oxford; he competed against other prestigious candidates. Language that was not even homoerotic—but merely ‘homo-aesthetic’, to coin a term— served as the cudgel with which his candidacy was beaten down. As Richard Dellamora notes in *Masculine Desire: The Sexual Politics of Victorian Aestheticism*, Symonds, along with Pater, was under suspicion for excessive interest in masculine beauty. Dellamora points out that Symonds was put on the defensive because of the last chapter in *Studies of the Greek Poets* (a volume that the young Wilde would own and annotate while at Balliol and thus perhaps confirms the anxieties of Symonds’ critics) in which the author muses on the loveliness of a young

Greek athlete (161-3). I note, in the passage which Dellamora cites, the contra-Hicklin language Symonds deploys, as he is perhaps forced to mix his appreciation of male physical beauty with defensive highmindedness: Symonds cites the youth's "clear and stainless personality [...]" and his "conscience whole and pure and reconciled to nature" (161-3). Of these qualities, "what survives among us now?" asks Symonds. This elegiac code to a Greek reverie—elegy for a lost broadness of vision—had become a trope among the anti-Hicklin advocate. Similar regret is similarly phrased in William Michael Rossetti's earlier, 1868, lament for lost openmindedness and attack on the small-mindedness of the current age, in his support of Whitman (161-3).

The tide turned against Symonds when Richard St. John Tyrwhitt, rector of St Mary Magdalen in Oxford, wrote a damning review in *The Contemporary Review*, on "The Greek Spirit in Modern Literature." He identified in the appeals to Greek myth the expression of an unconventional sexuality. Tyrwhitt aligned Symonds with "English Decadence," and accused Symonds of campaigning for an agnosticism derived from the less wholesome aspects of Greek culture. Tyrwhitt claimed that Symonds was dismissing the Christian sense of morality, self-control, and of sin, to embrace Walt Whitman's Hellenism, "whatever on earth Mr. Symonds means by it" (552). In short, he argued, Symonds was calling for "the total denial of any moral restraint on any human impulses" (552). For a second time in his career, his sexuality, had derailed Symonds' professional goals, in an edict passed down by Oxford University, an institution that signaled what was acceptable to the elites of the nation as a whole, as well as to Symonds' literary peers and publishers (Grosskurth 143).

As noted, Wilde was then reading Symonds. In 1876 Wilde wrote a 47-page undergraduate essay titled "Women of Homer: The Princess Nausikaa," on Symonds'

Studies of the Greek Poets: the 1873-1876 volume that he had in his undergraduate library. In the essay, Wilde is already engaging with Symonds' struggle with "morbidity," a term that he, like Symonds retains in the original Greek; "morbidity" being one Victorian code term for homosexual love.³⁷²

1874 saw the publication of what would be a major marker in the development of the lexicon of homosexual writers challenging Hicklin and sodomy law: John Pentland Mahaffy's foundational text for this project was *Social Life in Greece: From Homer to Menander*. Mahaffy, in an influential image for his own and the next generation of male homosexual intellectuals in Britain, constructed, as many critics have observed, an influential way of privileging homoerotic scenes by using texts from classical antiquity. Mahaffy argued in the 1874 edition that the Platonic love of the Ideal included the realm of the homoerotic, a discussion which he would omit in subsequent editions due to hostility from critics (and, I would argue, legal fears) and would then re-address in the introduction to the fourth, 1898 edition:

maturer study has led me to reject some changes which I had introduced in deference to the censure of professional critics [who imply that] the social life of the people was not of that extraordinary perfection which the men of books had imagined [...] on a few details I at first surrendered my own opinion too readily. (vii-ix)

This sometimes decades-long dance of assertion and then retraction under critical fire, followed by guarded or oblique re-assertion of contested textual fragments, was parallel to the defense of his homoerotic passages by Whitman in the *Leaves of Grass* editions of the 1880s, and parallel, too, to William Rossetti's and Swinburne's own rebuttal of the critics of the 1866 *Poems and Ballads*. We should recognize by following these long strings of records

³⁷² See the autographed manuscript in the Pierpont Morgan Library.

of publication, including revisions and texts of defense and self-defense, that publication of forbidden sexual content in this period was not a one-time, static event in a bookstore. In contrast, this history might be described as a protracted set of skirmishes staged on a difficult textual battlefield, involving allies and enemies, and incorporating theatres of engagement that included pamphlets and journalism in addition to hardcover publication. We should thus re-conceive Victorian literary distribution—at least of illegal material—as a dynamic social process, or a form of calibrated struggle, rather than misperceive it in the more modern iteration as a static and canonical publication event.

In an important distillation of Mahaffy's philosophy, that critic would identify all love among men -- whether it was sensual or of the mind -- with the love of the true and the good. It is these sections on masculine love and beauty that were edited, in subsequent editions of Mahaffy's book, so that they referred less explicitly to homosexuality. We should note that Mahaffy's 1874 wording is a mirror-image defense against the wording of *Hicklin v. Regina's* definition of the obscene. In Lord Cockburn's formulation, as we recall, "the test of obscenity is whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall." Mahaffy reframes the issue of male-male love in terms of the "good," the "ideal," and the "noble" in perhaps direct contestation with Lord Cockburn's insistence that the criminality of text with homosexual content lies in the fact that it would "deprave and corrupt." Mahaffy informs readers that the Greeks' "words relating to passions and desires" have "a vagueness," which counters Lord Cockburn's legal brief, which locates criminality in a text's effect on "those whose minds are open to such immoral

influences” and who might obtain possession of such a text.”³⁷³ Just as Wilde would later argue that textual material (including, we can infer, obscene textual material) has no Hicklin-like one-to-one relationship of the kind Lord Cockburn posits, to the material world, so Mahaffy prefigures him in arguing that such texts are “vague,” not to mention “true” and “good”: these are all terms that could shield such texts from the prevailing rubric of obscenity law. Mahaffy makes the case that Plato claimed that the love of the Ideal in men, in relation to one another, superseded the love of women. His aggressive foregrounding of Plato’s positioning of same-sex male love in this aspirational frame – love not of vice or debauchery but ‘the ideal’ -- can also be read as a confrontation with the language of “corruption” in Lord Campbell’s phrasing.

In the second half of the 1870s, Symonds was engaged in some of the most fraught publication decision-making of his career. In the same period, a series of object lessons about the dangers of such publication acts unfolded in the British press, including in periodicals that Symonds followed even while living abroad in Switzerland. In 1876, *William Lazenby*, which, as we saw, was the alias of Henry Ashby, the London publisher of erotica intended to be read and shared in private contexts, was arrested and convicted for a second time. Lazenby specialized in texts involving flagellation, and sold them to private clients including Swinburne and Monckton Milnes, who were Symonds’ acquaintances. Symonds was likely to have been aware of this second conviction because of the penetration of this material into his social circle, which took place the same year he initiated his campaign for Professor of Poetry.³⁷⁴

³⁷³ See Roy B. Flemming, “Regina v. Hicklin, L.R. 2 Q.B. 360 (1868).” *UScivilliberties.org*, n.d. Accessed June 2, 2012. Web.

It is not surprising, given this 1871-6 flurry of prosecutions, derailed professional efforts, and convictions, that when Symonds wished to publish his privately printed collection of homoerotic-themed poems, *Rhaetica*, he wrote to friends asking which poems from the collection could be published without repercussions. The various arrests were followed by Symonds' movement in retreat -- excising *Rhaetica* of its masculine pronouns and references to male-male love -- and also with Symonds' defiant step into advocacy texts: he privately published the explicit, if sentimental, *Tales of Ancient Greece*. His friends, including Henry Sidgwick, understood how risky this was: they warned him to destroy the pamphlet altogether, and expressed alarm that he was on the verge of a precipice that could ruin them all. Against the record of these letters should be placed the precedent of the Boulton and Park trial, which established that evidence in a poem or letter could be read as "conspiracy to commit sodomy" and that references to homosexuality in private texts such as the privately printed *Rhaetica*, in addition to published books, could draw in Symonds' friends. It was now a criminal act for Symonds to have possession of *Rhaetica*; to let a friend read it, as he had done; to publish it, insufficiently censored, as he wished to do; or to communicate with friends verbally or in writing about the manuscript, book, or publication.

Still, when Sidgwick sent back the manuscript, asking the poet to cut the poems that would be deemed offensive, both men spoke of literary excision in terms of castration. Despite their efforts, critics objected to the published collection as "unwholesome," and Symonds never published poetry publicly again; though his private life of unofficial verse publication would continue to be rich from the mid-1870s throughout the 1880s.

The Besant-Bradlaugh Trial

Amongst the obscenity trials that were visible and thus, I argue, impactful, in the publication streams around Symonds, Christina Rossetti, William Rossetti, Swinburne and the young Wilde, was at least one famous court case that incriminated and severely penalized a heterosexual woman. The 1857 and 1868 Obscene Publications Acts had made it illegal for information about contraception and human sexuality and conception to be circulated, even in editions that dated back to the 1830s, as in the Besant-Bradlaugh trial, which I will outline in the following section. This law affected working-class female readers especially and, I would argue, gave energy to the advocacy tropes in sensation novels in the 1870s that dramatized the plight of ignorant victims of seduction. By the 1870s, the criminalization of this kind of dissemination of information extended to both Britain and America. With the Indecent Advertisements Act, it was not just books and prints that were illegal to produce, but now posters, displays and the advertisement of contraceptive objects or obscene material could trigger a prison sentence.

In other words, the Act had the immediate result of a legal enforcement of ignorance about sexual matters. Social historians including Judith Walkowitz document the fact that this prohibition of information affected working-class women far more seriously than it did affluent women. Information about how to prevent pregnancy or how to terminate it, often managed to be communicated among wealthier classes even after the criminalization of the information in the news and postage stream. It should not be surprising that such women's novels as Elizabeth Gaskell's *Ruth* and George Eliot's *Adam Bede* deal so argumentatively and with such appeals to pathos with the issue of the pure ignorance about sexual matters that brought the anti-heroines of both novels to their ruin.

The Indecent Advertisements Act also had an impact on fiction, especially as it coincided with the highly publicized trial, a few years after its passage, of birth control advocates Annie Besant. The larger the audience of readers, it was thought, the greater the "crime." Thus, the threat of being charged with obscenity and immorality, whether in a legal indictment, a literary review, or the court of public opinion, effectively silenced much public discourse on this important and pressing social issue.

In 1878, the same year of *Rhaetica's* publication, a middle-class mother, Annie Besant, a member of the extended circles of Symonds, Swinburne and the Rossettis was accused, as noted above, along with her companion politician Charles Bradlaugh, with the crime of obscene publication. In a highly publicized trial, the two won the verdict on a technicality. However, Besant immediately lost custody of her eight-year-old child in its wake. In 1877, Besant and Bradlaugh published a tract on birth control, *Fruits of Philosophy*, and sold it for sixpence in order to make it available to the poor. They were arrested and charged with obscene libel for publishing an "indecent, lewd, filthy, bawdy, and obscene book." The indictment accused them of inciting and encouraging "obscene, unnatural, and immoral practices," and bringing youth and others "to a state of wickedness, lewdness, and debauchery."³⁷⁵ At a time in history when women played no official roles in the enactment, administration, enforcement, or adjudication of the law, the defendants served as their own attorneys, with Annie Besant arguing her case in open court.

Every Woman's Book; or, What is Love? published by Richard Carlile in 1826, explained the use of contraceptive devices such as sponges and a form of condom called "the glove."

³⁷⁵ See Roger Manvell, *Trial of Annie Besant and Charles Bradlaugh* (New York: Elek Paul, 1976)

Robert Dale Owen, in the 1831 *Moral Physiology; or A Brief and Plain Treatise on the Population Question* explained *coitus interruptus*. The American doctor Charles Knowlton added Owen's content to his 1832 book, *Fruits of Philosophy*, which appeared in Britain in 1834, selling steadily until 1877.

Fruits of Philosophy was reprinted in Britain in 1834, and also sold well there until 1877. That year, a Bristol publisher, Henry Cooke, reissued it in an edition that included illustrations that were identified as being obscene. Besant and Bradlaugh, who had distributed the book, then alerted the police to where they would be offering it for sale, and thus initiated their own arrest.

The trial began on June 18, 1877. Eyewitness accounts report that 20,000 people stood outside the site of the trial for its full four days. Besant insisted that the book must be defended, and sought to tell stories, as the seduction and betrayal novelists had also sought to do, to dramatize the sexual injustice of women's lives that the book addressed.³⁷⁶ Young wives of all backgrounds, she claimed, wanted to know how to limit their pregnancies. She made the provocative case that Dr. Chavasse's *Advice to a Wife*, a similar but more costly book that she herself had been given by her doctor, had not been deemed obscene, so that the issue with the distribution of the information in the Knowlton book might be that, since it cost only sixpence, this information was now made accessible to the poor.

Besant daringly asserted that there was nothing wrong with sexual desire. Riskily, she cited her own daughter's wellbeing, claiming that education about sexuality would make her child's life better rather than worse. This rhetoric would come back to assail her, just as

³⁷⁶ See Anne Taylor, *Annie Besant: A Biography* (Oxford: Oxford UP, 1992)

poetic tropes that Wilde would invoke in his own trial would turn around and have material consequences for him. The law transformed language in both cases as it turned sentences into sentencings.

The Lord Chief Justice had intended to let Besant and Bradlaugh go with a warning, but since the two had provocatively challenged the court by continuing to sell the book during the trial, the Lord Chief Justice sentenced them to six months' imprisonment and a fine. Besant and Bradlaugh were also compelled to pay £200 penalty per person for having disseminated obscene materials. We should map this act of distributing forbidden texts in spite of legal repercussions, alongside Whitman's 1882 defiance of the Massachusetts Attorney General.

The two were freed temporarily, but in February 1878, the guilty verdict was reversed due to a technicality. Besant and Bradlaugh were permitted to retake possession of the confiscated copies of *Fruits of Philosophy*, now stamped "recovered from the police." Newspapers covered the trial widely, and ran excerpts from "that lewd, filthy, bawdy, and obscene book." Sir Jessel explained that a further reason to remove the child was the obscene publications conviction of her mother. He stated that no Judge could have doubted the rightness of the original conviction, and furthermore, noted that one could not assume that any proper woman would wish to associate with Besant. In a spectacle covered by the same newspapers that carried scandal and divorce proceedings for female bourgeois readers of the Sensation novel, Besant's loss of access to her child was made public. The law and the newspaper coverage that detailed her unfitness for motherhood saw that unfitness in the fact of her speaking in a sexually improper manner, disseminating sexually

improper speech, and failing to censor herself adequately about female sexual risks and desires. It was a powerful legal lesson about the limits and dangers of female sexual speech.

In 1878, as well, *The Saturday Review* ran an assessment, “Walt Whitman’s Poems,” that addressed directly Rossetti’s bowdlerized version of the text, and took into account the fact that the uncensored texts were still illegal in Britain.³⁷⁷ Given the news events—the arrests and trials of obscene publication over the last year—it is not surprising that this purely “literary” review in a cultural, not a political, publication, nonetheless addresses the issue of obscenity and censorship so prominently in discussing Whitman’s poems.

The unsigned reviewer notes that:

Some years ago, when a few copies of a volume called *Leaves of Grass* found their way into this country from America, the general verdict of those who had an opportunity of examining the book was that much of it was indescribably filthy [...] A West-end publisher [...] now presents it to the British public in a comely form. It may be as well to state at the outset, that the volume published by Mr. Hotten is not precisely a reprint of the original [...] [I]t does not contain any of the pieces marked by that peculiar freedom of speech which is generally associated in men’s minds with the name of Walt Whitman.

Then the reviewer addresses the new iteration of the Obscene Publications Act directly:

“For the sake of all parties, the prurient as well as the prudish, [...] it is only fair to say that there is nothing in the present edition to disqualify it for decent society [...]”. The anonymous reviewer cites William Rossetti’s regret that “[t]his peculiarly nervous age’ this ‘mealy-mouthed British nineteenth century’ with its present absurd notions about decency, morality and propriety, could not be expected to receive ‘the indecencies scattered through Whitman’s writings’ in that aesthetic spirit in which they should be accepted.” The reviewer concludes that this edition is “an experiment” in living with censorship: “By

³⁷⁷ “Walt Whitman’s Poems.” Review. *The Saturday Review* 1878. *The Walt Whitman Archive*. Accessed July 15, 2014. Web.

excluding everything offensive, the editor hopes to induce people to reconsider the case of Walt Whitman, and reverse the verdict that has already been pronounced” (589).

The Sodomy Narrative

I believe that the privately printed poems of the 1870s reflect intense concern on Symonds’ part around “the sodomy narrative” due at least in part to the cascading effect of new laws and visible convictions. In two of the fables in Symonds’ privately published work, *Eudiades and a Cretan Idyll*, 1878, it is the protagonist’s request to his lover for anal intimacy that acts as a breaking point in the narrative. In each fable, the request is linked to the language of annihilation, dread and loss of self, and the response to the request manifests as the point in which the protagonist can be destroyed, knows that his fate is in the hands of the lover – and depends on the reaction of the rest of the lovers’ society.

[...] Make full broad thy bed,
 For henceforth we together shall be laid.
 [...] yea, and he trembled with the passionate pain
 Of those white winding arms, whose eager strain
 Yet made him flutter like a bird just caught,
 Who in the fowler’s hands most gently brought
 Must struggle still and pant and long to be
 Once more at large in woodland liberty.
 [...] Swords too on his heart like lead
 Lay with a dull unapprehended dread.
 This passion was so new, so terrible [...]
 The good thing
 Which he had longed for with such sorrowing,
 How all untried, immeasurable, full
 It was of wild pain and joy wonderful! [...]
 His flesh quaked with the fierce tongues of desire...
 Then the thought of night
 Oppressed him, and he cried: “What shall be done?
 I have heard strange tales told! ‘Twere well to shun
 The sweetness that brings shame!” (22-3)

Melanthius comes into the boy’s bed in the night, kisses his forehead “with pure lips” and

holds him chastely. In the morning, “[u]prose Melanthius, and the boy could see/His beauty naked in the mystery [...]” The boy “knew what passion was”; and ‘the joy that grew between them wove/ Their very bodies in a web of love [...]’ (22-30). So wanders gently the romantic narrative of lovers embracing and “delights dropping like honeydew” in a generalized, un-criminalized eros, that joins the “delights” of love and emotional intimacy with a more general landscape of benignity: the “scent of summer skies” and “whispered melodies/of music” (22-30).

But the narrator cannot remain in this innocent and consequence-free land. As desire and closeness ramp up, an ominous note sounds.. This narrative of more love and intimacy leading inextricably to more fear and threats of annihilation forms the central dilemma and tension of much of Symonds’ literature. His ideal voice, is that of the love poet or troubadour. His core, almost obsessively repeated, poetic narrative is essentially one of falling in love and sexual consummation.

But because of the nature of criminal law in the 1870s, that archetypal narrative arc must always work against itself. Comedy—in the Shakespearean sense, the story of a marriage successfully consummated—always becomes tragedy in Symonds’ poetry of the 1870S-1880s. The legal and political pressures on Symonds, account, I maintain, for at least some of the inauthenticity of voice and unevenness of tone in Symonds’ poetry of this period. *Eudiades and A Cretan Idyll* move from heated, luxurious romance, to terror, back to romance, and back to terror, just as the earlier poem moved compulsively from tender, lush romance to formulaic, unpersuasive, prim moralizing, and back, a dozen times in the space of a single literary work.

This narrative, even structural dilemma, poses not just a personal problem to Symonds,

as we can imagine, but an insurmountable literary one. Again and again in the poems of the 1870s—before he finds his preferred genre of medical/judiciary advocacy represented in *A Problem in Modern Ethics* and *A Problem in Greek Ethics*—he struggles with tone and circumventing generic expectations convincingly. Is it happy or sad, pure or foul, that these two lovers are falling in love and uniting? The law creates the divided voice and consciousness.

Because of these two opposing narrative directions, Symonds' privately published poetry in the 1870s has that startling quality of swooning lyric alternating abruptly with elegy, and interpolated with pietistic cliché. Stanzas with the feel of youth on fire, alternate with genuine grief, and alternate in turn with inert religiosities. The division in mind and voice also accounts for the strained subject matter: the many staged-feeling or theatrical elegies, the fake deaths standing in for, and legally exonerating, the real unnameable, emotional losses:

Stay! What fierce and fiery thing
Is this that threatens them with withering?
The love that hitherto above them hovered [...]
Now flames, a shape of dread, ruthless to slay
And shrivel their young veins in dry decay!" (24)

Love becomes a form of temptation to certain death. The phallic "fierce and fiery thing," "flames, a shape of dread," which threatens to emasculate them, to "shrivel their young veins in dry decay. The phallus threatens castration, which is exactly the pre-Freudian dilemma of a male homosexual writer in this period: expressing homosexual phallic desire, paradoxically, unmans one, in this iconography as the erect phallus in the forbidden context leads at once to social emasculation or even castration. The pre-Freudian boy's fear of castration at the prospect of his challenging the Logos of the Father is a literal experience

with real consequences for Victorian male homosexuals. Masculine desire and potency, enacted, did and could lead to emasculation in the social sphere: the erasure of a “name” in career terms or the loss of freedom and autonomy in penal contexts.

Yet the next verse shows that the alternative to this risk of emasculation is just as terrifying: forced heterosexual life and intimacy is invoked with the image of the “bitter,” damning pomegranate of the Persephone myth, that vaginal pomegranate that Christina Rossetti used as well in *Goblin Market and Other Poems*. Symonds, like Christina Rossetti, but in a very different context and with very different associations, conflates the ripe fruit with toxic, regrettable sensuality. In this metaphor, the feminine fruit is “harsh and bitter” with a “shell” that suggests rigidity and falseness, and with the rather appalling menstrual “blood-red heart” and the repugnant “furnace-breath of that fierce mouth” (24). Again, no Freudian could summarize a male child’s fear of the engulfing vagina more succinctly than does Symonds’ metaphor that assigns to the feminine “fruit” the qualities of the mouth of Hades:

[...] from his hands the fruits
 Of pomegranate, whose harsh and bitter shell
 Ensphere a blood-red heart of pain and hell,
 Tempt the parched lips that gape and crack with drouth
 Blown from the furnace-breath of that fierce mouth. (24)

Guilt is built into desire: love’s temptation is compared to “coals of fire”: the metaphor from Proverbs 21-22 for inadequacy and guilt. The consequence of their love is “a sly snare” (24).

The speaker’s longing for this damning form of union grows with the lovers’ closeness. Eudiades “learned to long” and Melanthius was “[n]ursing the fever of a hidden want” (24). And yet—in Symonds’ characteristic combination of desire and aversion, he asks: “why

from the fruits should they their hands withhold/ Which strewed the paths of loving men with gold?" (24). Melanthius seeks to avoid the subject:

Nor spake thereof, but often sighed and turned
Wrestling with thoughts that in his bosom burned. (204)

The boy/beloved, responds for his part:

[W]ith young desire intoxicate
Deeming no gift, no sacrifice, too great
For him he worshipped; yea, much pondering
To prove his service by some painful thing,
Offered the pleasure none may touch and live
Thenceforth unashamed. (24)

Eudiades offers this form of union with Christlike, sacrificial language:

Nay, take [...] fear not to shed my blood;
For I will die to do thee any good,
Or in my body bear thy mark of shame
To all men visible, cherish the blame
That falls on me for blessings! (24)

The deed is done, implicitly, and the pleasurable upheaval transposed onto the natural world: "That night when love thus triumphed, ere the morn / A storm rose [...]" .

Meanwhile, the lovers:

Lying with passionate tears tired in the grey
Light of the weeping dawn. Felt love so sore,
So tested in the fiery furnace-core,
That nought might stand between them any more. (28)

The language that recasts sodomy as "good"—as a Christlike offering ("take my body")—or, a transmutation by love that turns the "mark of shame" into a "blessing," is Symonds' voice at its more persuasive because it advocates for the sacralizing of homoerotic pleasure, which is the "fiery furnace-core" of Symonds' imaginative and literary/advocacy mission (26). (The language surely also reflects Tardieu's "forensic myths" of the six signs of sodomy "to all men visible," however imaginary, in court testimony).

Post-Freudian theorists of psychological projection in love and eros, maintain that the subject often recreates the circumstances of the first, imperfect, parental relationship in adult romantic situations for the chance to redeem the outcome. One can see in this father-son scene a hopeful repetition of the crisis that led to the creation of “*In Memoriam Arcadie*,” written, according to Symonds, to reveal his state of mind to his censorious father. In this fantasy a young man discloses the condition of his love to his father—and is welcomed by him rather than condemned. In this scene of revelation, the “book” of Symonds’ text is not censored in contrast to how he censored “*In Memoriam Arcadie*” (and *Eudiades*, for that matter). In this revision, rather, the boy Eudiades discloses the nature of his love to his father Ameinas who “turned and read/The boy’s face like a book” and “searching his soul found neither spot nor shame” (28). “Behold thy son!” cries this lad in the counter-narrative of sexual revelation that stands in opposition to Symonds’ biographical experience. Eudiades becomes more Christlike in his revelation. The phrase also echoes God the Father’s loving acknowledgment of his Son’s true identity: “This is My beloved Son, in who I am well pleased” (Matt. 3:16). The Christ analogy is made even stronger by the descent of Love like the Holy Spirit: after the boy was “bold” with the truth, “the mighty wing/Of Love spread broad above him.” The father yields to “the strength of Love,” and “kissed the boy, and blessed him,” once again, echoing an Old Testament scene of father-son validation, that of Isaac blessing Esau. The fantasy of a true comedy—a marriage celebration—continues: “the press/ Of men crowd round to greet their goodliness” (28).

But there is no imaginative world in which the narrative can continue, in which the marriage can yield to the next stage of life in the context of social integration. An abrupt

shift in scene—“why thus/Lengthen the tale oft told and piteous?”—shows Eudiades wounded in battle, dying in his lover’s arms. Eudiades’ death and Melanthius’ suicide thereafter are gestures to the ambivalence of sexual expression as self-destruction: he kills himself, “stretched/Beside Eudiades,” using his “unsheathed/...sword” while at the same time “with breast/ Warm upon that frozen bosom pressed” (30).

The narrator’s voice adds a “Postludium.” Often in Symonds’ work, the narrator’s consciousness is depicted as awakening from the accepting, ennobling dream/fantasy world in which historical distancing allows the imagination to flourish without check, only to mourn the harsh, censorious light of the “real.” The “real” is often depicted as a grey, bleak, if “wholesome,” contemporary dawn or day: “the wholesome light of day I have foregone/ To dote on old delusive mysteries” (30). The narrator sees himself as “[b]orn out of time”—that is, a time that would accept him like the classical past or the unrealized future—“by cross fate cast upon/ A sandy tract of sloth [...]” (30). The “cross fate” puts the narrator at cross purposes with his historical moment, and is also the narrator’s cross to bear.

The narrator’s tone is that of active grief for the world of love and acceptance that he had imaginatively constructed, and must now abandon, or rather, be abandoned by: “A stony sadness cleave/ Here to my heart, and for some unknown good/ I pine, perplexed with pain and solitude [...]” (30). The narrator apostrophizes his own literary creations as if they are “real people,” friends who are fading into the dimming of the scene created by the end of the text:

Farewell Melanthius! Eudiades
 Farewell! You fade, and fading filch away
 Some portion of my heart, that still must stay
 And howsoe’er her longings pass, live on,

A broken maimed and desecrated thing,
 Born out of time, by cross fate cast upon
 A sandy tract of sloth and sorrowing. (30)

The imaginative dimension Symonds' own literary powers invoked, a world in which male-male love could find a noble home, assigned a role to his textual production that was unique to this time and place.. Literary fantasy was not simply a product of Symonds' pen; rather, he idealized his characters Melanthius and Eudiades, or Ithocles and Lysander in "Live in union, youth and boy." (37). The role of fantasy in advocacy texts such as *Eudiades* is, I argue, that this fantasized place and time – one in which currently proscribed love is legitimate -- sustains in the author states of consciousness that allow him to stand in opposition to the extreme legal adversity of the 1870s. This fantasy dimension, this Utopianism, fuels intellectual energy for his Symonds' dangerous, nearly unmediated, advocacy essays of the 1870s and 1890s: *A Problem in Greek Ethics* and *A Problem in Modern Ethics*.

But the unaskable question—the sodomy request— which is “the unutterable thing” in these unpublished love poems, is not always resolved. In “Ithocles and Lysander,” likely sodomy is requested by Ithocles, lover of the youth, Lysander. All begins well for the lovers until they reach the [Victorian] criminal line of no return:

“Kiss me! [...] Lysander loves thee...” But:
 I [...] looked at him:
 Oh subtle sight of soul-seducing madness!
 Naked he lay [...] What passed I know not: only this I know:
 Panting, I asked the unutterable thing. (37)

Lysander does not respond with the joyful self-offering that Eudiades had to the same request; rather, he “sad, solemn, with dishonoured eyes [...] bent stern brows on me” and “well I knew that that dread doom had come” (40).

These lines are worth noting carefully: the request for the “unutterable thing” and the lover’s response to it—positive, as in the *Eudrades* fantasy, or else horrified, as in “Ithocles and Lysander”—could, in Symonds’ social and legal world, well determine the “dread doom” of the one who asked the question. The question – the sodomy request – could, legally, immediately strip the asker of power, and give the man of whom the act was requested great power – given the convictions for “attempted sodomy” in the Old Bailey archives, the recipient of the query would at once have the power of deciding whether to keep silent vis a vis the authorities (agreeing or not to the request) or to alert the police, thus protecting himself from a similar charge. It would also have been a private request for a private act in a private context that would “always already” involve the State by the mere fact of the asking. In this way, the request to engage in “the unutterable thing” was, in the British 1870s and 1880s, a performative utterance: the words existed as words and as actions with legal and penal valence.

Ithocles appears to sexually threaten Lysander: “Weak reed [...] child in a strong man’s arms/ Be bruised and broken if thou wilt not yield!” (38-41). Lysander leaves Ithocles, and the silence torments him. A month later, Ithocles has hidden himself away. He is apparently in grave legal and social danger, likely intended to reflect Symonds’ modern legal and social context. Ithocles is alienated by his decision:

I have seen no face of living man.
 Sure he hath told them, in the public square
 Hath made recital of the offered wrong;
 And I have grown a mocking and a scorn,
 A butt for pointed hands and hissing tongues. (40)

This scene should be read in light of the change in the law by 1878; the notion of consent, as we saw, had been removed from the sodomy offense by 1873, as had the issue

of whether or not the act had been completed. The Boulton and Park trial of 1871 had displayed the invasive examination and ultimate sentencing of two young men not for sodomy but for “conspiring” to commit sodomy. The executions of children and young men in the 1870s recorded in the Old Bailey database includes multiple deaths in expiation for “attempted” sodomy. Simeon Solomon had been arrested in London in 1871 and in Paris in 1873; he had received three months’ sentence, five years prior to the publication of “Ithocles and Lysander.” He did so for asking for, rather than for committing, the act of sodomy. As “Ithocles and Lysander” reflects, for a subject merely to ask for “the unutterable thing”—even if the request is rejected, and thus even if the act *does not take place*—has become an extremely serious crime by 1878 in Britain with a range of possible sentences. Thus, the unpublished poem “Lysander and Ithocles” itself, in articulating this “unutterable” wish, could be used against Symonds as evidence for a potentially serious prison sentence or as evidence for a capital offense: an execution.

The narrator in the poem equivocates after the “unutterable” question is asked. He does so in legal language, like a defense attorney, as if seeking legal counsel for his own act. The crime of asking for sodomy is legally serious, but not legally as serious as the crime of the accomplished deed, and the language of the poem reflects this tension: “Nay, not so,” Ithocles reassures himself, “for this hideous sin, though wished,/ Yet dwells within the gates of things undone;/ And he might pardon” (41). He—Lysander—might pardon the wish, romantically and emotionally, but also a British Victorian magistrate might “pardon” it legally since the wish has not yet become an act.

Meanwhile, Lysander is with his family, recreating the father-son scene of *Eudrades* “in his father’s home.” Lysander is surrounded by men urging vengeance for the deed, and who

are calling Ithocles a “felon.” The language is precise: “felon” refers to a legal category.

Sodomy was a felony, as opposed to a misdemeanor. Lead in phrase:

[...] Gird thy sword,
And seek and slay the felon; or we will rise,
And having drawn him to the public square,
Stone him with curses for his deadly shame. (41)

Yet a “bard” defends the love of Ithocles by invoking still more ancient and authoritative examples, including the example of Zeus, who fell in love with and kidnapped the beautiful boy Ganymede. Ganymede, along with other code terms we have examined, was invoked by homosexual men in Symonds’ circle as a marker for homosexual themes that could not be legally specified. Like Whitman, who in *Democratic Vistas* appealed to the law of nature as higher than flawed contemporary law, Symonds invoked Zeus, the lawgiver whose authority is higher than that of merely mortal contemporary legislators: “are these not Love’s children [...] Kupris and Himeros and Zeus who rapt/ From Idan heights on swift wings aquiline,/ Young Ganymede, and framed a law for men?” (41).

The bard, as if giving a closing argument in court, ends his peroration in a rousing if disturbing climax, identifying the act of sodomy with various forms of natural aggression, with sanctioned heterosexual aggression, and even rape (47). This is a rhetorical tactic that Symonds will use again in 1884 in his “Diary,” as we will see, when he compares homosexuality and “amativeness” with heterosexual adultery and the Troubadour ideal of love:

“Sure Love [...]

Be it the marriage of wind-driven clouds [...]

Be it the rough kiss which the warrior sea

Gives to his bride [...]

Be it the fury of a youth who bears

His maiden from her home, and rends her zone,

And cleaves to her as long as beauty lives;

Be it the mightier madness of the man
 Who, bowed upon the boy he thirsts for, draws
 Draughts of deep-chested pleasure” – there he paused [47]

As indeed the narrative pauses: “and murmur of amazement ran around.” The narrator daringly breaks the social consensus of the censor and proceeds:

“Nay hear me! In all these hath Love his part,
 And we must take the evil with the good.”
 How? The audience cried [...]. (47)

Then follows a classic Symondsian rhetorical Gordian knot; he struggles to find a way to envision male-male love without the toxic or damning associations of male-male sexuality. “The words were simple, but few understand,” notes the narrator (as, indeed, the reader can scarcely understand what follows):

There is a way that leadeth unto death;
 The same way leads to life exceeding sweet [...]
 There is a Love wherein the end is Lust [...]
 The same Love cherisheth whate’er of good..
 But great Zeus hath hid
 This Love within a labyrinth each warrior
 Must tread unfriended and without a clue! (47)

The audience responds, reasonably enough, with derision to this Symondsian doubleness, whose opposing elements end in meaninglessness:

“Ha!” laughed the score of voices. “In good sooth
 Phoebus Apollo sent that answers straight,
 Dark-tongued and double, from his Delphian shrine.” (47)

Lysander responds to this with a determination to go find Ithocles, and invokes the hopeless paradoxes that collapse meaning in Symonds’ texts when there is no way to resolve their social/legal/erotic tensions in contrast to the sparking multiple meanings of Wilde’s paradoxes. Lysander vows to himself to avoid, in the process of seeking his lover, “burn[ing] both tares and precious wheat”; to somehow “purge [Ithocles’] sin and still be

one" (47).

Lysander finds Ithocles and asks him, impossibly, to transcend wishing for "the anguish of unutterable things" and embrace:

heart with heart [...] wedded
Body with body, strength with strength; when passion,
Not raging like wild fires in lustful veins,
But centered in the head and heart, with steady
Twin wills and wishes to a lofty end [...]. (47)

The epithalamion—which Ithocles and Lysander are presenting—has a gap at its center: a marriage ceremony without "wild fires in lustful veins," a "hymeneal chaunt" that must somehow be "pure," a marriage bed with hearts and minds but without passionate bodies.

The bard and Lysander, as well as the narrator, conclude this dramatization of insuperable emotional and physical conflict with a baffling commitment to the future. This opacity, and the back-and-forth grammar that censorship law imposed on this poem just as it did on so many reviews of illegal material, is not surprising. From a poet who seeks a path out of a contemporary legal and social labyrinth that he himself cannot fully envision, this opacity reflects the self-censoring of a poet who speaks, again and again, necessarily, in codes like an Oracle, "dark-tongued and double" (54).

In "The Tale of Theodore" collected in *Poems*, Symonds again tells the story of a young boy in love. It is a love affair that ends, like nearly all conclusions for hopeless love in Symonds, abruptly:

Thus far I knew young Theodore
And then I never saw him more [...]
Of the story, the narrator writes:
The moral is not hard to read: --
Love, only love, our spirits need [...]
But he whom makes his reason blind,
And discontented seeks to find
A love that nature does not bless,

Like sad Narcissus must confess
He loves himself alone [penciled “b,” lower right]. (35)

But the moralistic “Tale of Theodore” is awkwardly interpolated between the stanzas from “In Memoriam Arcadie,” which resume again the story of dreamy romantic boyish love:

The tint of rose on alpine snow [...]
 Those were the days when April dawn
Wakened my heart to think of him [...]. (48)

This volume—and the poem “Lieder Kreis” —both end, like *Eudiades*, with the brutal scene of awakening from a fantasy/reverie of free male-male love, to a typically cold, grey, gloomy recognition of historical reality in which such love can never exist freely.

Some significant bibliographical interpolations can be gleaned from the choices Symonds made about this publication. On page 12 of *Poems*—an unusual location for publication data, which is usually on the frontispiece or title page—is written, “GENIUS AMORIS AMARE VISIO,” and, at the bottom of the page, is printed, “Arrowsmith, Printer, Quay Street, Bristol, ‘Poems’.” This is yet another example of minimalist publication data: there is no publisher or publishing house, only a “printer,” and the printer’s name itself is hidden on a random page. But the plot thickens. The opacity intensifies: Symonds, in the case of *Poems*, showed his characteristic ambivalence about publication of dangerous sexual material. He arranged for Arrowsmith to print a set of these pamphlets—few dozen, at most—but then destroyed the majority of them.

Edmund Gosse wrote on the recto page, in pen:

Of the pamphlets here bound together, very few copies were printed privately, by Arrowsmith of Bristol. J.A.S. destroyed the greater part of even these small editions, and some may be considered almost unique. Of these pamphlets some were

presented to me by the author, the rest, after his death, by H. F. Brown. The penciled corrections in “Dead Love” are in the hand of Symonds. E. G. May 1895.³⁷⁸

The collection, *Poems*, contains some selections from “In Memoriam Arcadie” – see, for instance, pages 44-45 of “Dead Love: A Lieder Kreis in Minor Key” with its “Tale of Theodore.”

In the upper right of the page for the poem “Dead Love,” in the *Poems* volume held in the Pierpont Morgan Library, is Symonds’ note in pen: “N. B. The Whole of the Lieder Kreis forms part of my Diary [1860-1863]. The Tale of Theodore was written in 1862 in order to explain the state of my mind to my father.”³⁷⁹ So here in pen, perhaps in 1878 but certainly no earlier, we have an avowal of the nature of “In Memoriam Arcadie” —or some sections of it—as autobiography (“part of my diary”), whereas in the frontispiece poem for the 1859 manuscript edition, “A Set Apology,” the younger Symonds had identified the genre (in pencil) as fantasy.

Notable, too, is that either the younger Symonds moved the action of the poem back in time (1859-61) to when he was a minor and a student at Oxford, or the older Symonds moved the action forward in time (1860-63) to when he was a professional and an adult. There may be different levels of legal or socially perceived culpability in an older man’s sodomitical activities versus a youth or minor. Character testimony in the 1870s in sodomy

³⁷⁸ See the title page (unpaginated).

³⁷⁹ “Dead Love” is unpaginated, in an otherwise hand-paginated text, with “b” in Symonds’ handwriting at the foot of the page instead of numerical pagination. Throughout Symonds’ privately-published, sexually-themed poems, he appears to use interrupted pagination. Unpaginated pages interpolated among paginated pages, and coded pagination such as letters instead of numerals perhaps to disavow, or de-canonize, or absolve himself of a level of authorship and of publication responsibility for the more dangerous pages/poems. If it is not paginated, is it finally part of a “collection” that has been “published”? Or can the text be described instead as a private note to self with no legal valences?

trials, as H. G. Cocks notes, often stressed for the defense, if possible, the ignorance and innocence of the accused youth.

Adding to the verisimilitude of the later version, a section with the stanzas “Dead, why not dead, dearest, for thee??” from the 1859 “In Memoriam Arcadie” is now titled “At Balliol.” As in *In Memoriam Arcadie*, the text of the later poem shows a penciled “x” next to the more sexually graphic verses, or next to the verses in which the (male) gender of the beloved is most clear.

In what was probably 1878, Symonds bound *Tales of Ancient Greece: Eudiades and a Cretan Idyll*—the texts that Henry Sidgwick had fearfully advised him to destroy—in a privately printed pamphlet with a very small print run, hand-sewn on simple white pages. The text includes in its binding two other verses that were illegal to publish or distribute when they were written. The publication history is opaque: “Published-Created: [Bristol?: Arrowsmith?, 187-?]” reads the Pierpont Morgan Library Corsair catalogue information.

The mystery is intentional and important: publication data, like the poems themselves, are criminal evidence. The less publication data that appears on the flyleaf, the less legal risk is incurred by the printer, who could lose his press if the text is traced back to him. Indeed this technique of leaving the title page verso blank was so clearly a way to evade punishment under obscenity laws that the 1889 Indecent Advertisements Act would make it illegal to leave publication data blank on a printed text.³⁸⁰ Although Symonds arranged for these pamphlets to be privately printed, he personally destroyed most of them. The

³⁸⁰ “Immediately [...] the police applied to the court for a summons against the same defendant for circulating handbills without the name of the publisher being printed on them; this being now illegal.” See “Correspondence.” *The British Medical Journal*. March 1, 1890: 507.

pamphlet was bequeathed to Edmund Gosse, whose bookplate appears on its flyleaf, with the note from Gosse, written in pencil also on the fly-leaf, seventeen years later. Gosse had received the contested pamphlet from Symonds' executor Horatio Brown, after the poet's death.

Eudiades' fantasy depicts an Elysian alternative world in which Greek youths frolic freely together naked in hot springs and gymnasia, and dawning love is described in the noble metaphors of the Classical tropes around male-male love popularized by Pater, but also in terms that are as feverish, demure, blushing and romantic as any in a conventional women's romance novel of the period. His frequent use of homosexual historical figures or historical figures with male-male love in their biographies as mediums of projection allow Symonds to dwell on and ascribe value to that relationship.

Chapter Five

The Dangerous 1880s: Legal Escalation and Literary Reaction

As the 1880s became more dangerous in terms of speech laws and convictions, new tactics emerged on the literary scene to circumvent, comply with, and contest the law. In this decade, Britain saw such a proliferation of speech law that even blasphemy law was revived (1883) and directed against dissenting literature. As Annie Besant pointed out, the blasphemy law had remained a dead letter until 1883. Then it was revived to use against a group of activists including G. W Foote, W. J. Ramsey and H. A Kemp, and Mr. Bradlaugh, who were editors, publishers and distributors of *The Freethinker*. The men received sentences ranging from three months' imprisonment to one year. 1889 also saw the return of public whipping as a penalty for sodomy, in the revised Vagrants Bill after an absence since 1827.

We will examine the emergent techniques in this decade of literary backtracking as a technique of distancing from 'hot' content – public figures such as Symonds and even later Whitman, creating an exonerating paper trail in letters, introductions and reviews; the technique of exoticism – using distant locales and cultures to discuss the forbidden; the technique of confrontation – Symonds' final direct appeal in a letter to Whitman in 1890 to simply come out publicly with "what Calamus means" – as a way, I will argue, to use the poet to make Symonds' own, and Britain's, case for reform; and the technique of spectacle, as we look at the presentation and public positioning choices of the young Wilde, in his 1882 journey to America, in his self-positioning within the press, and in his decisions about such early poems as "Un Amant de Nos Jours." I will argue, basing my argument upon archives of American interviews edited by Matthew Hofer and Gary Scharnhorst, *Oscar Wilde in America*, and on the collected journalism of Oscar Wilde edited by John Stokes and Mark W. Turner, in *The Complete Works of Oscar Wilde Volume VI: Journalism I* and *The Complete Works of Oscar Wilde Volume VII: Journalism II*, that Wilde would seek to use new technologies of mass media and mass reproduction, and his understanding of his public identity as a potent signifier in this world of daily journalism, to create activist/literary moments in opposition to the climate around Hicklin and in the face of considerable danger given the data on sodomy convictions before Labouchere. We will also look at the role of private reading societies that emerged as a way to allow readers legally to read, and at the multiplicity of genres that emerged with which to fight against Hicklin's proscriptions.

By 1882, and especially after the 1885 passage of the Labouchere Amendment, homosexual life and sexually-related writing in Britain in Symonds' circles, would have become so dangerous that the story of Symonds', Whitman's, Swinburne's and Wilde's

relationships to censored texts in this decade is a story of overt battle and in some cases, as in Swinburne's 1887 essay, one of retreat.

Backtracking and Exoticism

This decade showed some writers making public gestures of repudiation of Whitman and of the sexual-transcendentalist project. In 1882, as we saw, Swinburne had put on record his "admiration" for Whitman in response to Wilde. But he added what I would read as a legal defense, or a paper trail: "He also wished Whitman to know that he believed him to be at his best when he speaks 'of great matters – liberty, for instance, and death,'" noting scrupulously that this admiration did not encompass all of the poet's work or theories: a caveat in writing that could protect him in court if needed. Wilde forwarded the letter to the poet.³⁸¹ An Edmund Gosse letter of January 1885 to Whitman includes Swinburne in a list of British well-wishers.

So the 1887 attack by Swinburne on Whitman in *The Fortnightly Review*, "Whitmania," came out of the blue in terms of the personal relationship, but not in terms of mounting pressure from the law. Swinburne compared Whitman to "the Adamites" who run naked in the streets, and argued that "if nothing that concerns the physical organism of men or of women is common or unclean or improper for literary manipulation" then writers may as

³⁸¹ Krieg 178. For an anonymous rebuttal to the essay, see "The Literary World: Mr Swinburne on Whitmania." *The Fortnightly Review* 5 Aug. 1887. This reviewer, as Wilde would in 1889, also compares Swinburne's concern about obscenity to "diseases," "rabies," and an "epidemic." The review is collected in *The Literary World: Choice Readings from the Best New Books, with Critical Reviews Vol. 36, July-December 1887* (London: James Clark & Co., 1887) 129.

well detail the results of emetics, he wrote in this scathing essay.³⁸² Swinburne's attack on Whitman's discussion of sexual matters culminated in an unforgettable image of his Eve: "a drunken apple woman, indecently sprawling in the slush and garbage of the gutter amid the rotten refuse of her overturned fruit-stall" (Krieg 178). This image is a nearly Freudian transmutation of the gorgeous, lush sexual fruit of both Swinburne's own earlier 1860s eroticized apples, Christina Rossetti's eroticized fruit, and Whitman's embrace of the natural sexual world in the 1860 "Calamus" poems, into a trope of disgust and repudiation. Eros is now "refuse" in the collective "gutter" of the commons. Importantly, Symonds defended Whitman in the next issue of *The Fortnightly Review*, though confessing he did so in a "very low" tone (Krieg 179-80). The debate would climax in Wilde's 1889 review of *November Boughs*, in which his citation of passages from Whitman's defense of the sexual content in his work, in "A Backward Glance O'er Travel'd Roads," is framed in terms of a trope that, as Whitman himself did in *Democratic Vistas*, equates censorship of sexual material with conditions inviting ill-health. "Literature," he would write, "is always calling in the doctor for consultation and confession, and always giving evasions and sweeping suppressions in place of that 'heroic nudity' on which only a genuine diagnosis can be built" (Krieg 180). Krieg refers to Whitman's assessment of Swinburne's "divided self" and possible "closeted retreat," and rightly positions this skirmish against the Criminal Law Amendment Act. I would argue, however, as I have throughout, that to psychologize such retreats on paper may be to over-read them, By 1887, writers on illegal subjects had to create paper trails for a possible defense whether they truly expressed their own views or

³⁸² See Algernon Charles Swinburne, "Whitmania," as quoted in *Walt Whitman: The Critical Heritage*. Ed. by Milton Hindus (London: Routledge, 2014) 199-200.

not.

A new edition of *Leaves of Grass* entered this tense arena. In 1881, the publisher Trübner and Co. had distributed the newly edited American 1881 edition of *Leaves of Grass*. When the Trübner firm decided to no longer work with Whitman, publisher David Bogue took over distributing the 1881 edition. Whitman later wrote that the elder Trübner had been “quite a friend of *Leaves of Grass*” but that his son found the book too dangerous to handle. Whitman complained that the son “beheaded me at short notice.”³⁸³ A first, minute British printing in 1881 of 25 copies was followed by an edition of five hundred; numbers which speak again to the vastly disproportionate impact of Whitman on British letters in contrast to his actual distribution, and speak as well to the cult status of individual volumes. In 1883, Scottish publishers Wilson and McCormick distributed three hundred units of the 1881 edition. With publication and distribution in Britain for the first time at this level, *Leaves of Grass* confronted the British 1880s in earnest.

But some key public figures backed publicly away. In 1887, after the prosecutions under the Labouchere Amendment had begun, and after the Blasphemy Bill sent activists Ramsay, Kemp and Bradlaugh to prison, Swinburne launched an inflamed attack on the American poet and on his supporters, titled “Whitmaniacs.”³⁸⁴ At this point, when writers and publishers were serving harsh sentences in prison for publishing content ranging from birth control advice to artistic nude images, and under direct public attack, Symonds backed down, disavowing Whitman at last. In his response to Swinburne, “A Note On

³⁸³ See Edward Whitely, “Published Works: Books.” *The Walt Whitman Archive*. Accessed July 17, 2014. Web.

³⁸⁴ See Terry L. Meyers, “Swinburne and Whitman: Further Evidence.” *Walt Whitman Quarterly Review* 14 (1996): 1-11.

Whitmania,” published in *The Fortnightly Review*, he wrote that he “will not” defend Mr. Whitman’s treating of sexual matters, which is “far too physiological [...]” (459).³⁸⁵

Just as some writers engaged in distancing strategies as the atmosphere continued to darken, others sought literary refuge in placing the sexual discussions they wished to pursue, in distant cultures and climates – a strategy that British fascination with the treasures and secrets of the Empire facilitated in the 1880s. As in any censorship society, parables and folktales from other cultures began to gain cultural currency, so that truths could be told with “deniability.” One such literary strategy of the 1880s involved the boom in erotic texts that were made safe with a veneer of exoticism. Marina Warner notes in *Stranger Tales*, the influence of the first translations of *The Arabian Nights* from the start of the nineteenth century, and Edward Said in *Orientalism* also establishes its earlier influence. In the 1880s, however, the tropes of exoticism, especially from Middle Eastern texts, were appropriated to allow illicit discourses about alternative sexualities. A safe approach to the publication of illicit material was to encode it in a context of the exotic and the anthropological, as Sir Richard Burton, who was also a translator of *The Arabian Nights*, did with his publications of various Hindu classical erotic texts in the 1880s and 1890s.

James MacConnachie’s history of the compiling of the *Kamasutra*, *The Book of Love: The Story of the Kamasutra*, points out that the private reading and publishing club, the Kama Shastra Society’s, main goal was to confer anonymity on the translators of Indian erotic texts, Richard Burton and Forster Fitzgerald Arbuthnot. This anonymity would have sheltered them from prosecution, both from the Customs Consolidation Acts of 1876, which

³⁸⁵ John Addington Symonds, “A Note On Whitmania,” *Fortnightly Review*, Vol. 42, Issue 249, September 1887: 459., p. 459.

as we saw banned the importation of pornography, and from the Obscene Publications Acts of 1857 (152). The danger for Arbuthnot and Burton, MacConnachie explains, was that while the Act was structured to attack publishers of erotic material, it also enabled the authorities to crack down on more socially worthy publications. (MacConnachie cites the trial in 1876 of Bradlaugh and Besant as an example of what was understood by writers and publishers in Burton's and Arbuthnot's period as being at stake for them.)

Supported by this private society, In 1883, Burton published the *Kama Sutra*. The publication details exonerated the publisher as the text was identified as being "For Private Circulation Only" (MacConnachie 152). An informal network of clandestine distribution developed. Joseph Knight, editor of "Notes & Queries," responded that the book "was indeed, as you say, a work of great erudition and enormous contribution to our knowledge of Indian thought". In spite of his admiration, Knight was unable to show his support in any forum more public than a private letter. "What a misfortune it is," he wrote, "that one cannot review a work like this without getting into a bother" (MacConnachie 152). "Bother," in the era of the Obscene Publications Act, the Customs Consolidation Act, and the Indecent Advertisements Act, might mean a crippling fine, or it might entail a jail sentence as well.³⁸⁶ The meaning of "bother" was clear to readers.

Arbuthnot sent copies to the well-known erotic bibliophile Henry Spencer Ashbee to distribute among his contacts. This was "an under-the-counter process, involving sealed parcels within parcels [...]. Ashbee also kept back a single copy for his own, private library of erotica – a collection unrivaled in England since Monckton Milnes' library at

³⁸⁶ The Indecent Advertisements Acts are discussed further in Lesley Hall, *Sex, Gender and Social Change in Britain* (London: Macmillan, 2000).

Aphrodisiopolis had been destroyed by fire in 1875" (McConnachie 152-4). McConnachie notes that by sending a courtesy copy to Ashbee, "the quasi-official curator of pornographic books," Arbuthnot was behaving like "a conventional publisher." He also sent a copy to the British Museum. Arbuthnot was daring the censors to react.

Ashbee placed a notice of the *Kamasutra* in his third volume of the "eroto-bibliography": *Catena Librorum Absconditorum*. Arbuthnot aided him in listing sections in ways that might escape the censor. Some passages were identified as being "pretty strong" while others were described as being "very moral." "Already, the dual reputation of the *Kamasutra*, as pornography and as sexual-spiritual guidance, was being established," notes McConnachie (152-4).

Ashbee reviewed the book in *The Bibliophile* under the pseudonym "E. H. Shesba." He compared the argument to Jesuitical approaches to analysis, again using "transcending" rhetoric to counter the Obscene Publications Act, and invoking the curious and educational nature of "Indian thought": "Few More suggestive works [...] had it been my good fortune to peruse, nor any that might contribute more directly and clearly to our knowledge of Indian thought. From almost every page might be extracted something fresh, or startling to our Western notions" (McConnachie 154).

The first edition sold out. In 1883 Burton and Arbuthnot published another, more expensive copy at two pounds ten shillings. The high price served to protect Arbuthnot and Burton from prosecution by limiting distribution. Arbuthnot's introduction stressed the moral qualities of "Hindoo" teachings about conjugal relations—overlooking the sadism and adultery in the texts—and made the case for Victorian marriage to be shored up by the erotic classic.

It is worth noting that this activity regarding the revelation of erotica from the East came at the same time as a highly publicized campaign in India to prevent child marriage and raise the age of consent, which was ten years-old at that time. Both British feminists and Indian reformers campaigned widely on this issue, and the wide coverage of the Indian campaign in British newspapers led to discussion in the British press about the British age of consent. This activity resulted in “The Maiden Tribute of Modern Babylon,” W. T. Stead’s famous exposé of child prostitution in Britain, and then to the 1885 Labouchere Amendment, which raised the age of consent. In this ingenious piece of counter-censorship advocacy, Hicklin is reversed. Rather than being corrupted by pornographer, the potentially corruptible reader is corrupted by the absence of the pornography, or decent sexual information. The information in the *Kama Sutra* has been inserted in just the didactical place that Lord Campbell’s law had occupied; that is, as protector of delicate sensibilities and shield for innocent women against brute passions. In this reversal of tropes, it is Victorian marriage manuals and sexual ignorance that are harmful to women, rather than experience or knowledge (McConnachie 160-62). Richard Burton joined Arbuthnot in attacking what he described as “the ultra-delicacy, the squeamishness of an age which is by no means purer or more virtuous than its ruder predecessors” (McConnachie 169).

Two years passed—“watchful years,” as Burton’s biographer put it—without prosecution of the Kama Shastra Society. In 1885, Arbuthnot and Burton published another Indian erotic classic, the *Ananga Ranga*. However, this volume was issued with a marginally more confident title-page, which noted that it had been translated from the Sanscrit by -- the translator’s initials. McConnachie interprets this publication information

as intentionally goading the censors. In 1886, again in response to having been left unprosecuted, Burton published *The Scented Garden*. This edition was a version of the French edition issued by pornographer Isidore Lisieux but it appeared with a section on homosexuality, excised from the original Arabic. *The Arabian Nights* was then published to huge success, complete with what its publishers called all the original content. This text was, Burton felt, not too obscene to publish under his own name.

Exoticism was a tactic that succeeded in evading censorship, even at a time when Symonds could not emerge into print with male pronouns in love poems. By 1888, Burton surveyed his successful publications and wrote that Anglo-American society was emerging from its reticence's. The following year, Burton wrote optimistically to the publisher Leonard Smithers that "it appears to me that the national purity is going too far and that a reaction will presently set in" (McConnachie 171). (Smithers would publish the Decadents—Oscar Wilde, Arthur Symonds and Aubrey Beardsley—in the 1890s.)

Upon having translated the last page of *The Scented Garden*, Burton passed away. He had asked Arbuthnot to take care of this manuscript in the event of his death. However, Isabel Burton evaded her husband's wishes, and burned this final manuscript, asserting that she had "reason to know *that I did what he wanted me to do, what he wished himself.*" The conflagration did not stop there: Mrs. Burton arranged to have all of her husband's papers related to the *Kamasutra*, or to the *Kama Shastra* Society, burned as well.

Though exoticizing sexual themes kept Burton and Arbuthnot out of prison, it was not a tactic available to Symonds, who was centered throughout his career on his own cultural context. From 1881 to 1885, Symonds was grappling directly in his letters with censorship:

“And then you will come to the final decision as to omissions, etc.” he wrote to Horatio Brown in 1882 about the censored homoerotic poems he had wished to include in *Animi Figure*. He notes sadly that his ideal text can never be achieved because of these omissions, and thus it will remain “fragmentary, imperfect and obscure” (Schueller and Peters 730-1). (This sexually charged volume, too, would be issued without a publisher, and only with a “printer”: Eyre and Spotswood). In 1884, Symonds was writing to Brown about writers and publishers in prison: he notes that he must get “Il Libro delle Vergini” published that year by Gabriele D’Annunzio. The Italian author had been accused of issuing pornography because of the book’s jacket cover, which displayed three nudes. D’Annunzio’s publisher, Sommaruga, was imprisoned for the publication rather than him (*Letters* 933). “It is really dangerous in England to allude to such a subject,” writes Symonds in the same letter, referring to “my essay on Greek Morals”: “I shudder to think what the result would be if I divulge my treatise to the public – wholly analytical & scientific as its tone is. If after this warning, you would like to read it, I will send it, trusting to your discretion” (934). Translating wild Arabian fables was safe, but publishing or even discussing with a friend in writing, a distanced, “scientized” essay on homosexuality—even if referencing classical Greece—was more unsafe then than ever before.

In 1886, the year after the passage of the Labouchere Amendment which, as noted above, limited (as opposed the traditional reading of having raised) penalties for sodomy, Symonds published a volume on Ben Jonson, in a seemingly unexceptionable series called “English Worthies.” But this benignly-titled series also lacked a publisher and was simply, again, as in the case of *Lives of the Greek Poets*, “Printed by Spottiswoode & Co., New-Street Square, London.” This seemingly anodyne biography had encoded within it an attack on

literary censorship. In “The Poetaster” (1601), as Symonds notes, Jonson takes aim at censors by protesting the prosecutions of the Augustan court. Jonson’s rivals, Marston and Dekker, responded with “Satiromastix;” as Symonds put it, “they untrussed their censor.” Jonson’s attack on his rivals and their counterattack brought legal actions against Jonson for what he had written: “it brought a hornet’s nest about the poet’s ears. Lawyers took umbrage at what Ovid said about them, and threatened Jonson with an action” (42-3). Jonson was forced to write an “Apologia”: a literary act of humiliation and a form of authorial emasculation. This “Apologia” forced upon Ben Jonson echoes the anguished penciled verses at the beginning of the 1859 notebook containing “In Memoriam Arcadie.” – titled both resentfully and dutifully, a “Set Apology” for homoerotic verse (42). In other words, Symonds attacked contemporary censors by describing censorship in the Renaissance imposed upon a homosexual writer who in turn had attacked censorship by yet another act of historical displacement – invoking censorship in classical antiquity.

Private Reading Societies and Self-Published Texts

With the legal heat so intense, writers such as Symonds began to focus more intently upon private and secret publication, and readers began to organize to read in private and in secret. In the 1880s, reading sexually marginalized texts had become so risky that organized private reading societies emerged – ironically mirroring the structure of the organized virtue societies. Private publication for these societies was a way to circumvent the law.

A Problem in Greek Ethics, Symonds’ attack on laws criminalizing homosexuality, would be privately published, as we saw earlier, by the Aeropagitica Society in 1901. The name

itself was also a way to attack censorship. It is worth looking briefly at the name. “John Milton's 1644 tract, *Areopagitica*, [is] in some respects the foundational essay of the free speech tradition,” writes Vincent Blasi, whose quotes Milton on censorship:

And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting, to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?³⁸⁷

The secrecy and danger of writing, reading and distributing such a text as *A Problem in Greek Ethics* in Britain changes our understanding of the relationship between writer and reader. Every reader of *A Problem in Greek Ethics*, in or outside the Aeropagitica Society, could have become a blackmailer or an informer. Every time Symonds or another author who “solved” the problem of state censorship by private publication put such a pamphlet into a friend’s or acquaintance’s hands, he was taking the risk that the reader would pass the volume on to authorities, or to a second reader who might not be trusted by the author to keep its contents private. Such choices became more than “merely” literary; readers of such texts constituted a charged, loyal circle around an author, and the readers, in turn, held positions of trust. Reading such texts in itself became a way to form a kind of secret society.

An example of the kind of limitations on Symonds’ voice that, I argue, censorship and sex crime law imposed, is clear in the self-published *Fragilia Labilia*, a volume that is itself a fragile gesture textually, and that he released in an edition of twenty-five copies in 1884. It is a book, or pamphlet, or utterance – so tenuous is its physical presence as a text -- that in

³⁸⁷ Vincent Blasi, "Milton's *Areopagitica* and the Modern First Amendment" (1995). *Occasional Papers*. Paper 6. http://digitalcommons.law.yale.edu/ylsop_papers/6. Accessed July 11, 2014. Web.

its concrete manifestation wants to both appear and disappear; both to last and to be able to be denied or erased.³⁸⁸ It is so flimsy it can hardly be described as a “book.” The white-paper cover is only slightly heavier than its printed pages. Each volume of the only 25 created is less substantially bound than even the leather-bound notebooks that house “In Memoriam Arcadie” and “Notes of letters, conversation, dreams reflections begun June 19, 1884.” The *Fragilis Lab ilia* pamphlets are themselves bound again, by the printer or the writer, not by the recipient, in a thin semitransparent cover that folds in over the verso and recto inner pages. Only twenty-five copies were created, and some poignancy inheres in the fact that twenty years passed between the writing of *Fragilia Liabilia* and the binding of the text in these tentative half-volumes.

If a cover on a book is a statement of the book’s identity, then a cover over the cover, one that both reveals and conceals an inner cover, speaks “volumes” about risk of publication. The cover is both transparent (you can actually see through it) and opaque (it has no author name, or publisher). This physical trope is a close textual/textural sculpting, in essence, of the state of a Victorian writer in Symonds’ situation, who is closeted yet longs to express a forbidden theme. He creates a cover that is itself both a book jacket (a site for expressing theme and content publicly) and a cover/veil over other content (suppressing communication). The book itself is closeted, a text that “dare not speak its name”; at the same time it visually protests and even physically puns upon its own closetedness. The transparent wrapping, like the fragile paper that encloses jewelry or flowers, suggests at the same time wrapping of a precious gift and the “plain brown wrapper” that encased

³⁸⁸ The copy is in the Pierpont Morgan Library. It contains the notes: “Written mostly between 1860 and 1862” and “Twenty-Five Copies printed for the Author’s use.”

Victorian pornography.

The title itself reveals and conceals: “Fragilia” is Latin not for “fragile,” which an English reader without knowledge of Latin might assume; rather, it means “brittle.” A false identity that can be unmasked at any time is also “brittle.” The texture of the translucent cover-of-the-cover pages are crackly and, indeed, brittle. At any moment, any strong pressure may lead them to fall apart.³⁸⁹

The verses are indeed illegal:

Love sat like a boy by my pillow
 And murmured a song in mine ears Of death on the breasts of the billow [...]
 His sweet eyes were streaming with sorrow His tresses were tangled and torn; On
 his fair brows the fear of to-morrow Was fixed like the tooth of a thorn.
 He smiled at the close of his singing; He kissed me with kisses of air: When I woke in
 the dawn, I was wringing Vain hands in a passion of prayer. (8)
 Love lay curled, a sleeping snake [...] [...] corded whip and poisoned bowl,
 Threatening [...] The cry of souls condemned – too late! We fall, we fall precipitate!
 Hell gapes, and high heaven threateneth! (19)

“An Idyll” is equally naïve and romantic. The voice is a traditionally feminine Victorian voice, more characteristic of sentimental verses popular among middle-class English girls in the 1840s, than of the assertive, action-packed voice of Symonds elsewhere in the privately published verses where he narrates the force and what he sees as the destructiveness of the “Wolf,” or homosexual desire:

Where is my love? [...]
 Is he too all forlorn? [...] He for whose loss I make my moan [...] where is he?
 [...] For all my seeking [...]
 Cannot bring back my soul’s love to me. (21)

³⁸⁹ The copy of *Fragilia Labilia* I located in the Pierpont Morgan library in New York City, is signed “Alice Hay, 1894” in pencil on title page. “*Fragilia Labilia* By John Addington Symonds (Written Mostly between 1860 and 1862)” is on the frontispiece. It is wrapped in paper, with a stamp on the exterior. There is no publisher data. There is a note in pencil on back inner pages: “Collated perfect.”

“Greek Allegories” reveals again the disjunction of genres and voices in Symonds’ erotic, privately published work. The first quatrain is a love poem or aubade; in the second, the voice is hortatory, distanced and dogmatic, like the quatrains embroidered by Victorian schoolgirls to illustrate virtue and vice.³⁹⁰

Upon a plinth of marble white
 In sleep reclines Hermaphrodite;
 A satyr bent above him seems
 To incubate those golden dreams.
 What means the mythus? Living lust
 Would fain in one cup merge the must
 Of pleasure pressed from maid and boy,
 The maddening wine of double joy;
 But he, who hath both sexes, can
 Only in dreams become a man,
 In dreams a maid, condemned to kiss
 In bitter dreams a barren bliss. (28)

Many of the printed poems in the edition of this pamphlet in the Pierpont Morgan Library in New York City show Symonds’ own hand, in pencil, slashing excisions (and cryptic identifiers) along the right side of the text. The poem “The South Wind,” for instance, has whole vertical lines in Symonds’ hand penciled alongside it, with the word “Davos” opposite the first stanza, and the word, “Omit,” penciled along the whole second stanza: The waves he stirred on/ Italian sea [...]/ O soft sea-lover (38-9). (We should note that in the early 1880s, Symonds travelled from his home in Davos to stay in Venice for several months with his lover, an Italian gondolier.) And again the word “Omit” in Symonds’ hand is penciled alongside the whole third stanza: Thou fickle stranger/Thy

³⁹⁰ “What means the mythus,” echoes the cadence of the didactic poem by Isaac Watts published in 1715, and satirized by Charles Dodgson in Chapter Two of *Alice’s Adventures in Wonderland* (1865):
 How doth the little busy bee/improve its shining hours [...]

wings enfold me/ Thy whispers hold me [...] (38).

The fourth stanza reads, "Omit":

Yet, o my master
 Through all disaster
 Thrills fast and faster
 The yearning strain! [...]
 I pine and sicken;
 Keen memories thicken;
 These dry roots quicken. (38)

It is unsurprising, given the sentencing going on around him, that Symonds' letters reveal such concern over *Fragilia Labilia* and other self-published erotic texts.

Meanwhile, Symonds continued to press Whitman in letters to state publicly "what Calamus means." But the temperature was heating up for Whitman as well. On March 1, 1882, Boston district attorney Oliver Stevens, urged on by the New England Society for the Suppression of Vice, wrote to Whitman's publisher, James R. Osgood, that *Leaves of Grass* constituted "obscene literature." Stevens' letter stated that:

We are of the opinion that this book is such a book as brings it within the provisions of the Public Statutes respecting obscene literature and suggest the propriety of withdrawing the same from circulation and suppressing the editions thereof." Stevens specifically wished to remove the poems "A Woman Waits for Me" and "To a Common Prostitute", and asked for changes to "Song of Myself", "From Pent-Up Aching Rivers", "I Sing the Body Electric", "Spontaneous Me", "Native Moments", "The Dalliance of the Eagles", "By Blue Ontario's Shore", "Unfolded Out of the Folds", "The Sleepers", and "Faces."

Whitman wrote back to Osgood: "The list whole & several is rejected by me, & will not be thought of under any circumstances." Osgood did not wish to risk prosecution from publication, so returned the plates of the book to Whitman. Rees Welsh & Company issued a new edition of the book in 1882. This version went through five editions of 1,000 copies each. Its first printing, released on July 18, sold out in a day.

The 1882 *Leaves of Grass* shows a defiant but careful editorial posture on Whitman's part, after this skirmish with the law. Given that he issued this edition after a direct threat from Stevens, Whitman's resistance to such censorship had to be coded and oblique. Probably in order to avoid criminal charges, Whitman has the *Globe* reporter speak on his behalf:

In a small inner room connected with the printing establishment of Rand, Avery, & Co., Walt Whitman the poet was reading by a table [...] No, he had no objection to entering into a conversation which should be given to the public [...] he was here, he said, to look over the proofs for his new "Leaves of Grass", which James R. Osgood & Co. are to issue [...].³⁹¹

Whitman cites a scene of a reporter describing the editorial process the poet is undergoing in the face of censorship. He compares *Leaves of Grass* to "one of those old architectural edifices" that have been "hundreds of years building": a vast, intricate design that manifests over time.³⁹² "There have been seven different hitches at it [...] the book has been built partially in every part of the United States; and this Osgood edition is the completed edifice."³⁹³ He tells the *Globe* reporter that this edition has been a quarter-century in the making and that this design was his intended one all along.

Whitman was justifying in retrospect, while also subtly critiquing, the censoring of various editions since 1855. In other words, censorship law had caught up in the United States with Whitman, as it had earlier with Symonds, and now Whitman was being forced into the kind of linguistic and textual obscurity, veiling and syntactic contortions, that had marred Symonds' prose since the 1860s. As with Symonds' sometimes-tortured syntax,

³⁹¹ See Walt Whitman, "Introduction." *Leaves of Grass* (1882) at the Beinecke Library, New Haven (unpaginated).

³⁹² Whitman, "Introduction," unpaginated.

³⁹³ Whitman, "Introduction," unpaginated.

Whitman's once-declarative voice – the straightforward voice, understandable by anyone with a limited education, and using Anglo-Saxon nouns and verbs – a declarative voice so clearly trumpeted in the face of the world in his Introduction to the 1855 *Leaves of Grass* -- now becomes tangled and oblique. Here we really see the law erode and coarsen literary style and blunt literary innovation. The direct language of Whitman's sentences from the 1850s and early 1860s are now legally impossible to recreate and the poet's famous frank speech founders into obscurantisms and what politicians call "non-denial denials": "Mr. Whitman was asked if his poems are to appear *entire* in the new edition of the book," the *Globe* reporter knowingly wrote.³⁹⁴ The reporter's italics, and the poet's response, confirm that this sentence would have been generally understood in terms of its reference to now-illegal obscene material from the pre-1873 editions:

He answered, "All the objectionable passages which were the cause of so much complaint at the time of their appearance will remain. Not a word is to be changed, nothing omitted, except for the sake of conciseness. The great difference is, that whereas in the first issue they made a main portion, here they occupy but five or six pages out of nearly four hundred." He went on to insist that "Leaves of Grass" is a war poem – that the "whole book turns on the Secession War."³⁹⁵

At this point, the War, and Democracy, became Whitman's legal smokescreen, just as Ancient Greece and The Renaissance had been Symonds'.

A final tactic is Whitman's declaration that his poem is not a love poem or a poem of eros, but was indeed always intended as a martial poem. That is, his authorizing, classical literary antecedent, Whitman claims, is neither Plato nor Sappho, but rather the *Iliad*; the obscene passages that once were the heart of the text are now a mere episode in an epic of the nation's greatest war. The invocation of patriotism and of nationalistic martial values is

³⁹⁴ Whitman, "Introduction," unpaginated.

³⁹⁵ Whitman, "Introduction," unpaginated.

another literary tactic that “cleanses” and dilutes obscenity, and protects the poet from a possible prosecution for obscenity.

Whitman was ultimately forced to issue a statement about his use of language, but he censored his statement in the very act of composition. Into the 1880s, Whitman continued to advocate against the then-prevailing censorship of his work in America. But his final published title, “A Backward Glance O’er Travell’d Roads” (1888), is an essay which argues against censorship of sexual material in his own work, and makes a literary case against self-censorship. Ironically, or by this time, characteristically, the language of double-speak prevails: the very title of this essay against censorship is itself self-censored by Whitman. Whitman’s original title for the essay, now in the Berg collection of the New York Public Library, avows a personal connection to the sexual material in *Leaves of Grass*: it was “A Backward Glance O’er *My Own Road*” (Italics mine).³⁹⁶ The final title, which removes the personal pronoun, distances Whitman from his own road of sexual first-person expressiveness. This rhetorical hesitation on Whitman’s part in the late 1880s is a striking contrast to his language in response to Symonds in the 1870s, and into the mid-1880s which was direct while Symonds was fearful and oblique, referencing always his “wife” and “three daughters” in his letters. I maintain that the 1873 Comstock Acts and the 1882 legal action against the Osgood edition of *Leaves of Grass* accounts for this shift in Whitman’s language by 1888.

But pressures on Whitman at home did not lead Symonds to drop pressures from Britain. In 1884, Symonds, in a single letter, told Whitman that he and all his friends are “in

³⁹⁶ Walt Whitman, “A Backward Glance O’er My Own Road,” 1888, held in the Berg Collection, New York Public Library (unpaginated).

communion” with and “love” Whitman, and that a young man who had died had kept “as his constant companion” an edition of *Leaves of Grass* that Symonds had given him. However, he also described his “wife and children,” and made reference to “3 of my daughters” (Schueller and Peters 972-3). Given this paper trail construction of Symonds as a paterfamilias, we can read Whitman’s final rebuttal to Symonds on the “Calamus” question in 1890 -- a rebuttal in which he invokes his own “six” illegitimate children – as satire.

Andrew C. Higgins summarizes the critical consternation relating to Whitman’s seeming repudiation of homosexual identity, calling his claim of having six illegitimate children the cause of a critical wild goose chase.³⁹⁷ But in light of the legal context by then prevailing in America, the exchange is not mystifying. Symonds was asking that Whitman make a statement and send it to him by mail – a statement that by then was illegal to send through the post from America. Whitman’s 1890 response to Symonds, in its exaggeration and irritable tone, was mandated, I would argue, by legal constraints. The poet’s response is so outlandish that it is best read as a coded, satirical rebuke to Symonds in the context of postal censorship of which both would have been aware. “I have six illegitimate children,” should, I would argue, be read as Whitman signaling that Symonds is putting Whitman in an impossible position in demanding illegal explication of an illegal text, and that he should stop asking the impossible. It is also a reference to the formality of the legal “paper trail” that is a hallmark of the texts we are examining in this period. This is especially the case with letters, in which gay men will insert references to wives and children, or references to artwork such as statues of St. Sebastian or Ganymede, as code to cover or obscure legally

³⁹⁷ See Andrew C. Higgins, “John Addington Symonds [1840-1893].” *Walt Whitman: An Encyclopaedia*. Eds. J.R. LeMaster and Donald D. Kummings (New York: Garland Publishing, 1998

actionable homoerotic content in the event of subpoena in a sodomy trial. I also read his answer as direct satire on the way Symonds' letters, even as they beseech Whitman to explicate "Calamus," continually sign off with his reference to his "wife" and children— and dog. Whitman is, I believe, with his claim of six illegitimate children, aggressively satirizing Symonds' legally self-protecting use of this "family man" code; a code that is predicated by the 1870s on the examination of homosexual men's character and reputation in trials. He too, one can infer, can create a legal paper trail -- if a gently mocking one.

The epistolary exchange raises significant questions about why a critic of Symonds' sophistication would find it so important to insist, to the point of rudeness, that a poet explicitly define a metaphor. Symonds' sophisticated literary criticism makes it clear that he is not so reductive as to believe that in a literary text, a metaphor is literal or "equals" a defined meaning. Rather, the driver of the repeated requests had to do with the advocacy use to which he hoped to put Whitman's letter. Perhaps he hoped to cite the letter to challenge the law or expand licit circles of discourse about male sexual acts.

Whitman's letters and the biographical record recorded by Howard Traubel show that Whitman spoke positively about Symonds after the 1890 exchange, which also suggests to me that the dudgeon Whitman expressed in the 1890 letter is pro forma. On August 28, 1890, Traubel recorded that Whitman was reading Symonds' collected essays, and that Whitman spoke highly of Symonds' even tone. Traubel reports that Whitman thought Symonds to be not among the greatest of writers of his generation, but considered him to be a great critic; Whitman advised Traubel to read Symonds.

In the weeks and months after the historic interchange between Symonds and Whitman, the poet continued to read Symonds' writing, to praise his character, and to value his

support. In conversations with Howard Traubel, Whitman referred to Symonds in a friendly context about a dozen times between September 26, 1890 and February 9, 1891, and many times afterward. In December 1890, for example, Whitman placed Symonds among “those literary men of a high type,” who “yet in a sense belong to us too.”³⁹⁸ Did “us” mean “Americans” – or “Comrades”?

As he lay dying, Whitman arranged to send to Symonds a volume of the final edition of *Leaves of Grass*.³⁹⁹ At the end of Symonds’ own life, on March 20, 1893, Symonds finally initiated a breakthrough. He proposed, to publisher Elkin Mathews, that he himself issue an unexpurgated collection of Walt Whitman:

I should be glad to undertake an edition of Whitman’s poems. [...] The text ought to be based on the complete edition of 1888. I have most of the editions of *Leaves of Grass*, but I shd want the 2nd, that of 1872 (1856) [...] if I were to undertake a complete and critical work. [...] pray enter at some length into the question of Whitman’s poems. (Schueller and Peters, *Vol. III*, 829)

In this striking deathbed wish, he expresses a desire to include the original, unexpurgated edition in this publication. This last wish shows extraordinary faith in the imagined future—that someday there would be readers and publishers for this uncensored early edition of *Leaves of Grass*—that had made such a difference to Symonds as a young writer, and shown him a world toward which he directed his own pen and imagination.

But Symonds would indeed leave behind a finished polemic that would succeed in changing the literary and cultural frame around homosexual desire: the 1896 *A Problem in Modern Ethics*, whose publication he would not live to see.

³⁹⁸ Horace Traubel, *ibid.*

³⁹⁹ See the “Note” in Schueller and Peters, *The Letters of John Addington Symonds, Vol. III*, 649-50.

The very title opposes Lord Campbell and Lord Cockburn: “ethics” here is the opposite of “corruption.” The phrasing of the cumbersome, anti-erotic and equally worthy subtitle is just as legally defended: “BEING An Inquiry into the Phenomenon of Sexual Inversion Addressed Especially to Medical Psychologists And Jurists.” The edition has no publisher named on the frontispiece, only “John Addington Symonds, London, 1896.” The title page notes, “[o]f this work only 100 copies have been printed. No [handwritten numeral] 17.” An important “note” in the Harvard University digitized archive states that “[a]nother printing was issued with the same date, but without “by John Addington Symonds” on “t.p.[title page].” In other words, Symonds hedged his legal/publication bets by printing one bylined, and one anonymous, version of his argument in defense of same-sex love.⁴⁰⁰

The Young Wilde: Journalism and Activism

⁴⁰⁰A moving note in the New York Public Library archive states that an 1880 edition of Symonds’ *Studies of the Greek Poets*, published in New York by Harper & Brothers, was formerly owned by Walt Whitman. The New York Public Library Catalogue listing: “Author’s presentation copy to Walt Whitman; inscribed by Whitman, with his bookplate. Symonds, John Addington, 1840-1893. *Studies of the Greek Poets*. New York: Harper & Bros., 1880. 2 v.; 18 cm. Greek poetry History and criticism. “Whitman, Walt, 1819-1892, former owner. DLC Charles E. Feinberg Collection of Walt Whitman (Library of Congress) DLC.

As Oscar Wilde was reaching his professional majority, Whitman's reputation was evolving again. The veneration of Whitman escalated in various subcultures in Britain in the 1880s and 1890s. H. G. Cocks, in *Nameless Offenses: Homosexual Desire in the Nineteenth Century*, found, for example, a group of Whitmanite workingmen in Lancashire, who based their model of companionship on "their idolization of W.W."⁴⁰¹ (By the turn of the century, these "Whitmanite Fellowships" had become international.) By the 1880s, many acolytes in Britain sent Whitman collections of money in support of his mission: subsidies which totaled a bit more than half of Whitman's income in 1885, when censorship laws in America had made it difficult for him to earn income through publication.

Thus, I argue, Whitman was already iconic to Wilde's generation and his persona already had a public signification, or semiotic, beyond his actual poetry and prose. This younger generation of Whitman admirers included visionary essayist Edward Carpenter, who posited a transcendental homosexual Utopia, which, Symonds noted was influenced by Whitman's "Democratic Vistas"; the poet, and eventual priest, Marc-Andre Raffalovich, who would contribute important essays on what he called "*uranisme*" to the prestigious *Archive de l'Anthropologie Criminelle* in the 1890s; and Wilde himself. In this section I will argue

⁴⁰¹ See H. G. Cocks, "Nameless Offenses: Homosexual Desire in the Nineteenth Century," 602-4. Articles about Whitman referred to this air of discipleship and even sexual passion around Whitman and his work. *The Academy* ran a piece by Edward Dowden about a book, *Walt Whitman*, by the Canadian physician Richard Maurice Bucke, in which Dowden notes the fetishizing of Whitman's physical body. Dr. Bucke, the reviewer, comments with some emphasis, was the poet's personal host, and "travelling companion" for a trip through the Canadian lakes, and "tells us the exact number of pounds that Whitman weighed in May 1880; but he writes also as a disciple who is something more than a disciple – as a lover intoxicated by Whitman's presence." "When Dr. Bucke describes the 'Song of Myself' as 'perhaps the most important poem that has so far been written at any time, in any language' we know that it is the lover who writes," concludes Dowden, "and not the critic." See Edward Dowden, "Walt Whitman." *The Academy* 8 Sept. 1883: 156.

that the mass production of popular journalism, which had developed even further in reach, cultural impact, and technological and distribution advances since its iteration during the youth of the generation of the 1860s, the Rossetti circle who were primarily influenced by higher-brow literary reviews such as *The Edinburgh Review*, had a significant effect on how the young Wilde chose to engage in advocacy speech and to speak essentially over the heads of the censors, about censorship and sex crime issues. I will argue here that Wilde, especially during his 1882 tour of the United States, used his own burgeoning celebrity within the popular press, clothing and posture choices, and code phrases invoked during interviews he gave to American journalists, to send out a message that advocated against censorship and sex crime limitations, and that he used this arsenal of non-literal messaging techniques perhaps to circumvent direct restrictions on speech.

From his childhood, Wilde had models of advocacy discourses in service of greater sexual tolerance, starting with his mother's own example as an advocacy writer. "Speranza," Lady Wilde's pen name, demonstrated with her own career the task of intervening by use of poetry against the law, and famously, in her own time, took substantial legal risks to do so. She had written Irish nationalist poetry for what the English opposition had identified as "a seditious newspaper." Sedition, like obscene publication, is a crime of speech, and a serious one under British law at the time. Not only was her publisher charged for seditious speech, but the "leader" that Lady Wilde had written was used as evidence by the prosecutor as he made his case against the Irish nationalist Charles Gavan Duffy.⁴⁰² In short, Oscar Wilde grew up seeing poems and texts

⁴⁰² See Merlin Holland, *The Wilde Album: Public and Private Images of Oscar* (London: Fourth Estate, 1997) 15.

being used as evidence in trials and witnessing a parent risking legal trouble to engage in speech that was arguably against the law. His mother managed to be famous, admired and seen as courageous for her stand – and yet to escape incarceration. Indeed, “Speranza” often referred to her work as “writing for a revolution.” One of Lady Wilde’s signature poems is “The Year of Revolutions” and her stated intention as a poet is to raise the voice of “the people” to accomplish revolution:

Oh, Courage! But courage, if once to the winds
 Ye fling Freedom’s banner, no tyranny binds
 At the voice of the people the weak symbols fall,
 And Humanity marches o’er purple and pall,
 O’er scepter and crown, with a glorious disdain,
 For the Symbol must fall and Humanity reign.⁴⁰³

With lines such as “[S]mite down the Pharaohs”—referring to the Crown authorities in Ireland—and calling for the “blood of the tyrant,” while inviting “each martyr” to “[s]pite the flash of their muskets, the roar of their canon” when “[t]he assassins of Freedom shall lower their penon.” “Revolution” was a literary mission which Wilde, in a less overt way, was to undertake as well (35). We can be sure that his mother’s poetry, dated though it already was in his twenties, certainly left its mark on Wilde, since the epigraph of her nationalist ode “A Supplication” is: “De Profundis Clamavi ad te Domine,” or “From the depths I called out to the Lord.”⁴⁰⁴

⁴⁰³ Lady Wilde, “The Year of Revolutions.” *Poems by Speranza (Lady Wilde)* (Dublin: New Edition, M. H. Gill & Son, Ltd, 1907) 35-6.

⁴⁰⁴ Lady Wilde’s “A Supplication,” which is a meditation on the inevitability of sin and the certainty of redemption, includes such lines as “We have sinned, but holier zeal / May we Christian patriots feel [...] Kyrie Eleison [...] Let us lift up streaming eyes / To God’s home above the skies, / He will hear our anguish cries, Kyrie Eleison,” conveying a mood and phrasing echoed by Wilde’s *De Profundis* (14-15).

Many critics have addressed Lady Wilde's influence on her son; Sean Ryder, in "Son and Parents: Speranza and Sir William Wilde," in *Oscar Wilde in Context*, sums up the key biographical points of influence. But I would argue that Lady Wilde's direct literary influence on her son, in terms of her political/literary contestation of the law, is not so often addressed as are the other key biographical points more focused on her role as wife and mother, such as her handling of the Mary Travers, "Dr. Quilp" scandal in 1864.⁴⁰⁵ An early model of this example of her direct advocacy against the law – one that was publicly hailed and that did not result in her prosecution – could possibly have emboldened Wilde beyond prudence in his own trials.

Whitman, for his part as an advocacy figure, surfaced early as a benchmark for the young Wilde. Wilde left a record of his formal educational encounter with Whitman at Oxford in his *viva voce*, when he was an undergraduate at Magdalen College. Wilde wrote to his friend William Ward in 1876, that he had "*nipped up*" to his *viva*, where, "[I]n Aeschylus we talked of Shakespeare, Walt Whitman and the Poetics."⁴⁰⁶ Whitman is a surprising inclusion in this context. Was Whitman also, by then, part of a coded set of signals that could be introduced even into the discourse between teachers and students? And was Wilde, in turn, using the by-now-formulaic Whitman mention, in a socially recognized way, to signal his sexual preferences to William Ward?

We have seen how Evangelista, Dowling and the other critics addressing Victorian Hellenism, revealing the way Greece functioned as an imagined sexual Utopia. Whitman's

⁴⁰⁵ Sean Ryder, "Son and Parents: Speranza and Sir William Wilde," in eds. Kerry Powell and Peter Raby, *Oscar Wilde in Context*, 13.

⁴⁰⁶ See Rupert Hart-Davis and Merlin Holland, eds. *The Complete Letters of Oscar Wilde* (New York: Henry Holt, 2000) 15, 20.

America opened a new place on Utopia's map for the same writers. His open, untamed "New World" sexual romanticism was also awaiting Wilde as a developed set of homoerotic signifiers (Hart-Davis and Holland 20). Dowling, in *Hellenism and Homosexuality in Victorian Oxford*, argues persuasively that Oxford Hellenism—as elucidated by Walter Pater and Benjamin Jowett—provided a "counterdiscourse" that created space for intense same-sex friendships and subverted the orthodoxies of Tractarianism (117). These Hellenizing discourses around homosexuality were necessary, as Evangelista establishes, for the British nineteenth-century sexual-liberationist imagination to establish a basis for its own validation, invoking a lineage and an imprimatur of cultural authority.

But I would add to the important foundational work established by Evangelista and Dowling, the proposal that Wilde and Symonds needed Whitman's New World too, in addition to this imagined Hellas. The Greeks gave elevation, nobility and the dimension of art to a marginalized sexuality, but Whitman's New World, "noble savage" American air gave it breadth, immediacy, and the dimension of the flesh.

The radical nature of this contribution is clearer when we consider how both Mahaffy and Pater tended to aestheticize away the body – a position that Whitman directly challenged. The young Wilde received the influence of Mahaffy: he helped his mentor Mahaffy prepare the sexually subversive volume we explored above, *Social Life in Greece: From Homer to Menander*. And from that time onward, Wilde, like many of his generation, wrote codedly of sexual desire in epiphanic, Hellenic terms. But I would argue that Whitman also allowed the young Wilde to go beyond what the previous generation had accomplished, in terms of the establishment of the benchmark attained by the Hellenizers of the 1870s.

Whitman may have influenced the young Wilde in several ways. Whitman offered the young poet a novel example of how he himself had made use of his own physical persona, and a studiedly erotic self-presentation – specifically, having included on the frontispiece to the 1855 edition of *Leaves of Grass* the much-commented-upon daguerreotype of himself with naked throat, open collar, form-fitting trousers and workman’s blouse that aroused so much projection (and other emotions) from his readers. The image had been engraved from an 1854 daguerreotype by Gabriel Harrison. Such an erotic, confrontational self-presentation had not been part of the iconography of Victorian poets’ images (though the Romantics had indeed played with comparably erotic, though not confrontational, self-representation). This iconography may have inspired Wilde in his own 1882-3 manipulation of his physical persona in the press, which, given the early stage of his career, was in some ways an introduction of himself into the period’s “mass media.” I believe we should read this iconic physical image of the poet in the context of Turner’s analysis of Wilde’s manipulation of his own persona in the mass media. Whitman showed the young man a precedent for it. The image Whitman had carefully chosen, accompanied every edition of *Leaves of Grass* until 1882 (when it was replaced, not coincidentally I think, after the threat of prosecution by Massachusetts) with a twinkling-eyed Santa Claus image, shown only from the neck up, with full patriarchal white beard. Gone was that provocative, body, read as inviting by both genders.

Whitman was later concerned about the message sent by this image -- “The worst thing about this is, that I look so damned flamboyant—” but nonetheless he was sure to include it on the frontispiece of editions in 1855, 1856, 1876, and 1881-2; he also made certain it was in the 1869 William Michael Rossetti British edition (ironically, given the bowdlerizing

of the text itself, the image in that edition was cropped.)⁴⁰⁷ It is worth considering the overdetermined role the frontispiece of a sexually forbidden book played in this period.

This manipulation reached an iconic point in the 1882 tour of the United States when young Wilde posed for the photographer Napoleon Sarony. Wilde booked an appointment with the photographer – the best-known one in America at the time – soon after his arrival in New York City in 1882. In this series of portraits, what becomes clear is that Wilde brought a number of costume changes to the studio, or utilized a number of props available. He wears a velvet jacket, a cape, a cravat; he holds a walking-stick, and a broad-brimmed felt hat (similar if not identical to the style worn by Whitman in the 1854 daguerreotype); in another image, the same coat and a fur hat; in still other images he wears the famous fur-lined coat and conventional long trousers; in still others, the equally remarked-upon knee breeches and silk stockings; in others, conventional white tie, with a black swallowtail jacket and a white waistcoat. (He posed again for the photographer in 1883, much less theatrically).⁴⁰⁸

Wilde thus created a set of images often reproduced in the American popular press and coining semiotics often commented upon in journalism thereafter. Number 18 became so well-utilized in the news stream and advertising stream, in the form of a pirated lithograph, that it became the subject of a copyright infringement lawsuit by the photographer.

⁴⁰⁷ “Pictures & Sound: Gallery of Images”, *The Walt Whitman Archive*, <http://whitmanarchive.org/multimedia/image003.html?sort=year&order=ascending&page=1>. Accessed August 16, 2012. Web.

⁴⁰⁸ “Photographs by Napoleon Sarony; New York City 1882. Oscar Wilde in America”, <http://www.oscarwildeinamerica.org/sarony/sarony-photographs.html>. Accessed September 3, 2013. Web.

These tropes included the “langourous” pose – quite similar to Whitman’s provocative posture in the 1854 daguerreotype; the later-iconic fur-lined coat and the knee-breeches. Both poets were introducing into the news stream visual semiotics of desirable masculinity that could blur boundaries in their appeal. I think it is also likely that Whitman’s use of deliberately provocative, even outrageous, inversions of received meanings – positioning himself as God, for instance, and God as a man; or positioning the bedraggled prostitute as a noble paragon, and religious leaders as hucksters – an inversion of received meanings that Jesus’ parables had modeled (with some of the same characters) – may have provoked Wilde’s later interest in paradox as a technique to push readers past their own comfortable assumptions.

. The younger generation needed to extend past this validation provided by classical antiquity, and to reach out laterally to the West, for an imaginative space in 1880s-1890s modernity with room and language for sexual desire that incorporated an un-aestheticized view of the body, if you will.

Symonds too was a direct influence on the young Wilde at Oxford, in terms of theorizing homosexuality. In 1873 and 1876 Symonds published the two-volume Smith, Elder edition of *Studies of the Greek Poets*. In this volume, which tenderly describes gay male couples in antiquity, one after another, and discusses Socratic ideals of male beauty, the reader can feel the envy that the author has for this unfettered expression of devotion.⁴⁰⁹ Two copies of these 1873 and 1876 volumes from Wilde’s personal library are in the Pierpont Morgan Library. Symonds’ uses of other languages as a form of screening of meaning are on display:

⁴⁰⁹ John Addington Symonds, *Studies of the Greek Poets* (London: Adam and Charles Black, 1893) 98-110.

the title page reads “Im Ganzen Guten Schonen / Resolut zu Leben.” Symonds often uses foreign languages as coding and veiling of forbidden meanings. Stefano Evangelista, in “Life in the Whole’: Goethe and English Aestheticism,” traces the life of this quotation and misquotation in the evolution of British aestheticism.⁴¹⁰ The quote can be translated as “To live with determination in the whole, the good and the beautiful.”⁴¹¹ I note that since intention is criminalized in Hicklin, this couplet does not just summarize “the spirit [of] Hellas” but can also function for Symonds as a rebuttal of Hicklin or a defense against Hicklin – and all of that, in two lines; if an author “live[s] with determination [...] in the good,” he cannot be prosecuted for determining to align with the bad.

Symonds repeats the quote late in the text: “When Goethe expressed his theory of life in the following couplet [quote repeated], he supplied us with a correct definition of the spirit which governed Hellas.”⁴¹² Evangelista analyses Symonds’ use of this quote as being part of Symonds’ search for a unification of man and the natural world that, I would add, echoes Whitman’s monism: “Here Symonds sees [the quote] as revealing to us the mentality of Goethe the scientist rather than the man of letters, and uses it to herald the advent of a scientific age that will heal the rift between mankind and nature caused by Christianity” (180-92).

⁴¹⁰ Stefano-Maria Evangelista, “Life in the Whole’: Goethe and English Aestheticism.” *Publications of the English Goethe Society* 82 (2013) 180-192. Carlyle’s letter with the original misquotation is in a letter to Goethe dated 10 June 1831.

⁴¹¹ See ed. H. W. Percival, *The Word Volume 10* (New York: Theosophical Publishing Company, 1910) 290.

⁴¹² Symonds 428. James Eli Adams, in *Dandies and Desert Saints: Styles of Victorian Masculinity* (Ithaca: Cornell UP, 1995), traces the lineage of the influential citation via a misquotation from Carlyle via Pater: “Im Ganzen, Guten, Wahren resolut zu leben” (166).

In looking at Wilde's library, we can thus trace Whitman's influence in the 1871 *Democratic Vistas*, with its invocation of a new world in which male-male love is held sacred, on Symonds' imagination; and then see the imprint of Symonds' construction the homoerotic imaginative dimension of Hellas, in 1873 and 1876, finding a home in the library of the young undergraduate Wilde in 1876.

The power of this volume in creating a positive mythos around male-male love is evident from its reception by the young Wilde at Oxford. The student Wilde himself annotates with a side penciled emphasis the brazen and formative passage on p. 8, in a foundational section that marks out the periods of Greek literature. The passage makes the case that national identities are forged by national mythologies: "The 'beautiful human heroism' of Achilles, his strong personality, his fierce passions controlled and tempered by divine wisdom, his intense friendship and love that passed the love of women, above all, the splendour of his youthful life in death made perfect, hovered like a dream above the imagination of the Greeks, and insensibly determined their subsequent development."⁴¹³

The first volume of the two, from Wilde's library and acquired when Wilde was an undergraduate, is marked only, in his assertive, penciled hand, on the title page, "Oscar Wilde, Dec. 13," with no year mentioned. We don't know from this text that Wilde read the volume when it appeared in 1873. But the signing of his name above the author's and below the title, on the title page, is an interesting graphic to analyze; typically owners of books signed their names on the endpapers, where bookplates are traditionally placed as well. Given how contested the area of the title page was for homosexual writers in this

⁴¹³ This copy of *Studies of the Greek Poets* from the library of Oscar Wilde is now in the Pierpont Morgan Library.

period because of the internal pressures to claim authorship/identity – and external pressures to disavow the same – that we have examined, could that unusually placed demarcation of a name, be an act of some kind of literary/identity assertion on Wilde’s part? The contestation is visible in this title page as well, for though the volumes are “published” by Smith, Elder, they are also identified as “Printed by Spottiswoode and Co, New-Street Square and Parliament Street” (half title page verso). However the assertiveness at least bibliographically became stronger for Wilde by the next volume: also showing Wilde’s marginal notes throughout the text, this second volume has, again on the title page, in pencil, the full declaratory – almost funnily flagrant – signature: “Oscar F. O’F W. Wilde [...] Oxford May ’76.”⁴¹⁴

Wilde’s long given list of middle names is well documented and has been analyzed by his biographers as representing to his mother, and to the young Wilde, a narrative of his own poetic/heroic Irish and family heritage. Could this florid declaratory signature, expanded from the simple “Oscar Wilde” of the 1873 volume – and with the locator of the equally mythic and mythologizing “Oxford” firmly identified – also be a way of trying out an assertion of right, of place and of authorial scope in a book that creates, mythologizes and establishes a literary genealogy claiming the highest prestige for the male homosexual writer?⁴¹⁵ For a sense of the value accorded this contested space of the title page, in an era

⁴¹⁴ In Symonds, *Studies of the Greek Poets*. Unpaginated.

⁴¹⁵ In what state of mind, did Wilde read this volume as an undergraduate? It is difficult to avoid ascribing possible meaning to a vibrant series of still-legible purple winestains on a section that inveighs against patriarchal authority that resulted in unjust oligarchies: “based not on divine right, but on force or fear [...] The oligarchies, owing their authority to no true, legal or religious fount of honour, were essentially selfish [...]” (*Studies of the Greek Poets, Vol. I*, 12). Given Symonds’ history with his own “patriarch” and the oligarchies that had destroyed the careers of homosexuals in his circle, this is as effective a (veiled) section of analysis deconstructing received British power structures as Whitman’s “Democratic

of silences and prosecutions, courage and cowardice, for publishers and writers, one must only look at the letter from Wilde to one of his publishers, in 1893, from Babbacombe Cliff, to John Lane. After Wilde complains about not having received a written publication agreement for *Salome* from Lane after months of promises – a delay related to anxiety about legality? – Wilde rebukes Lane further: “[a]nd the fact of your name being on the title page was an act of pure courtesy and compliment on my part: you asked me to allow it as a favour to you.”⁴¹⁶

Wilde is angry at being neglected, and perhaps at having the prospective publisher of *Salome* sniffing the wind before making a commitment, and the threat he makes is – the withdrawal of Lane’s name from the title page, as implying, as I read it, that if Lane does not have the courage of committing to publication of a legally problematic text, whose title page ID would mean a risk to him, he does not deserve the glory of recognition on the title page either: “The least return you might have made me the annoyance of writing endless business letters. I can only tell you that when I did not hear from you in Paris last week, I very nearly struck your name off the title-page of the book, and diminished the edition. As

Vistas” would prove to be. Another underlined section reads: “The despots are schoolmasters, who bring the people to Nomos as their lord” (13). From Symonds’ own biography, this sentence could as easily be read in a mirror: “The schoolmasters are despots”. Also marked with vertical pencil marks in the margin are two passages on the Greek aesthetic of male beauty and its spiritualizing or inspiring quality: “Now take a banquet-scene from a Greek vase. Along the cushioned couch lie young men, crowned with myrtles...” (406). Wilde also drew attention to two equally erotic passages, with two separate marginal vertical emphasis lines: “When Charmides, heading the troupe of wrestlers, joined Socrates in the palestra, the soul of the philosopher was troubled; he saw the boy’s breast within the tunic, and blushed, and felt his heart aflame,” and “Simaetha, in the Phatramceutria of Theocritus, beheld the curls of youths on horseback like laburnum-flowers, and their bosoms whiter than the moon” (406).

⁴¹⁶ Oscar Wilde’s letter, “Babbacombe Cliff, to John Lane” is held in the Pierpont Morgan Library.

you had advertised it, however, I feel this would have been somewhat harsh and unkind to you.”

A final complaint is telling of the value and damages to writers such as Wilde and publishers such as Lane of the censorship marketplace: “In the advertisements at the end of the Symonds book,” Wilde continues in his litany of grievances, “I observe you state of *Salome*, “This is the play the Lord Chancellor refuses to license etc – “ Please do not do this again. The interest and value of *Salome* is not that it was suppressed by a foolish official, but that it was written by an artist. It is the tragic beauty of the work that makes it valuable and of interest, not a gross act of ignorance and impertinence on the part of the censor.”

In a summary section of Volume One, the young – undergraduate – Wilde has made a strong and nearly three inch pencil mark alongside a passage that spiritualizes and moralizes physical beauty – in exactly the same rhetorical progression that Whitman modeled: the physical is natural, the natural is artistic and spiritual, the artistic and spiritual are virtuous; love of the physical including male love of the physically beautiful male, is therefore also love of the spiritual, and itself spiritual. Symonds makes this radical declaration – yet still reproduces the untranslated Greek term that teases the uninitiated:

“The athlete, tall and stately, tired with running, lifts one arm, and with his strigil scrapes away the oil with which he has anointed it. [...] All the statues of the athletes bear the seal and blossom of [...] – that truly Greek virtue, the correlative in morals to the passion for Beauty. [...] Of this sort are the two wrestling boys at Florence, whose heads and faces form in outline the ellipse which is the basis for all beauty, and whose strained muscles exhibit the chord of masculine vigor vibrating with tense vitality” (408). Symonds goes on to link that sanctioned, sanctified erotic vision to young men at home in England – and does so by

drawing on an echo of the bathing scene in *Leaves of Grass*: “If we in England seek some echo of this melody of curving lines, we must visit the fields where boys bathe in early morning [...]” And then he brings the forbidden/redeemed vision right into a scene such as that of Rugby or Eton: “or the playgrounds of our public schools in summer” – and then finally right into the heart of British authority, Oxford itself: “or the banks of the Isis when the Eights are on the water” (408).

In the final pages of Wilde’s volume, Symonds goes right into gender-blurring metaphors, and Wilde’s pencil transitions from lead to blue. He marks the line: “There exists a Term or Hermes which combines Aphrodite, Priapus, and Hermaphrodite in one – three heads upon a common pedestal – forming a trinity of joy [...]” and marks with the first line plus a check mark in blue pencil in the volume, the sentence below on the same page: Symonds cites “The Genius of Eternal Slumber,” “reclining with arms folded above his head, upright against a tree,” the iconography of St. Sebastian pierced with arrows, which by then had a long history as a homoerotic image. “To judge by his attitude, he might be Bacchus, wine-drowsy [...] Looking at his long tresses, we call him Love [...] His stately form, not unlike that of Phoebus, makes us exclaim in Aeschylean language [...]” (411).

By the end of the volume, there is a male homosexual literary “we” that Symonds has created – for Wilde and his generation – where the reader may stand and gaze at that langorous male nude, “we” call “him” “Love”, and “we” may exclaim in a phrase that only the initiated understand.⁴¹⁷ The creation of that space for that reader’s perspective was the accomplishment of this volume, and a task clearly received by Wilde, judging from his

⁴¹⁷ This first edition is bound in a way that is semiotically worth consideration: in purple, with a Greek key-like border across the top and bottom of the fabric, as if the book itself were wrapped in a royal toga.

margin notes – the last one of which emphasizes an important footnote that also – subversively -- unseats censorious Judeo-Christian patriarchal authority. By the end of Volume One, Symonds has effectively supplanted that “Hebraistic” – (note, not “Christian”, which would be a tougher rhetorical theme to reject) and implicitly alien, explicitly “external” – value system with the potential of one more organically the antecedent of everything valuable and authoritative in British civilization – a value system which also happens to be one that embraces male-male love and aesthetic pleasure (422).

By the second volume in Wilde’s library, we are unsurprised to see the young man side-emphasize the complex conclusion that “The three points in which the morality of the Greeks was decidedly inferior to that of the modern races were slavery, the social degradation of women, and paiserastia” (384). This setup allows Symonds to present its counterpoint, from the perspective of “an apologist”: “The same advocate could show, as Mr. Mahaffy has already done, that in Greece there existed a high ideal of womanhood, and that even paiserastia had its honorable aspects.” Wilde has underscored “Mr. Mahaffy”, his tutor and mentor (384). Finally Wilde underscores a conclusion that is very similar to Whitman’s in *Democratic Vistas* – Whitman’s roping in of “science” to separate a space for love outside of received morality: “Modern Morality has hitherto been theological: it has implied the will of a divine governor. Greek morality was radically scientific [...]” (384).

The last essay in the volume is a defense of homosexuality, on the basis of its “organicity”: Symonds by this time was sure that he was homosexual from birth – part of a unified cosmic order obeying natural laws, a Whitman-like notion of many and his nature -- and that the world must come to perceive that about homosexuality in general. But a printer who was setting the book wrote him a letter of outrage – again, we should interpret

such letters as not necessarily reflecting the printer's actual emotions about the content of the book in question, but as creating a legally defensive "paper trail," since by this time publishers and printers too could face legal penalties for being involved in the production of obscene documents -- and a headmaster also upbraided him; but the "more dangerous" implications of this essay generally passed unheeded (Grosskurth 154).

Pilgrimage and Public Positioning

To return to when the young Wilde made a pilgrimage six years later to the source: Wilde visited Whitman when the poet was living in Camden, New Jersey, as the young man was travelling the circuit on his well-documented 1882 lecture tour. The same year, the eighth edition of *Leaves of Grass*, now post-Comstock Laws, was, as we saw, withdrawn by its publishers upon the threat of a Boston, Massachusetts, prosecution for indecency. Given the legal and literary issues that we have seen that a public alliance with Whitman risked, Wilde's visit to Whitman, which was immediately described by the younger writer in letters to the gossipy heart of literary London, should be read as more than a literary or emotional pilgrimage.

Whitman is mentioned six times in Wilde's letters; among them is one in which Wilde writes directly to Whitman, on Mar 1, 1882, of Swinburne's admiration for him. He adds: "Before I leave America I must see you again. There is no one in this wide great world of America whom I love and honour so much" (Hart-Davis and Holland 144-5). On the same trip, to their mutual acquaintance James Stoddart, on April 17, 1882, Wilde demanded, peremptorily, "Where is Whitman? In Camden Town?" (Hart-Davis and Holland 163).

Because of the contested nature of “Whitman affiliation” by 1882, I argue that the visit should also be read as a political gesture. Wilde was willing enough publicly to ally himself with Whitman that his letters show him name-dropping to the American social lionesses who were hosting him, the older poet’s invitation: to Mrs. George Lewis, he wrote proudly, on 17 January, 1882: “I go to see Walt Whitman, at his invitation, tomorrow” (Hart-Davis and Holland 127). This was a courageous public assertion from a much-noticed young writer at the start of his career. And the younger man was taking this public stance just as the older poet had begun to attract attention from the office of an American state Attorney General. Though Wilde did manage to avoid scandal as a result of the visit, this visit nonetheless risked placing Wilde’s substantial financial and popular success in America, as well as his future easy acceptance into the heart of literary London, in some legal and social danger (Hart-Davis and Holland 99).

But, as if that outreach – Wilde’s mentioning Swinburne to Whitman -- had been one step too far for Swinburne, on April 4, 1882—that is, soon thereafter—Swinburne himself wrote to E. C Stedman a defended letter, vetting the masculinity of the young Wilde’s self-presentation: “the only time I ever saw Mr Oscar Wilde was in a crush at our acquaintances’ [...] I thought he seemed a harmless young nobody [...] A letter which he wrote to me lately about Walt Whitman was quite a modest, gentlemanlike, reasonable affair, without any flourish or affectation of any kind in manner or expression” (Hart-Davis and Holland 100).

But Wilde himself did not equivocate in the ways that his peers often did vis a vis Whitman. Indeed, his support of Whitman in the American press was full-throated. The collection of American newspaper clippings collected in *Oscar Wilde in America: The Interviews*, and edited by Matther Hofer and Gary Scharnhorst, confirms this “out” support

for Whitman, as well as other forms of advocacy self-presentation mentioned above. Wilde, for instance, gave an interview to the *Philadelphia Press* in which he claimed that his mother had read Whitman to him out loud from his boyhood onward, and also that he and his fellow students at Oxford used to bring Whitman's verses along "on their rambles," and declaim them to each other.⁴¹⁸ In response to the question from the reporter for the *Philadelphia Press*, "What poet do you most admire in American literature?" Wilde replied: "I think that Walt Whitman and Emerson have given the world more than anyone else. I do so hope to meet Mr. Whitman. [...] I admire him intensely – Dante Rossetti, Swinburne, William Morris, and I often discuss him. There is something so Greek and sane about his poetry; it is so universal, so comprehensive – [...] Poets, you know" he continued in what seems to be a shift in subject but is not, if you read the possible sexually coded subtext, "are always ahead of science; all the great discoveries of science have been stated before in poetry."⁴¹⁹ To those attuned to the tropes of what "something so Greek" might mean, and to the counter-Hicklin force of an argument positioning alternative sexualities as "sane" and "universal," the sexual-liberationist call to arms that Wilde's American tour "messed" to America's popular press came as close to the surface of public conversation as the law and social norms would allow. There are thirteen additional mentions of Whitman in the collection of press cuttings from the American newspapers from the 1882 tour. (Hofer and Scharnhorst, 193). And the American press reaction was for the most part tolerant; at best warm and at worst, bemused.

⁴¹⁸ See eds. Matther Hofer and Gary Scharnhorst, *Oscar Wilde in America: The Interviews* (Urbana and Chicago: University of Illinois Press, 2010) 29.

⁴¹⁹ Hofer and Scharnhorst, 29.

From these interviews, from Wilde's visit to Whitman, and from his possible quotation of Whitman in the Sarony photographs, I maintain that from the start of his career as a public personality, Wilde engaged in a theatre of advocacy praxis (Holland 1). Indeed like Whitman, who rejects all castes and limited binaries, Wilde explodes received notions of politics themselves: "What are your politics, Liberal or Conservative?" asks the reporter in the same interview: "I know only two terms – civilization and barbarism; and I am on the side of civilization. It is very strange, that in the House of Commons you never hear the word 'civilization.'" (Hofer and Scharnhorst, 29)

Many critics have recently shone important light on the journalistic work of Wilde, and on the popular culture of mass market newspapers in which Wilde's essays and persona appeared. As Mark W. Turner points out in his chapter "Journalism", in the collection *Oscar Wilde in Context*, though Wilde is now best known for his other genres, "he was also a professional journalist."⁴²⁰ Turner makes the important case that Wilde was at the same time both subject of and author in popular newspapers, and part of the new "celebrity" matrix. Turner situates this dual identity against the burgeoning marketplace of popular middle-class journalism: "Wilde was a professional writer 'in' the world of journalism; however, he was also a constant subject 'of' journalism whose popular persona – his international celebrity, in fact – was partly due to the extensive reporting of his life that began when he was a young man." (270) Turner highlights the "gossipy attention to individual lives" that was a newly prominent feature of the press of the 1880s. He links this crucial development to the conflation of public and private that this new technology and

⁴²⁰ Mark W. Turner, "Journalism", in eds. Kerry Powell and Peter Raby, *Oscar Wilde in Context*, (Cambridge: Cambridge UP, 2013) 270-1.

new product accelerated: “by the time of Wilde’s trials in 1895, the fine line in contemporary journalism between privacy and publicity had nearly dissolved as the close scrutiny of his life in the popular press reminds us” (271). I believe that the significance of the development of this genre cannot be overstated, and indeed is far too often understated and under-read in Queer Theory and reception theory related to this period, as well as in readings of the trials of 1895.

Many theorists of the events tend to overlook the new bargains made by subjects within a celebrity culture (that is to say, the bargain of a loss of a claim to privacy in exchange for the purported benefits of celebrity). These critics also, in my view, tend to under-read Wilde’s engagement as a journalist, which is by definition to engage with and possibly to challenge a political structure. Turner identifies at least 135 reviews or articles, a significant output. (271). Wilde’s bargain with the popular press in a sense opened him up to more scrutiny by that world than that risked by a poet such as Browning, perhaps, who had never engaged with journalism in such ways. (Victorian writers who did engage with journalism, whether as reporters and as “celebrities” or as editors, such as Dickens, were more likely to be scrutinized invasively by journalism, as we can see in how the press followed Dickens’ marital and extramarital scandals.) In other words, Turner is properly historicizing an underhistoricized reading of publication context, when he analyzes journalism on its own terms as a genre in this period, as well as when he explores it in terms of its being the tainted fruit that both bestowed value upon Wilde’s public persona and opened him up to special legal jeopardy.

The new genre of celebrity journalism and the novel role for writers as popular celebrities in the daily press – as opposed to the more distant, august celebrity of a

Christina Rossetti or even the scandalous George Eliot, reflected in the distanced literary reviews as opposed to daily newspapers -- combined with Hicklin's and the venereologists intrusiveness, the development of the microscope, and the criminalization of affect and acts that had been private and consensual, to so thin the traditional British divide between open public and mostly inviolate private, that these two forces, the State and the popular press, could finally justify rushing in together in 1895. Genre in this case – the genre of popular journalism and the new tropology of celebrity – dictated the interpretations of literature on a witness stand in 1895, and defined newly possible outcomes for history.

Mark W. Turner and John Stokes, in *The Complete Works of Oscar Wilde, Volume VI: Journalism I*, and *The Complete Works of Oscar Wilde, Volume VII: Journalism II*, assemble and contextualize Wilde's journalism in a full critical edition. This sustained focus on Wilde's journalism is a necessary step forward, I believe, for our proper historicizing of the censorship and sexuality issues in Wilde. Advocacy essays, interviews and even visual gestures by an author are most effectively introduced into the culture in the journalistic stream, rather than in the slower, more deliberative, and thus, more detached from news events, cycle of hardcover book production and distribution. And, as Turner quotes George Saintsbury in his essay "Journalism" cited above, this close relationship of journalism and more highbrow writers to day-to-day history was especially true for the Victorians, for whom the high-low barriers we have today were not in place: "the whole of the critical work of the latter part of the century was passed through periodicals," writes Saintsbury, which Turner confirms means that we should recognize the "close links between intellectual work and journalism in this period." (Turner, "Journalism," 274). I believe that this insight about the mixing of "novelists, dramatists and poets" with the popular press

should be foregrounded in late Victorian studies, as it is often underevaluated, being less intuitive for us today, in a more culturally segregated high-low media environment (Turner 274). Being an elite poet, novelist or dramatist was far more likely in the 1880s than now to involve the author directly with day-to-day accountings of history and political discussion – and thus to bring him or her closer to an advocacy context – than do the lives of highbrow writers in our period today. In the nineteenth century, serious fiction and nonfiction writers, from Darwin to Ruskin to Mill and Wilde, did indeed all write for the popular press.⁴²¹ Our highbrow/lowbrow division of genres into “serious” novels, poetry and nonfiction published in book formats, and “nonserious” journalism published in newspapers and periodicals, is a twentieth-century invention, and not a critically helpful one.

Mark W. Turner and John Stokes also develop the place of Wilde’s journalism in his oeuvre and in the canon, in their introduction to *The Complete Works of Oscar Wilde: Volume VI, Journalism I*. Notably, if we bear in mind the seriousness of the issue of the legal complications of dress and self-presentation that could be brought into court as evidence in the case of a sodomy trial, following the Boulton and Park precedent and the introduction of character testimony, is what Stokes and Turner foreground in their presentation of the trajectory of his journalistic career, as an 1884 “intervention (which seems to have been unsolicited) in the Pall Mall Gazette” on the theme of “Dress.”⁴²² Indeed, Stokes and Turner confirms that Wilde lectured on and wrote about “Dress Reform” in multiple venues

⁴²¹ See eds John Stokes and Mark W. Turner, *The Complete Works of Oscar Wilde, Volume VI: Journalism I*, and *The Complete Works of Oscar Wilde, Volume VII, Journalism II*. (Oxford, UK: Oxford University P), 2013.

⁴²² Stokes and Turner, *The Complete Works of Oscar Wilde: Volume VI, Journalism I*, xv-xvi.

from 1884 through 1885. Stokes' and Turners' foregrounding of Wilde's journalism allows subjects that have at times been read as "merely" of the cultural moment, to assume their full political dimensions: the legal shading of the risks of certain kinds of dress, for men, give this subject for "reform" an additional political meaning.

The inclusion of Wilde's journalism alongside scholarly editions of Wilde's plays and stories that are more traditionally read as "canonical," add critical context to this canon, and I would argue that it is a model that should be emulated in assessing and assembling the canonical work of most important writers after the mid-1850s; that is, after the development of a mass journalism infrastructure in Britain and America. A writer of books does not become less thoughtful when he or she is writing journalism, and the scholarly assessment of journalism as "less than" work published as books or short stories or plays, reflects fairly recent historical conditions in the academy itself rather than any solid theoretical grounding that would legitimately devalue journalism as a genre for scholarly investigation.

Other recent critics also have important insights into Wilde's public persona in the mass media of the period. Michele Mendelssohn's exploration of the Wilde persona in American racial iconography, which she sets out in her book *Henry James, Oscar Wilde and Aesthetic Culture*, tracks Wilde's "mass media" presence in the 1880s and early 1890s, from the de Maurier "Maudle" cartoons to Wildean figures in illustrations for novels.⁴²³ Turner and Stokes' recent research assembling and contextualizing Wilde's journalism, and Mendelssohn's assessment of Wilde's appearance within popular journalism, all prove, I

⁴²³ See Michele Mendelssohn, *Henry James, Oscar Wilde and Aesthetic Culture*, (Edinburgh, UK: Edinburgh University Press), 2007.

argue, that Wilde's journalistic engagement, both as a reporter and as a self-elaborating journalistic subject, reveals him in the 1880s and 1890s to be using his own voice and persona in popular culture in efforts to challenge norms, including such norms as gender assumptions and conventions about what constitutes "decent" behavior – norms that are also the subject of this thesis.

Other critics have also analyzed Wilde's play with his physical image within the popular press. Daniel A. Novak explores the relationship between Wilde and his photographic iconography, an analysis that should be placed against the foregrounding of Wilde's journalism in understanding his possible advocacy intentions vis a vis censorship and sodomy law contexts. Novak argues that Wilde's photographed image became a marker or icon for a kind of *avant-gardisme* within the culture, just as, I argued, passing a volume of *Leaves of Grass* from hand to hand had done a generation before. Using the foundational case made by Walter Benjamin about the nature of mechanical reproduction, Novak argues that photographic images of Wilde were "often used as a shorthand for, as an icon for, the modern concept of "sexuality" if not modern culture itself."⁴²⁴ But the Sarony images that were so widely reproduced in America – were legally actionable in Britain. Wilde in America in 1882 "conspired," I maintain, to produce images of himself that blurred sartorial conventions about gender, and that thus, after Boulton and Park's 1871-2 legal precedent, were legally risky for him and legally confrontational to the censors and to magistrates. If a man can be arrested for wearing a dress in 1871-2, the dress being

⁴²⁴ Daniel A. Novak, "Sexuality in the Age of Technological Reproductibility: Oscar Wilde, Photography and Identity." *Oscar Wilde and Modern Culture: The Making of a Legend*. Ed. Joseph Bristow (New York: Ohio UP, 2009) 63-94, 63-64. For Wilde's interaction with celebrity culture, see also Merlin Holland, *Irish Peacock & Scarlet Marquess: The Real Trial of Oscar Wilde* (London: Fourth Estate, 2003) 74, 75.

evidence for “conspiring to commit sodomy”, he could be followed by London Metropolitan Police and entrapped in the 1880s, after having been spotted wearing knee-breeches, or carrying a lily; and, given what we have seen about the role of character and reputation testimony in sodomy trials, these aspects of self-presentation that might be argued by a lawyer to go to the issue of “conspiring” to commit sodomy -- could by 1882 be entered into evidence against such a man, if a trial resulted.

It is, I argue, in the context of the precedent, set in 1871-2 with the Boulton and Park trials, which criminalized gender-blurring in dress as a conspiracy to commit sodomy, that Wilde’s 1882 sartorial choices should be read. In many newspaper accounts written by male correspondents in America, the reporter dwells on the semiotics of gender subversions in Wilde’s dress: the poet’s fur coat, his lounging pose, and the accessory in the hotel room of fresh lilies or violets, are often mentioned in the US news clippings, and Wilde calls attention to them (“Where’s that camellia that was presented us at Reno? [...] Bring them violets,” he yelled [...] to the valet.” Hofer and Scharnhorst, 111). With this visual set of symbols, among others, Wilde was drawing closer to the legal line set by language establishing a crime in “the conspiracy to incite buggery “through dress and affect.

Because of character testimony, and because of the Boulton and Park trial, the legal precedent had been established by 1882 that British men, to be safest from accusations of conspiring to commit sodomy, must be reputable, and they must wear proper trousers.

In many of the iconic Napoleon Sarony portraits, Wilde is clearly wearing trousers – proper trousers – but Wilde also drapes himself in a garment that both Wilde and reporters often mention: the masculine overcoat, lined with sensuous, ambiguously gendered fur. In

other images, he is wearing trousers – sort of: they are the unheard-of knee breeches. In still others, he is dressed like a man --- sort of; wearing a cape or a flowing cravat, or carrying a hat almost the dimensions of a sombrero. Wilde is dressed like a man – from a more theatrical, sartorial lush time and place than post-Boulton and Park Britain in 1882.

Are Wilde's semiotic clothing and posture choices in the Sarony sequence mocking, or provoking, re-interpretations of masculinity? Are they to be set against the legal strictures in place by then of how men had to dress and to hold themselves, in order to be safer from sodomy prosecution? As many writers in closed societies understand – when there is speech crime law in place, often cartoons, illustrations and visual plays are the safest formats for making sustained critiques that would be illegal or dangerous in print.

Escalation

In the mid- to late 1880s, two forces in British society combined to make each more threatening to writers and editors and publishers: in August 1885, the Society for the Suppression of Vice merged forces with the National Vigilance Association. And in 1889, the Indecent Advertisements Acts was passed, which made the criminalization of the text even more minutely defined. This Act expanded the obscene publications legal net to include the criminalization now of advertisements, including for condoms and other medical devices, with penalties of one to three months at hard labour.⁴²⁵

⁴²⁵ "Indecent Advertisements Act 1889." *Hansard 1803-2005*. UK Parliament, n.d. Web. 14 July 2014. In 1890, a poster for an aquarium was brought to Parliament's attention under the Act. See also Robert M. Gutchen, *The Indecent Advertisements Act of 1889: 52 & 53 Victoria c.18* (Kingston: Biscuit City Press, 1975). A similar bill was passed in Ireland the same year, "Indecent Advertisements Act 1889" [S. 2 rep. 8 Edw. 7. c. 49 (S.L.R.)], which speaks again to the role of Empire in testing and expanding legislation that suppresses speech.

In 1889, another member of the social circle that included Symonds, Swinburne, and Wilde, was successfully prosecuted and went to prison for the crime of publishing literature. The newly empowered Vigilance Association brought a highly publicized prosecution against Henry Vizetelly, a by-then-elderly bookseller in poor health, whose shop was in Chelsea. Vizetelly had published Havelock Ellis' and John Addington Symonds' edition of *Christopher Marlowe* in 1887, two years before his own prosecution.⁴²⁶ I maintain that the Vizetelly conviction should be placed against Wilde's decisionmaking in the emphasis he chose in his own 1895 trials. The Old Bailey records and the regional and metropolitan newspaper reports of sodomy convictions show that Wilde's circle would have known how readily a man could be convicted for sodomy. And the news reports on the Vizetelly trial in London newspapers suggest that in 1895 Wilde would have been well aware that members of his own social circle could also be broken at hard labour or in penal servitude for the crime of producing certain kinds of literature.

But a reader of news in the 1880s and 1890s would have seen that sentences for sodomy were, until 1885 put the cap at two years, as long as fifteen years' penal servitude; and that the sentences for obscene publication were three to eight months. For this reason, I would argue, Wilde's 1895 decisions on the stand led him to emphasize the literary nature of such evidence as letters to Alfred Lord Douglas about "the madness of kissing", since the

⁴⁶⁴ Even these biographies were scrutinized by authorities and libraries for necessary expurgations. See Havelock Ellis, ed. *Christopher Marlowe* (London: Vizetelly & Co., 1887), with an introduction by John Addington Symonds. The volume is catalogued in the Pierpont Morgan Library in New York City as the "unexpurgated ed."

commission or distribution of an “obscene” (letter)/poem would have led to a shorter sentence than the same document being read as evidence of intent to commit sodomy.

Vizetelly was not a pornographer, but a serious publisher; he sold inexpensive translated editions of Zola’s *Nana*, and other racy fiction, not just to British readers but, as Heath points out, to “native” readers overseas as well – readers who were seen as being unable to filter the corruption as a European might.⁴²⁷ Indeed the bookseller’s sentencing was reported in English-language newspapers as far away as China.⁴²⁸ The accessibility of these editions also meant that readers transcended class and gender.

The challenge for writers and publishers that the Vizetelly prosecution presented had to do with the very nature of Zola’s subject matter. On the one hand, it was highly moral – the tale of the progressive degradation of an eighteen-year-old prostitute and music hall performer in Paris in the Second Empire. The book had been a great success on its publication in Paris, selling nearly half a million copies when four thousand was considered a successful print run. But Zola, the prophet of realism, also, to illustrate this degradation, took his readers – many of them young women – with nearly documentary levels of detail into the bedrooms and dressing rooms of these prostitutes, and narrated the “bestial” lust of the men who beheld and desired them in equally cinematic detail. *Nana*’s job is to do

⁴²⁷ See the “complete and unabridged” edition of Zola’s *Nana*, published by Wilco Publishing House, Kala Ghoda, Mumbai, India in 2009. “Printed and bound in India” shows even as late as the twenty-first century why one aspect of the scandal of the success of *Nana*—which sold nearly half a million copies on its publication in 1880—was that copies were flowing to readers in the colonial world. Zola had had prior encounters with state censorship. In 1865, after he published *La Confession de Claude*, the police investigated him, and he lost his job at Hachette as a consequence. Rumors confirmed that the State thought to prosecute *Nana* as well, but that Zola’s connectedness by 1880 to powerful protectors led the prosecutors to tread lightly in France. See Frederick Brown, *Zola: A Life* (New York: Farrar, Straus & Giroux, 1995) 431.

⁴²⁸ “Translations from M. Zola. A Heavy Penalty.” *The Chinese Times* 29 Dec. 1888: 846.

what cannot be described. What Nana does all day is have sex with men for money: so the theoretical and practical question for any publisher, and any censor, is: how would one censor such a novel “correctly” or “enough?” Is the obscenity in the moral frame -- Nana does die hideously of smallpox? Or does the obscenity lie in the lust that the text arouses in readers?

Zola’s description of Nana’s debut onstage, as she elicits a wave of desire in the audience, and a later scene of her admiring her own nudity in a mirror, became instant classics, much reproduced in cartoons and even advertisements; they are clearly written in order to arouse:

Venus made her appearance. A shiver of delight ran round the house. Nana was stark naked.

With quiet audacity, she appeared in her nakedness, certain of the sovereign power of her flesh. Some gauze enveloped her, but her rounded shoulders, her Amazonian bosom, the rosy points of which stood out straight and stiff as lance-heads, her broad hips, which swayed to and fro voluptuously, her thighs – the thighs of a fully-fleshed blonde – her whole body [...] could be divined, nay, discerned, in all its foamlike whiteness of tint, beneath the slight fabric she wore (31).

With sex, arousal and just punishment mixed together on every page, Nana destroys the British censor’s compass (Brown 432). The prosecution was successful: Vizetelly was sent to Holloway prison, a model prison using the panoptican design. But for reasons unclear to the senior leadership of Holloway Prison, the bookseller was transferred mysteriously to Pentonville, a far more brutal gaol. There he suffered from a regime of bare boards to sleep on, from being subjected to continual surveillance, and from enforced silence – prisoners were prohibited from speaking to one another at Pentonville, just as they were in Reading Gaol in a regime that nearly broke Wilde later. Vizetelly died after his incarceration, and his family attested to his time in prison having caused the final breakdown in health.

Contacts of Vizetelly’s in the London literary world, which we can reasonably assume

would have included Wilde paid careful attention to the trial. In *The Highly Civilized Man: Richard Burton and the Victorian World*, Dane Kennedy notes that Richard Burton, who had been working on his privately-printed translation of the Kama Sutra, “kept a close eye on the Vizetelly trial, clipping news accounts of the trial and referring to it in letters” (327).

This law criminalized the implications of love poems Wilde was publishing by the 1890s, and the conviction of Vizetelly for hard labour would have meant that Wilde’s willingness to publish a love poem in 1892, *Un Amant de Nos Jours*, which ran in the Oxford magazine *The Spirit Lamp*, was an act of conscious advocacy and perhaps conscious political provocation. It would surely have constituted a known risk on Wilde’s part of legal action by that time. It was also published with the same kind of legal defense built in that would inform Symonds’ “A Set Apology”, the disavowal verse that Symonds added after the fact to his 1859-61 “In Memoriam Arcadie.” Though we recall the poem under the later title “Un Amant de Nos Jours” today, its original title was “THE NEW REMORSE.”⁴²⁹

The verse presents a turning-away from the narrator’s connection with the feminine, and his embrace of a beloved youth.

In the first stanza, Wilde uses a vaginal metaphor—a metaphor of a frustrated, overwhelming feminine abyss, “her cave,” that the “silver willow” cannot possibly fulfill—and does not wish to fulfill:

The sin was mine: I did not understand:
So now is music prisoned in her cave,
Save where some ebbing desultory wave
Frets with its restless whirls the meagre strand.
And in the withered hollow of this land
Hath Summer dug herself so deep a grave,

⁴²⁹ Oscar Wilde, “Un Amant de Nos Jours” was originally titled “The New Remorse.” Published in *The Spirit Lamp* 6 Dec. 1892: 97. Cited in Stuart Mason, *Bibliography of Oscar Wilde* (Oxford: T. W. Laurie, Ltd., 1906) 209-10.

That hardly can the silver willow crave
One little blossom from keen Winter's hand. (209-10)

The second half of the poem, in contrast, sounds a joyful note as a male beloved appears to rescue the narrator, who is advised to redirect his gaze:

But who is this that cometh by the shore?
(Nay, love, look up and wonder,) who is this
That cometh with dyed garments from the South?
Is it thy new-found Lord, and he shall kiss
The yet unfinished roses of thy mouth,
And I will weep and worship, as before. (209-10)

These echoes of the *Song of Solomon* (“the Rose of Sharon, the lily of the valley”), and of a conflation of the Christ-bridegroom with the carnal bridegroom, all rather extend the Whitman-like gesture toward a new archetype of the homoerotic Beloved who is redeemed and redeeming through carnal love. The phrase “[l]ook up and wonder” echoes the tone of comments that Wilde had made about Whitman in 1882, in which he describes Whitman as prefiguring a new kind of being and heralding a new kind of (“new-found”) erotic age, indicating a new path to transcendental experience.

Lord Alfred Douglas’ 1892 poem “Two Loves” may also show the imprint of Whitman’s revalorization of the natural world, its invocation of the clean, informal—‘wind-tossed’—open space of New World iconography, and its association of fruitful fecundity with male-male eros. Douglas follows the same structure as Wilde’s 1890 poem. The narrator is in a slightly ominous natural setting, when

Lo! Across
The garden came a youth; one hand he raised
To shield him from the sun, his wind-tossed hair
Was twined with flowers, and in his hand he bore
A purple bunch of bursting grapes [...]⁴³⁰

⁴³⁰ Lord Alfred Douglas, “Two Loves” in *The Chameleon: A Bazaar of Dangerous and Smiling Chances*, 1 (December 1894) (London: Gay and Bird) reprinted in Brian Reade, *Sexual*

This guide figure offers to show the narrator “shadows of the world/And images from life.” He reveals to the narrator two other figures, one that “did joyous seem” who “sang of pretty maids/ and joyous love of comely girl and boy.”⁴³¹ The other “walked aside. / He was full sad and sweet.” This figure is identified with “pallid lilies” his hands “clenched tight”, his head wreathed with “moon-flowers pale as the lips of death.”⁴³² This figure’s emblem is a “great snake, whose breath/ Was fiery flame.” The narrator asks the second figure his name, and he replies, “My name is love.” At which the first figure objects:

He lieth, for his name is Shame
But I am Love [...] I am true Love, I fill
The hearts of boy and girl with mutual flame.”
Then sighing, said the other, “Have thy will,
I am the love that dare not speak its name.”⁴³³

The issue of censorship and attendant legal danger was so alive by 1892 that “Two Loves” is, as in Symonds’ unpublished poems of the 1870s, a Romantic pastoral that turns inevitably darker, into an allegory about censorship and suppression. The allegory is allusive but also literal and thus I would argue, political: because of the Obscene Publications Act, one love literally *could not* speak its name.

In 1892, another fight erupted around censorship: that year that a Special Parliamentary Committee on Theatre Censorship convened to challenge the Lord Chamberlain’s absolute historical power over stage censorship. David Carlton, Anne Etienne and David Thomas, in *Theatre Censorship: From Walpole to Wilson*, make the case that such attempts at reform in

Heretics: Male Homosexuals in English Literature from 1850-1900 (London: Routledge, Kegan Paul 1970) 360-2.

⁴³¹ Douglas, “Two Loves.” 360-2

⁴³² Douglas, “Two Loves.” 360-2.

⁴³³ Douglas, “Two Loves.” 360-2.

that year were flatly ignored by the sitting government. This public drama reinforced the perception that the Lord Chamberlain's power came directly from the sitting government and the Crown.

With these battles surrounding the stage, and the battles we have already identified surrounding book publication, we see that Wilde took the daring journalistic, literary and cultural steps that he did, from 1882, his visit to the United States, to 1895, the year of his trials, against a legal backdrop of more and more legal danger. Wilde's 1895 trial was not, thus, I argue, a turning point, in spite of many Queer theorists' arguments to this effect; but rather an endpoint, long in coming, in which Wilde may have, as he had with his visit to Whitman in 1882 and his outreach to Swinburne at the same time, been engaged in a careful act of advocacy and political provocation against an intolerably descending State. In these calibrated actions, in 1882 and again in 1895, Wilde may have been playing a chess game of advocacy against the State, a game in which may at any one moment have won, but finally he lost.

This reading is a different narrative of the Wilde trial than readings that cast his choices as self-destructive psychodrama, or readings that mischaracterize the legal context into which Wilde stepped as becoming suddenly unexpectedly punitive. He may have been engaged, perhaps after he was drawn in by his lover's emotional reactions, in a set of deliberate choices involving the kind of direct, theatrical provocation of the State that activists know can either succeed and establish a legal and social victory, or else can fail and risk or result in the activist's imprisonment.

Wilde's 1895 conviction—about which so much has been written, but little of this

analysis relating this one legal crisis to the many legal crises that preceded and those which followed—was met with a burst of publications that sought to recontextualize homosexuality in a medical, scientific or poetically elevated context. This energy of publication, I believe, was related to the trials of Henry Vizetelly and of Oscar Wilde. It was the invention of the discourse of sexology, unpoetic and bloodless though that was, that broke through and eventually reframed discourses around homosexuality. (This shift in framing around sexuality certainly affected women writers of the period, too, creating space in intellectual discourse for an assessment of non-normative sexual behavior that was outside the sphere both constraining women and policed by women of moral judgment and condemnation regarding sexual behavior and desire).

Havelock Ellis, one of Symonds' collaborators in formulating this discourse, also drew on Whitman as a validator. In a sense, after the Wilde conviction, Whitman – or a beatified, almost hagiographic version of Whitman, a persona more than a poet -- was invoked by Ellis and by Symonds and others as a healer of society – his persona functioned to point a way past the wreckage of Wilde's conviction, and of the public whippings re-introduced by the 1889 Vagrancy Act.

In a chapter on Whitman in his 1890 book *The New Spirit*, the "evidence" of the naturalness of non-normative sexualities presented by Whitman's personal vigor was cited by Ellis as a model of the liberatory new man. The phrasing, once again, conflates the sexuality of the man with the text: Whitman "in a law of perfect health" and "at one with nature" – language intended to contrast with the discourse of vice, disease and infection

around homosexuality that we explored in Chapter Two.⁴³⁴ Ellis compared Whitman to Christ.

He too, like earlier proselytes, devoted space – almost two pages – to dwelling on Whitman’s attractive face and body and expounding upon his robust physical health, his “manliness” and “virility.”⁴³⁵ Ellis too, like so many proselytes of the Whitman “brand”, cited the following now-famous lines from *Leaves of Grass* – lines which started as personal lyrics but had become, filtered through the culture, by that time recognizable advocacy texts, almost a mission statement: “I stand and look at [animals] long and long. They do not sweat and whine about their condition. They do not lie awake in the dark and weep for their sins [...]” (119). Contemporary Victorian as well as current critics extend the tradition of hagiography in relation to Whitman: W. C. Harris, for instance, in 1988, explores “Whitman’s *Leaves of Grass*” perceptively in terms of its reception as “The Writing of a New American Bible.”⁴³⁶

Symonds never lived to see his most direct engagement with homosexuality in print: he died in 1893, and his collaboration with Ellis, *Sexual Inversion*, was published two years after the Wilde trial, posthumously for Symonds. Letters between Ellis and Symonds show clearly that they discussed collaboration on the book about sexual “inversion” since June of 1892. Symonds biographer Phyllis Grosskurth wondered if his lapse about this exchange meant Symonds had suffered from some age-related loss of memory at that point, or

⁴³⁴ See Havelock Ellis, *The New Spirit* (Cambridge: Bell Publishing, 1890) 120-2.

⁴³⁵ *The New Spirit* 120-2.

⁴³⁶ See W. C. Harris, “Whitman’s *Leaves of Grass* and the Writing of a New American Bible.” *Walt Whitman Quarterly Review* 16 (1999): 172-190.

whether he simply wished to distance himself—even *posthumously*—from what would certainly be the notoriety of *Sexual Inversion* (289).

In a characteristically complex struggle to find a publisher for sexually tabooed discourse—a struggle that would be repeated by later sexual/literary revolutionaries D.H. Lawrence, Radclyffe Hall, Henry Miller and Allen Ginsberg—Ellis was unable to find a British publishing house for this British book. In yet another example of textual alienation, he published this English work first in Germany under the title *Das Konträre Geschlechtsgefühl*. In spite of this textually at-one-remove gesture of publication, the volume was seen as a breakthrough achievement when it appeared in Germany. The book was pioneering in that the authors argued that a homosexual should be left “free to live his own life” without legal or social persecution. It was also Wildean and post-moralist in arguing that indecency was in the eye of the beholder—that lives could be saved from destruction by adding the words “in private.”⁴³⁷ It was a successful and ultimate triumphant rebuttal of and contestation of the framing language of The Obscene Publications Act, *Hicklin v. Regina*, the Labouchere Amendment, the updated Vagrancy Act, and the precedent of introducing character testimony into sodomy trials. After the triumph of sexological discourse and categories of thought, the wide array of formulations of homosexual acts in terms of “filth”, “vice”, “corruption”, “abomination”, “indecency” and the category of “the unspeakable”—even the legal lumping of “sodomy” with “murder” and “arson”—would become progressively drained of cultural meaning and thus literary meaning. Sexology in a sweep decoupled gay-themed literature from an everpresent

⁴³⁷ See Havelock Ellis and John Addington Symonds, *Sexual Inversion: A Critical Edition*. Ed. Ivan Crozier (London: Palgrave Macmillan, 2007).

potential role as evidence in criminal trials, thus in a sweep liberating literature, as Whitman had invited Symonds to believe was possible, and as Symonds had longed to believe as well, if fearfully.

However, even if he believed in that future and was motivated to create advocacy literature to hasten it, Symonds did not live to see it. As he lay on his deathbed, one of Symonds' last literary acts was to censor the manuscript of *Sexual Inversion*.⁴³⁸

Ironically, 1893, the year of Symonds' death, was also the date that another hagiographic book-length treatment of Whitman, Symonds' *Walt Whitman: A Study*, was also published by John C. Nimmo. The first edition of this text is a handsome, respectable-looking green fabric-bound volume, with "Great Man" signaled semiotically throughout. It opens with a dignified etching of Whitman in 1880, looking sage, with a white beard prominent. Three other images, these ones photographs, are included – one of them intriguingly depicting Whitman's simple one-room interior, with its papers piled up on a chair. It takes a moment to notice the unusual camera angle: the scene is depicted from the vantage point of the poet's bed – with the footboard visible in the foreground.

At the end of his life, Symonds finally had his say about what "Calamus" meant, and he said it, at last, in public and in his own voice. He quotes the poet, to be sure, in his 1893 homage, as a jumping-off point:

I will make divine magnetic lands
 With the love of comrades,
 With the life-long love of comrades.
 I will plant companionship thick as trees along the river...

⁴³⁸ See Richard von Krafft-Ebing, *Psychopathia Sexualis*, as cited in Romana Byrne, *Aesthetic Sexuality: A Literary History of Sodomasochism* (London: Bloomsbury Academic, 2014) 6.

I will make inseparable cities, with their arms about each other's necks,
 By the love of comrades,
 By the manly love of comrades. (81)

This manifesto echoes Jehovah's promise to Israel in Genesis 22 that he will "multiply thy seed as the stars in heaven" (Gen: 22). The echo is layered with meaning for the rejected people whom Symonds has in mind: Israel too, in Exodus, when the promise was made, was an outcast, ill-understood minority, formerly enslaved and at the mercy of the dominant society.

Symonds transitions, stiffly, back to his obsession: "We may return from this analysis to the inquiry whether anything like a new chivalry is to be expected from the doctrine of 'Calamus' [...]" But then he hits his stride: "[...] which shall in the future utilize for noble purposes some of those unhappy instincts which at present run to waste in vice and shame. It may be asked what these passions have in common with the topic of Whitman's prophecy?" (81). Symonds is here respecting Whitman's refusal to be drawn into literalism or to be a "spokesperson." Yet Symonds persists in the syllogism: "They have this in common with it. Whitman recognizes within the sacred emotions and social virtues, destined to regenerate political life and to cement nations, an intense, jealous, throbbing, sensitive, expectant love of man for man: a love which yearns in absence, droops under the sense of neglect, revives at the return of the beloved: a love that finds honest delight in hand-touch, meeting lips, hours of privacy, close personal contact. He proclaims this love to be not only a daily fact in the present, but also a *saving and ennobling* (italics mine) aspiration. While he expressly repudiates, disowns, and brands as "damnable" all "morbid inferences" which may be drawn by malevolence or vicious cunning from his doctrine, he is

prepared to extend the gospel of comradeship to the whole human race. He expects democracy [...] to develop and extend “that fervid comradeship” (81-2).

With the intake of breath represented by a new paragraph, Symonds makes as declarative a set of sentences as he ever has in his career as a writer. You feel him setting self-censorship down at last, and announcing as the curtain of his own life starts to draw to a close, out loud, with no intermediaries, no triangulation, no translation, no equivocation, no foreign language utilization, what it is he has meant to say all along – for forty-three years:

“If this be not a dream, if he is right in believing that “threads of manly friendship, fond and loving, pure and sweet, strong and life-long, carried to degrees hitherto unknown,” will penetrate the organism of society, “not only giving tone to individual character, and making it unprecedentedly emotional, muscular, heroic and refined [...] – then are we perhaps justified in foreseeing here the advent of an enthusiasm which shall rehabilitate those outcast instincts, by giving them a spiritual atmosphere, an environment of recognized and healthy emotions, wherein to expand at liberty and purge away the grossness and the madness of their pariahdom?” (81-2).

In the rhetorical cadences and the triumphant, trumpet-like, if alarmingly run-on, sentence, Symonds takes a final step into the literary and psychological dimension that Whitman had prepared for him and others of his generation of male homosexual writers, in 1855. The paragraph above from *Walt Whitman: A Study*, is Symonds’ final acceptance that he must say in his own voice “what Calamus means,” if he is to find peace as a human being and an authentic voice as a writer. Defining “Calamus” for himself was his literary Grail. The hope that it existed, and that a generation of readers would exist someday to which he

could finally speak, even if he was no longer alive to witness the reception of his words, allowed Symonds, if for brief moments in this, and in a few other, very late books, at last, a strong, unmediated, declarative voice.

Finally Symonds has, after an agonizing career of placing and addressing the discomfort that was the theme of his life, within the subject and within its desires – finally, he has found his “Calamus”: he has at last resituated the discomfort outside the subject. Finally he has placed the “madness” and “grossness” where he always inwardly wanted to believe, but did not let himself publicly (or sometimes even privately) believe, that it belonged: finally not situating it, torturedly, in the “wolf” appetite, but rather, at last, in the distorted perceptions and compromised morality of the suppressive and conventional social world. There is where the accusation and recognition of “grossness” and “madness” belong, if we see with Whitman’s eyes, and now Symonds: that anything that fears and then systematizes the fear, of love and “comradeship”, with all the potential of human expansion that those terms represents, is itself a form of perversion.

In his 1910-1911 poem, “Ithaka”, the Greek poet Constantine Cavafy advises readers not to ask about “Ithaka”, but to undergo the journey there for themselves. He explains that the voyager will be safe if he understands that the monsters are outside himself:

Laistrygonians and Cyclops,
angry Poseidon – don’t be afraid of them:
you’ll never find things like that on your way
as long as you keep your thoughts raised high [...]
Laistrygonians and Cyclops,
wild Poseidon – you won’t encounter them
unless you bring them along inside your soul,
unless your soul sets them up in front of you.⁴³⁹

⁴³⁹ Constantine Cavafy, “Ithaka,” in ed. George Savidis, *Collected Poems* (Princeton: Princeton UP, 1992). 36-7.

This was the insight—that the monsters besieging him and his poetic voice were as real as psychological self-aversion—that Symonds reached very late; but he reached it in his lifetime. Perhaps this kind of interrogatory, interlocutory provocation was part of Whitman’s wisdom too, in refusing to be led into literalness by Symonds, and rejecting the role of a false and spurious “mentoring” in Symonds’ urging him to “name” the meaning of “Calamus.” Had Whitman done so, Symonds might never have reached the end of the journey for himself. What Whitman knew, perhaps, is that everyone must interpret his or her “Calamus” for him or herself. No one can translate “Calamus” for another subject; the elucidation of what “Calamus” means is the journey. Perhaps Whitman knew this externalization of the power to give meaning, to speak for oneself, could have stunted Symonds’ own growth as a writer and as a human being. It would have been yet another capitulation to Symonds’ literary and moral weakness, in his continually assigning authority to sources outside of himself – and in his continually accepting their censure, and also, in his own defense, in his seeking to enlist another man’s positive assertion for his own identity.

Conclusion:

John Addington Symonds would never live to know that he finally, actually “won”: the last genre he chose, out of the lifetime of vainly seeking one genre after another which he might craft a key to a new world of now-licit speech, love and writing, succeeded transformationally. The intellectual frame of *Sexual Inversion*, and the ascent of the sexologists in the 1890s, changed permanently how we now think and talk about homosexuality.

Paradoxically—or perhaps dialectically—*Sexual Inversion* triumphed as the law was gearing up for an even more heightened round of persecution. In 1898 the Vagrancy Act was amended again; the “originality” of the amendment, as Angus McLaren wryly puts it, was that it allowed those summarily convicted of sexual deviancy—groups that now included pimps, male prostitutes, exhibitionists and cross-dressers in women’s clothing, or men “masquerading in female attire”—to be publicly flogged (14-16). Sexological treatises such as Havelock Ellis’ *Sexual Inversion* were emerging at a time not only of increasing liberalization of discourse; but rather, of discourse *liberalizing itself* at some risk to the speaker, to address a legal crisis. But Symonds’ literary voice, rather than the voice of the Vagrancy Law, won the battle, ultimately. When modern Western institutions, gatekeepers and even individuals discuss and create policy around this issue, they do it in the framework set out by Symonds and Ellis in that seminal text.

Both readers and writers, in the period we have examined, used Whitman to try to work

out a sexual/textual identity that they did not yet have. Though the vision of *Leaves of Grass* was presented within the genre of free verse poetry, it was also taken by these two generations as a map to a new world and a manifesto about what sexual and emotional relationships in that new world should consist of. In this “use value” for *Leaves of Grass*, to use a Marxist term, these struggling British and expatriate visionaries found a catalyst for their own multiple advocacy texts in various genres – from texts disguised as fable, such as Christina Rossetti’s “Goblin Market,” to texts disguised as translation, such as Symonds’ work on Michelangelo Buonarroti, to texts dressed as medical categorization, such as *Sexual Inversion*.

Each these visionaries we have looked at, aimed, from the 1860s until the end of the 1880s and beyond, at bringing that “New Spirit” language and cosmology closer into a kind of harmony with their own law- and convention-burdened discourses.

There have been many Whitmans, as we saw: patriotic Whitman, class-leveller Whitman, feminist Whitman, mystic Whitman, sexual radical Whitman. Because of this aspect of his influence and reception, rather than for any new insight into the value of Whitman’s literary achievement, interest in Whitman is increasing today in the critical establishment, with the rise of American Studies, as well as with the growing critical interest in the treatment of sexuality in literature.

How do we understand Victorian silences around sexuality? Through the law as well as through more traditional ways of reading literature. A critical position that accounts for the tradition of the “justice” frame around female sexuality discourse, and places it alongside the gay male literary tradition of a transcendental sexual iconography, is necessary. But necessary too is to add to this dialectic, a detailed and realistic grappling

with the real legal penalties of the period, the atmosphere of fear, arrest, trial and conviction in which Victorians read and wrote and especially in which Victorians involved in addressing sexual themes, created and distributed letters, memoirs, poems and novels. This tripartite analysis is necessary, if we are to truly comprehend the gaps, codes, omissions and secrets of a half-century whose famous modesty and secrecy has been, I believe, much misunderstood; indeed, misunderstood for decades, and continually misunderstood in a way that mis-reflects back in time our own contemporary assumptions about freedom of speech, psychological repression, the role of public opinion, and the relationship of the State to the body in a democracy.

Only by recognizing how dangerous was the legal context around challenging or sexually transgressive writing in this period, do we realize how truly radical- whether it was the explicit Whitman, the Tractarian Christina Rossetti, the diplomatic William Rossetti, the confrontational Swinburne, the many-guised, tireless Symonds, or the provocative Wilde - these Victorians really were.

LEGAL AND PUBLICATION EVENTS TIMELINE

1819: The Blasphemous Libel Bill Criminalizes Blasphemy (UK)

1853: The Customs Consolidation Act Criminalizes Print Distribution (UK)

1855: Walt Whitman, *Leaves of Grass* (US)

1855: The Offenses Against the Person Act Nationally Streamlines Sodomy Law (UK)

1855: Introduction of Penal Servitude for Sodomy; Sodomy Recategorized with Murder and Arson (UK)

1857: The Madame Bovary Trial; Author, Editor and Printer Prosecuted for “Offending Public Mores” (France)

1857: Legal Action against Charles Baudelaire’s *Les Fleurs du Mal* (France)

1857: The Obscene Publications Act Criminalizes Authorial Intention (UK)

1857: The Matrimonial Causes Act Cites Sodomy (with “Rape and Bestiality”) as Sole Grounds for a Woman to Divorce a Man (UK)

1859-1861: John Addington Symonds’ “In Memoriam Arcadie” (Unpublished).

1860: Unexpurgated “Calamus,” *Leaves of Grass* (US)

1864: The Contagious Diseases Act Legalizes Incarceration without Trial for Forced Pelvic Examinations (UK).

1866: The Contagious Diseases Act Reaffirms State Power to Incarcerate without Trial for Forced Pelvic Examinations (UK).

1866: Algernon Charles Swinburne, *Poems and Ballads*. Moxon Withdraws from Publication Contract.

1867-8: Hicklin v. Regina Criminalizes Reader Reception (UK)

1867: William Rossetti’s Bowdlerized *Leaves of Grass* (UK)

1870: The Married Women’s Property Act (UK)

1871: The Arrest of Simeon Solomon for Attempted Sodomy (UK)

1871: The Boulton and Park Trial; Venereological Testimony. (UK)

1872-3: The 1860 Indian Penal Code updated (UK)

1873: The Comstock Act Criminalizes Obscene Publications Sent through the Mails (US)

1873: Thomas Maitland/Robert Buchanan Review, "The Fleshly School of Poetry"

1873. John Addington Symonds, *A Problem in Greek Ethics* (Unpublished)

1873: Symonds' First Letter to Whitman Asking him to "What 'Calamus' Means."

1873: John Addington Symonds, *Lives of the Greek Poets*.

**1876: The [Revised] Customs Consolidation Act Legalizes State Confiscation of
Obscene Materials at Sea (UK)**

1876. Walt Whitman, *Democratic Vistas* (US)

**1878: The Besant and Bradlaugh Trial for Obscene Publication; Besant Loses Custody
of her Daughter (UK)**

**1878: John Addington Symonds' *Rhaetica*, and *Eududiades and A Cretan Idyll*
(Privately Published).**

1882: The [Revised] Married Women's Property Act (UK)

**1882: Massachusetts Attorney General Threatens Prosecution of *Leaves of Grass*
(US); Print Run Cancelled.**

1882: Walt Whitman Prints *Leaves of Grass*

**1882: Walt Whitman, "A Backward Glance O'er Travell'd Roads"; Defends Word
Choice Criminalized as Obscene. (US)**

1882: Oscar Wilde Visits Walt Whitman in Camden, NJ. (US)

**1885: The Criminal Law Amendment Act (The Labouchere Amendment); Caps
Sodomy Convictions at Two Years' Hard Labour. (UK).**

**1888: Henry Vizetelly Convicted for Publishing "Obscene Libel"; Hard Labour
Sentence (UK)**

**1889: The Indecent Advertisements Criminalizes Advertising Obscene Materials
(UK)**

1889: The [Revised] Vagrancy Act Legalizes Public Flogging for Sodomy (UK)

**1890: Whitman's Final Letter to Symonds Refusing to Specify "What 'Calamus'
Means" (US)**

1895: The Wilde Trials (UK)

**1896: John Addington Symonds, *A Problem in Modern Ethics*. (Privately Published).
(UK)**

1897: Publication of Havelock Ellis' and J. A. Symonds' *Sexual Inversion*

Appendix A: Calamus Images

**Appendix B: Dante Gabriel Rossetti Frontispiece from the 1862 Macmillan *Goblin*
*Market and Other Poems***

Appendix C:**“In Memoriam Arcadie”, John Addington Symonds, 1859-61**

Unpublished

Transcription By Naomi Wolf

From the Manuscript, Pierpont Morgan Library, New York City

Note: “In Memoriam Arcadie” is a red leather-bound notebook containing Symonds’ handwritten poem, dated “1859-61.” The volume has in the flyleaf pages a handwritten

note from Edmund Gosse, on letterhead printed with “17 Hanover Terrace, Regent’s Park, N.W.1.”:

“This “In Memoriam Arcadie” is the earliest surviving work of John Addington Symonds. It was given me by the Executors of Horatio Brown. It was begun in 1859, when the author was an undergraduate at Balliol, but chiefly written at Clifton in the vacations. W. was a fellow-student at Oxford, named Wright.

“No part of “In Mem. Arcadie” has ever, to my knowledge, been printed. The entire ms. is in the well-known handwriting of J. A. S.

Edmund Gosse [no date]”

TRANSCRIPTION:

[Title page, in J.A.S.’s writing, in ink:]

“These verses date from October 1859.”

Then, in pencil: “to about Oct 1861”

[Below that, preceding the title page:]

“To offer set Apology for this –

The indrawn sorrow of a childish brain,

The loved remembrance of imagined bliss,
And brooding oer imaginary pain –
Were to defeat my object: as the fruit
Falls from the tree unripe, so fell these lives –
Smote by the frost a dry and sickly shoot –
From one whose life distempered peaks & pines
With yearning for Ideal Sympathy.
Scorn not its Sadness; let no doubt arise
That such weak veins throbb'd more tumultuously
Than a child's throb to see its mother's eyes,
Or that in such a passion as here shown
Is more than memory mourning all alone."

[Facing:]

In Memoriam Arcadie

[Part 1 facing:] "To W"

"I give thee this: thy work is done;
 But pure & holy hast thou been,
 Nor will it vex thee to have seen
 That [~~"beauty"~~ "virtue" written above it] virtue praised wh. thou hast won.

Thy gentle youth, thy opening morn
 Was wholly given to God's praise,
 Now wilt thou in life's noontide days
 Forsake the badge so nobly borne.

'Tis well: for thou by nature taught
 Has learned to choose the better way,
 And from the paths of Vice to stray
 Where Hope & Virtue guide thy thought.

The world is wide; & cloister grey,
 The pensive bell, the sound of song,
 No more may hold the heart from wrong,
 But arm the Champion for the fray.

The might they give thee, & their love
 Keep thee through life, nor dim their power;
 Such memories in the darkened hour
 Thy surest shield shall ever prove.

1

The tint of rose on Alpine snow,
 A distant light on freshened grass,
 A landscape seen in [illegible] jet glass,
 On wintry skies the North's brief glow;

Such is the halo round them shed –
 Those pleasant days that come no more –
 As summer suns at even hour
 On moated towers their glowing red:

Those were the days when April dawn
 Wakened my heart to think of him,
 When evening grey with shadows dim
 Overspread the tree embowered lawn,

Where we had talked; & his dear voice
Still clung to every fluttering leaf,
And sparkling fountains gushed their grief
As though to wake him by their noise.

[The next page is unpaginated, and appears to have been added between pages 1 and 2
with glue]

These were the times when day by day
I sought with loving steps the shrine
Where rang his youthful voice divine,
To watch the light around him play:

And then with trustful smile to meet
Out by the cloister door, & pace,
Where rooks & slanting swallows chase
Their shadow at the minster's feet;

Or else to wander by the bank
Where Avon rolls a turbid tide,
And see the ships with pennons wide
Come floating homeward rank by rank;

Or seated on some crag at ease
To look adown the waves of wood,
To hear the seagull on the flood
The lark & linnet in the trees.

Oh that sad dream of other days!
That sacred calm of holy shade!
Like rubies upon tombstones laid
From lancet lights where sunbeams gaze.

2

I found two acorns on one stem:
Autumn had touched their green to gold:
One knotted chalice made a fold,
And set them like one precious gem. [pencilled 'a' in margin]

So lovingly they both were bound,
So like, so rich in future leaf,
I said, "The hand of time will sheaf
Their kindred fruit from kindred ground."

But as I touched them, ere I threw
Both back to swell toward April germ,
One fell, & from his heart a worm
Writhed on the grassy beads of dew.

The other stayed, & he will grow
Great with decay, & all alone
Will blossom, all forsaken own
The autumn rain and summer glow.

Two lives in boyhood grown to one,
Each fully fair each fully blest;
One falls, & wounded leaves the breast
Whence that dear brother soul had gone.

[Paginated] 3

Once more, bright morn? Once more so fair?
Thy greetings smiles me like thy sire,
On musty rocks with crowns of fire
And swallows bound for Southern air.

These woods are mellow chased with gold,

Bead hung to bead on spider's web,
 The tide with just as mirror'd ebb,
 The miner's hammer as of old.

What is it? Again the rounded time
 Has reached this vigil of my birth,
 And once again October's mirth
 Adds its year's measure to my prime.

He is not gone; no death dews rest
 In slumber on his sacred shroud:
 A father's word, a prudish crowd,
 Should these divide one loving breast

[Paginated] 4

I am that foul & rotten husk:
 Not he. I bred the worm & died –
 For Love is dead when once decried –
 Dead Love I call the Spirit's dusk.

Dusk of my soul! 'Twere best to fall
 Than that [sic] poor fruit & feel no more,

Than thus to grope on sunless shore
Reft of the light that gildeth all.

A canker brought its heart to dust,
Its being sank through lover [lower?] lives,
But mine is fresh & moves & thrives,
Like weeds that grow in charnel's thrust

And all forget the precious day –
They are too mean to care for light,
Too foul to feel the dungeon blight,
Too coarse to fret with blind decay.

Great God: I envy all the life
That wheels & screams about this rock:
Round every peak the swallows flock,
And wrangle in their mimic strife;

Or holding wise debate they sit
And plan for flight to Southern skies
With many a chirp, then sudden rise
And down a golden sunbeam flit.

The dawns from shade to shadow change;
The daylight brightens as they cross
On hoary head and jetty gloss,
By hole & ivied crack they range

Or chase each other up & down
Athwart the blue autumnal haze,
That decks itself with Western rays
And spreads a net from crown to crown.

Scenes of my childhood: ere I learned
Life's youngest woes – the smart of school,
The heavy taunt, the bitter rule,
The love to gross abuses turned.

[unpaginated]

Scenes of my boyhood: thrice as fair
With him I worshipped at my side –
My love, his beauty, deified
The genius of your summer air.

I press your crisp short grass again,

But Love or Comfort where are they?

I'd live my past's most bitter day,

Were he but here to smile at pain.

[Paginated p 6]

Spirits without or taint or guile,

Pure laughing merryhearted boys,

I longed to join your simple joys,

And by my mirth to raise your smile:

To commune with you breast to breast,

To feel your pleasures like my own,

And find a love that neer was [shown] [known] [written over]

By playmates; when my soul unblest

Went mid her peers & sought for love

And youth's first faith of hand & eye;

But they looked scornful, & passed by,

And left me. To another clove

My slighted thrust; & he was low,

His look was gentle, & he sang

In tones that through grey arches rang
 The heaven of love I longed to know.

[next three pages unpaginated before a paginated p 7]

A heaven of love in placid voice,
 In deep brown eyes & lengthened lids,
 In cheek & chiseled lip that bids
 The [illegible] that lives on it "rejoice".

From that bright band of laughing boys
 I singled him: & then we met –
 He with long fringe of eyelash set
 [In margin: "the cloister lawn with dew was wet/ The"]
 On timid glance, with music voice

That whispered words I half repressed –
 (For he was lowly, & he owned
 That rose of love ["love" crossed out; "birth" written above it] wh I bemoaned
 As one sad thorn in loving breast.)

April had ceased to weep, & smiled
 From dewy night on liquid morn,

In tender fringe of beach & thorn,
And fleeing clouds all slumberous piled

[unpaginated]

[Illegible] the grey minster: on their bow
Dark flights of swallows homeward bound,
And from a distant field the sound
Of cuckoo first upon the bough.

I well recall that morn's Spring kiss –
It haunts my sleep in dreamy night,
Till chased by winds or fears that sprite
A troubled brain – but then my bliss

In his dear touch & liquid eyes,
Seated by him or pacing bound
Close to his side – what thought shall sound
The rapture of my newbought prize?

A human heart, a human breath:
We loved: our look was purest light:
For us the Sun from heaven more bright

Leaned forth & sealed a love till death.

Why then at songs he loved to sing
Because they drew my happiest tears,
Why then beside his boyish peers
Comes this felt naught, this vacant thing?

Oh! Were he dead, my love had grown
In a full orb about their song
And heard his notes from angel throng
Through their dear mortal music blown.

Yes: & each pane [?] had taught of him,
And Nature's self in dress of gold
(The dress he loved because I told
How winter brought me strength of limb)

It may not be. Poor heart twice born
To cut thyself from human touch –
The cup of love for thee too much,

Too bright the sun of Passion's form.

7

Twice since I thought to leave the Earth

Unripe, before the mellow air

Had kissed to gold mild Autumn's pear

In nineteenth cycle from my birth.

My soul had long been pained for flight,

And murmured, "Give me, Lord, thy sign:

So will I deck my love a shrine

And wait him in thy courts of light.

Or rather grant me not alone

To tread the vale of weary death,

Give me my friend, & let one breath

Waft up twin spirits to thy throne."

Presumptuous wish: ne'er came the call

And nineteen rounded Autumn's fill

My cup of life, & yet the hill

Frowns steep & steady crowning all.

[unpaginated]

No peak or eyrie whence to sweep
 The wings I made for sunset shore
 Of blessed island clouds, or soar
 To some blue heights of God's vast keep.

Still on I grope, but taught to know
 The rod that rules our daily task –
 Wd God that I had learned to ask
 But him as partner of my woe!

8

Shall Alleluia thrill once more
 Thy winter aisles? Shall Xmas hymn
 [in pencil in margin: Of angels pierce the twilight dim]
 Once more wake dusty Cherubim?
 Shall snowy Pastoral slumber pour

From charme'd pipes on misty light
 And silent faces raised beneath

With there a ["patch", crossed out] line of holly wreath

And there a hazy patch of white?

...

Shall that are voice (the swains to wake)

On broken chords, till clarion shout

Bid the full choir its vision break?

And shall I listen from my perch

In that wild eagle's nest of sound

Those pinions are the chords that bound

Through each quaint [cog?] in this dark church?

And shall I feel one voice alone

Thrill to mine eyrie? Stay, my soul:

Here pass not: other tides must roll

(Not his) their floodforce to thy throne.

[Paginated in pencil, 9. A green pencil "X" in upper right hand corner.]

My muse so long to mournful notes

Has tuned & stroked a weary lyre [margin in pencil 'touched']

No more can woods & waves inspire

The joy that through their spirit floats.

The gale is up, & far away

It comes o'er changeful sea & sand,

Where that dim distant borderland

Stands clear & doffs [~~its~~] her mist today.

The broad brown woods are close to view;

Their crests are fringed with orange sky,

With here a beech all russet dry,

And here a black rock pluming yew.

The river swirls with muddy flow;

And wild white seabirds screaming sail

Round point & headland on the gale

Down to the channel's golden glow.

[Unpaginated]

Far up in air the homeward rooks

Float dense against the liquid sky;
 They hear the woods beneath them cry,
 They mark the swelling of the brooks.

Faint heart: why sad? *They* flout the breeze.
They care not though their nests be torn;
They laugh the drenching showers to scorn;
 Thou has a God as well as these!

10

Twelve by the clock. The sullen hours
 Another decad [sic] give to time;
 Another decad [sic] to my prime
 And fruit of full accomplished powers.

Say: does man's mind unceasing soar
 From strength to strength, as travels one
 Stage after stage, & yet the sun
 Sinks, & his journey is not oer?

Or race we from the primal womb

Through childhood boyhood, till the days
Rest in some point & bid us raise
Strong arms, there cycling till the tomb?

What boots it if my powers be full,
What growing still? A nerveless brain,
A sickness without strength for pain,
Beyond a future blank & dull.

Another year: has then the last
Begot such store of garnered pride?
Do golden sheaves & orchards wide
Give fruit for seedtime of the past?

[Unpaginated]

Another eyrie have I gained
On heights of knowledge? Nearer glow
Her boundless pinnacles of snow?
Have lust & passion been restrained?

Has weakness sickened, power increased?

Has friendship grown, have none been lost?

Thy will been never tempest tost?

Thy faith & truth from doubt released?

Go soul: these questions try no more.

The answers like that sullen bell

Come booming with an angry swell,

And nether tides of conscience roar.

T'were best to ride these clashing chimes

Like them be borne about the breeze –

Free, having drained the mortal lees

And solved the riddle of the times.

Pass forth: the wild tempestuous rack

Sweeps dry the tear [spent?] face of heaven:

Pass forth: free wings at length be given:

To native darkness hurry back.

[Unpaginated]

What ho! Ye winds! What waits me there?

Speak with that voice that wails so wild!

I tremble like a dreaming child,

I dare not lay this bosom bare.

No voice: the maddened bells are dumb.

The heedless winds race down the wold.

Sweep to the blushing East the old,

Cry to the world, "New times are come."

[Paginated 11, green pencil "X" in upper right hand corner]

The chimes upon this troubled air

Went sighing, sobbing to the night:

Day drew her curtain from the light,

And left the New Year bleak & bare.

A heaven impenetrably black,

Earth sullen, hard & well defined.

No hope above – the clouds are blind

And toward the East fast swirls the rack.

Yet, Soul, seek not: thy skies are loud:

Map out thy world, & make it clear,
 Not long a loveless sojourn here:
 God's glory sits behind the cloud.

[Paginated 12, green pencil right hand "x"]

Tall arch of God, whose splendours rest,
 One pier upon the shrine I love,
 One on that hillset home above –
 By glorious angel sandals pressed,

Purpled with cherubs' depth of blue,
 Fired with Seraphic love, & bound [in margin: "built", "wrought"]
 By golden sunbeam fetters round
 Through Nature's purest tears of dew:

Stand there, & let the level rays
 Melt all heaven's treasury of gold,
 And pour it down the wooded wold,
 And turn green grass to chrysoprase.

Stand, joining all I have on earth –
 The two pure flames wh love hath lit –

Thy arch, a magnet, thus shall knit
One strength from either fiery birth.

Stay, level sunlight, fly not yet.
Heaven's tears have ceased: yet linger still,
Fire handed on the towered hill;
On steeples still thine aureole set.

[Paginated 13, green pencil upper right hand "X"]

I cannot see as once I might
Thy naked front, thy square of tower,
Within thy walls the mazy bower
Of oriels dying bands of light.

I cannot hear as once I heard
From boyish angel voices dear
The song that moved a sacred tear,
The prayer that holier feelings stirred.

Tis not that thou art changed, or I

Have lost my love for saint & tomb:
I mark more visions in thy gloom,
More angels through thine arches fly.

Thy bell is solemn as of old,
As wild thine organ riding song,
As thick the Xmas footsteps throng,
As rich thy Western lights in gold.

[Unpaginated]

But April morn shall never more
Draw down my heart so warm with love,
And make me through thy pillar rove,
Or linger at thy cloister door,

Or bid me kiss the [later?] stone
Where one dear dress had fluttered by,
Or seat me where one wide brown eye
Roamed upward to its Southern throne.

14 [Paginated, green pencil upper right hand "X"]

Should any sudden hand of God
 Reach forth to take thee. Wert thou found
 Stone shattered on the bleeding ground,
 And those who bore the hideous load

Should knock & say, "receive your dead" –
 Think you that any hearts w. break?
 W. they not bear some six months ache,
 Drop tears, & let the prayers be said:

Then calmly smile: "we need him not.
 Be still, poor ghost, where thou art flown.
 Perchance thy manhood might have shown
 Some slumbering taint, some hidden blot" -- ?

15

Dead: why not dead, dearest, for thee?
 Spring, flowery footed darling, comes,
 The bee in college garden hums.
 But thy voice, dearest, glads not me.

Dead: why not dead? A cold, cold year –
A cold, cold year has passed & twain,
Since thy broad eyes of brownest grain
Shone forth & flooded me with fear.

Twas then I did not wish to die –
So had I lost thee, darling bud,
Had lost the grace of wavy wood,
And rocky Clifton's liquid sky.

Thou art not cold: else I wd wake
Death's little sleep & stir thy veins,
Or kiss & kiss till honeyed pains
My own sweet flower of life wd break.

16

He was all beautiful, as fair
As summer in the silent trees,
As bright [fresh] as sunshine on the leas
As gentle as the evening air.

His voice was swifter than the lark,

Softer than thistle down his cheek,
His eyes were stars that daily break
At sundown ere the skies are dark.

I found him in a lowly place.
He sang sweet songs that made me weep.
Long nights he ruled my soul in sleep:
Long days I thought upon his face.

I said "I ne'er will own my pain –
But wd I had some little sign
To speak of that still how divine
And part those darling lips again."

[Unpaginated]

And so he pities me, & paid
This little due to love unknown,
Not haughty he to scorn my moan
Or seek the name I strove to shade.

I kissed the page his hand had pressed,
I kissed the seal the clasp the case

That veil'd the splendour of his face –
 In deep [sleep?] it lay upon my breast.

Waking I kissed it, sleeping clasped;
 And so few days I lived in bliss.
 Is yearning sated with a kiss? –
 I rested not, till soon I grasped

The tender music hands, that thrilled
 My spirit with a new delight.
 Friendship till death our lips did plight,
 With holy tears my lids were filled.

17 [pagination out of sequence; green pencil upper right hand "X"]

How coldly steals the journeying night,
 How silent sleeps the garden spray,
 Far down I hear the watch dog bay,
 I hear the deep from yonder height.

Swathed in thick mist the city lies,
 Her lamps like myriad gems are set,
 [In wreaths] Mid piles of vapour woven net,

Her chimes from muffled belfries rise.

Dull as the moon is memory's light;
 Those April days as darkly lower,
 As looms mid yonder mist the tower
 Which then with Springtide sun was bright.

I hear his voice like yon faint chimes,
 As those still lamps his eyes are dim,
 Deep midnight mist encircles him –
 Scarce can I dream of those dear times.

18 [green pencil upper right hand "X"]

Three summers gone. And now once more
 Pale Autumn comes to pluck the leaf.
 On every hill they find the sheaf,
 The oakwoods redden as of yore.

No change in Nature: year by year
 Her cold calm cycle rolls for aye:
 The Law that ruled Creation's day
 Still goads [pencil: guides] her dawn [pencil: on] the same career.

The woods may wave, the golden ears
 May gladden all the year [pencil: land] with grain:
 But I shall never feel again
 The Autumn of those byegone years.

“To W”

[Unpaginated; green pencil upper right hand “X”]

Lost friend: & is it thus I scan
 Thy gentle eyes, thy lucid brow,
 Thy boyish curls -- & think that now
 The silent years have made thee man?
 When sunbeams on the darkened glass
 Drew that bright shadow of thy face,
 Mere boys we sported at the base
 Of life's high mountain on the grass.
 Now thou art gathering crescent powers,

And I have sat by Learning's rill;
And as we climb the stubborn hill
Our paths diverge & leave the flowers.

Sometimes I rest upon the stone,
And sidelong scan the winding way
By wh thy footsteps day by day
Stray ever further from my own.

[unpaginated]

Sometimes thy voice is borne to me
Like waifs of half-forgotten dreams
And then a solemn vision streams
From hidden founts of memory.

I hear thy childhood's mystic song,
I hold the soft warm hand again,
I feel the parting's bitter pain,
I mourn thy undeserved wrong.

Pure, holy, selfless, sainted friend,
May thy love [lone?] path be soft with moss –

Be mine the storm, the crag, the cross,
The clouds that warring thunders send.

Bt shouldst thou in thy placid bowers
Turn thy mild eyes to watch my way,
Be merciful, o friend, & pray
For one who sinned in happier hours.

Or if some cry of conquering pain
Thrill from me to thine ear, then say
“The debt he owed he strives to pay:
My ancient loss is turned to gain.”

Page 1

Music that earthward gently steals,
Silverly gliding to my soul,
Leave the melodious waves that roll
Their anthems round the starry keels.

Moor in my heart, & shed the spell
On him whom love hath ceased to cheer:

Scorn not thy haven, as not steer
Back to thy mystic music well.

Best on my soul, & brood so deep
Within my life, that when thy sails
Flutter & swell with heavenward gales
I too may voyage in death's sleep.

Oared by the calm of thy delight
Fain wd I waft me to the shore.
Wh. poets dreamed of, fain wd soar
And trace thee to thy seat of light.

Page 2

A lovely palace wrapped in mist –
Within it sat a simple boy,
And warbled out his childish joy
From lips that listening angels kissed:

Dim walls on wh. the dawn of life
Scarce set a glimmering tinge of red –

And Phosphorus' lone star overhead
Flamed yet before the Sun of Strife.

I crossed the dreamy palace gate,
I heard the simple voice -- & loved.
With music sweet my soul be moved,
I [illegible] [wooed?] [illegible] for my mate.

But soon the Sun of life [illegible]
The voice of soft persuasion died,
They struck the singer from my side,
From off the palace rolled the mist.

Page 3

My own sweet Clifton; jocund May
Hath dressed thy banks & bowers again –
Thy populous elms that crowd the plain,
Thy birches, fountains of green spray.

Once more I pace your lonesome woods,
I hear the thrush & cuckoo call,
I hear the tinkling raindrops fall,

I smell the scent of hidden buds.

Star-spangled bluebell heavens are spread

Neath silky screens of tender beech,

The years their dewy fingers reach

To lay them on the lily bed.

All that is fair & sweet & gay,

All brightest germs of holy thought,

Today their freshest gifts have brought

To crown the brows of blushing May.

Unpaginated

But I am lone & sad & dull,

My brain is sick, my heart is dry,

A weary longing dims the sky,

With bitter want my soul is full.

Oh! Wherefore, wherefore is he gone?

He made my Past one constant Spring:

My heart was then a joyous thing,
And sparkled when the sunbeams shone.

I see the light, I see the flowers,
The trees are tremulous with praise: --
One craving darkens all my days,
Dead love hath dulled the summer hours.

I ask not passion, ask no strife
Of burning kisses, maiden arms:--
Let woman's deep voluptuous charms
Go melt [~~crossed out~~] fill some stronger breast with life.

Give me a friend with whom to roam,
One lovely gentle hearted boy,
A brother kindred to my joy,
A jewel in the crown of home.

Page 4

The tide is high, & stormy beams
Of sunlight flit across the down:
Above, the cloudy squadrons frown –

On their broad ranks a rainbow beams.

Cease, boisterous wind: the West is grey

With glory coated mists, that swell

From distant seas, & gathering tell

The coming storm the darkened day.

Leave the dark clouds to droop, & guide

Toward their fair part yon sleeping sails –

Close furled they wait the wakening gales,

Shower sprinkled shines the pennon wide.

Slow round each headland fledged with green

To solemn music guides the prow,

Two steam winged chargers snort, & plough

A passage for the ocean green.

Unpaginated

From everlasting cliffs look down

The sentinels of Avon's shore,

Her startled seabirds scream & soar,
Her grey crags wear a glistering crown.

Sail westward, stately ship, & view
Some blessed isle where Love is bred:
Bring me again my Love that's dead –
My name & fame shall be thy due.

Page 5

Farewell, old friend. I cannot bear
To tread thy widowed aisles again.
Rude hands their mellow beauties strain –
The grief I feel they cannot spare.

The crash of carven stall, the blow
Of hammer rending stone from stone,
Boom where the organ's solemn moan
Spoke to the choiring throng below.

The windy organ's home of sound
Lies rudely shattered, pipe & key,

And music making magicry [in pencil: "wizardry"]
 Of stops in wiry cordage wound.

No more thy tremulous [illegible] shall hood
 Above the pedal's thunder roar,
 The dusky aisles shall thrill no more
 To rapt Beethoven's Doric mood.

No more mid blaze of summer skies
 The larklike treble's startled note
 On [illegible]'s wild melody shall float
 And through thy carven cherubs rise.

Unpaginated

No more thy prophet painted screen
 The dim mysterious choir shall seal,
 Whence thunderous music raptures peal
 And eddy down the aisle's serene.

Thy mystic winter nights are flown,
 Thy April morns can near return –

My chilly heart had ceased to burn,
But yet I loved each mouldering stone,

I loved each blazoned pane, each seat
That silent spoke of what had been,
And moved a gentle springtide scene,
And warmed my heart with ancient heat.

Go, darling vision, ne'er again
Let dreams thy tender influence stir,
But those bare desolate aisles recur
And fret thy ruins to my brain.

6 [green pencil upper right hand "X"]

The light from yonder cliff is fled
That yester noon so brightly shone,
The glory of thy Love is gone
From my dull life & left is [sic] dead.

Let sunlight fade [in pencil: shine] from rock & sky,
Let Leigh's deep woodland walks be torn;
O'er waving woods I will not mourn,

Wh. once were bright when you & I

Walked hand in hand among the flowers

Whose names I taught you, & I made

Rare crowns of columbine to shade

With purple buds the golden showers

Of your dear curls. At times we hung

Like eagles on the dizzy rock,

Where faintly boomed the river's shock,

And ever upward slowly swung.

Unpaginated

The sailors' melancholy chant

As ships went gliding to the sea –

Sails furled & pennons floating free,

With sunlight on their sterns aslant:

Till evening yellowed overall

From Hesper in the dewy sky. –

The woods may fall – I will not sigh.

His star hath set; 'tis time they fall.

[Page 7, cut out of the notebook completely, folded in quarters, and replaced again against the cut edge of paper]

I saw a vision of deep eyes

In morning sleep when dreams are true –

Wide humid eyes of hazy blue,

Like seas that kiss the horizon skies.

And, as I gazed, I felt the rain

Of soft warm curls about my cheek,

And heard a whisper low & meek –

“I love, & canst thou love again?”

A gentle youth beside me bent;

His cool moist lips to mine were pressed

That throbbed & burned with love's unrest –

When lo! The powers of sleep were spent

And noiseless on the airy wings

That follow on night's drowsy way,

The beautiful boy was gone for aye,
A theme of vague imaginings.

But I can never rest again: --

The flocks of morning dreams are true;

And till I find these eyes of blue

And golden curls I walk in pain....

9 [green pencil upper right hand "X"]

Lord make me pure, this is my cry:

I need it, for the hues are fainting

From sunset river & rich painting—

Lord make me pure before I die.

My heart is sullen & my mind

Is full of sinful sordid fancies,

I cannot feel the peace that glances

From distant hills & breathing wind.

I rise not to the pealing choir
The gloomy arches pierced with glory –
The maiden's song or knightly story
Stirs in my soul her ancient fire.

Lord make me pure: fain wd I yearn
Once more with heavenward benediction!
If need be, let thy fierce affliction
The briars of my spirit burn.

[Six subsequent pages cut out with a knife blade]

[Coda]

1

Music that earthward gently steals,
Silverly gliding to my soul,
Leave the melodious waves that roll
Their anthems round the starry keels.

Moor in my heart, & shed thy spell
On him whom love hath ceased to cheer:

Scorn not thy haven, as not steer

Back to thy mystic music well.

Best on my Soul, & brood so deep

Within my life, that when thy sails

Flutter & swell with heavenward gales

I too may voyage in death's sleep.

Oared by the calm of thy delight

Fain wd I waft me to the shore

Wh poets dreamed of, fain wd soar

And trace [~~"thy passage"~~] thee to thy seat [pencil: "tower"] of light.

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