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**Part 1**

**Religion and Law**



# Chapter 1

## Sin and Crime

When, as a teenage boy during the First World War, the author Beverley Nichols (1898–1983) was found reading Oscar Wilde's *The Picture of Dorian Gray* by his father, it was as if he had been "caught in an illicit act": his father "spat on the book and tore the pages with his teeth. 'Oscar Wilde! To think that my son . . .' Beverley protested that he did not know what Wilde had done" (Connon, *Beverley Nichols* 40). Nichols's biographer questions whether this innocence was feigned, considering the fact that Nichols knew to hide the book and to read it in his bedroom with the door locked. Nonetheless, the admission abated his father's rage. The next morning at breakfast, by way of explanation, he handed his son "a sheet of paper on which he had written, 'ILLUM CRIMEN HORRIBILE QUOD NON NOMINANDUM EST,' which Beverley translated as '*The horrible crime which is not to be named.*' 'That,' said [his father], 'is what the man did'" (Connon, *Beverley Nichols* 40). Nichols's father's (over)reaction to witnessing his son reading *Dorian Gray* is indicative of the currency Wilde held in Britain as a byword for homosexuality in the decades after his conviction for acts of "gross indecency" with other men in 1895 and his death in 1900. And yet this is an association of which young Nichols is seemingly unaware, and so his father must fall back on another naming structure, possibly the only other nomenclature that was available to him, that of religio-legal discourse. Wilde was guilty of the "crime" so horrible that it "is not to be named." He could have also said "sin," as for many at this time the two concepts were synonymous and interchangeable. In contrast to French fiction of the era that fictionalized male-male passions, for instance Rachilde's *Les hors nature* (1897) or André Gide's *L'immoraliste* (*The Immoralist*, 1901), which were written and published in a country where male same-sex acts had not been criminalized since the Revolution (Sibalis, "Male Homosexuality" 117–18), the four works of fiction under scrutiny in this study were produced in countries where such expressions of desire were both condemned by moral-religious authorities and persecuted by temporal ones.

This chapter is in a way an extension of the introduction in that it lays a foundation for the analyses of the literary texts which follow in the three subsequent sec-

tions. This chapter considers how same-sex acts came to be known as an "unnatural" crime/sin so horrible that it could not be named among Christians, scrutinizing the formation of what I describe as the societies' "default" discourses: religious and legal conceptions of sin and crime. It first surveys research into the development of religious attitudes from ancient times to the Middle Ages, then contrasts the development of legal strictures as an outgrowth of these attitudes from the early modern period to the turn of the twentieth century in Britain, Germany, and the United States, and finally investigates the literary responses to religio-legal discourse, in the form of the guilt and shame internalized by the protagonists and in the form of the exile and travel motif which was common to much early gay literature. The exile motif was little more than a coping mechanism for dealing with this shame and guilt, whereas the means for challenging it, directly and indirectly, as well as overcoming it lies in the three counter-discourses, which are examined in chapters 2 through 7.

## Punishing "unnatural" Desire

It is generally held as a truism that the Judeo-Christian prohibition against male same-sex passions finds its source in the Bible, but the history of these religious strictures is long and complex. Biblical scholars, especially of the past twenty years, have pointed out that references to sex between men in the Bible are few and far between. "The Bible hardly ever discusses homosexual behavior," writes Richard Hays. "There are perhaps half a dozen brief references to it in all of the scripture. In terms of emphasis, it is a minor concern" (*The Moral Vision* 381). Instances of citations of such "wickedness," occur in Genesis 19.1–9; Leviticus 18.22 and 20.13; Judges 19.1–30; Romans 1.24–27; 1 Corinthians 6.9; 1 Timothy 1.10; and Jude 7 (see Rogers, *Jesus, the Bible, and Homosexuality* 66). Of these, the tale of the men of Sodom (Genesis 19.1–9), the Levitical prohibitions, and the pronouncements of Saint Paul (Romans 1.24–27) seem to possess the greatest cultural resonance. In the King James Version, Leviticus 18.22 states: "Thou shalt not lie with mankind, as with womankind: it is abomination." Leviticus 20.13 adds: "If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them." Paul warns against acts that are "against nature" (Romans 1.26): "the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompence of their error which was meet" (1.27). These sinners, concludes Paul, "are worthy of death" (1.32). The notion that intercourse between men warrants capital punishment derives chiefly from these passages. For Oscar Wilde in 1895, the death penalty was not an option as it had been abolished in England in 1861. Not able to invoke the Levitical mandate that he "be put to death," Justice Alfred Wills handed down "the severest sentence that the law allows," two years in prison with hard labor, which he considered to be "totally inadequate for a case such as this" (Hyde, *The Trials of Oscar Wilde* 272). But why had this abomination, over numerous others listed, become such a site of sexual anxiety?

Robert Allen in *The Classical Origins of Modern Homophobia* (2006) and Theodore Jennings in *Plato or Paul?* (2009) suggest that Western opprobrium predates Christianity and actually has its origins in ancient Greek philosophy. David Greenberg and Marcia Bystryn argue that Christian attitudes towards love and sex between men were forged at two key historical moments: during late antiquity and in the High Middle Ages. First, "early Christian views of sexuality were formed in the context of a broad trend toward asceticism in the Hellenistic and late Roman empire" (Greenberg and Bystryn, "Christian Intolerance of Homosexuality" 517). Thus, Christian intolerance of homosexual acts "reflected a broader rejection of all sexual experiences not intended to lead to procreation within marriage" (Greenberg and Bystryn 526). The Levitical prohibitions gained widespread authority when Roman law adopted the biblical strictures after Christianity became the state religion (Crompton, *Homosexuality & Civilisation* 34). Yet, after the fall of the Roman Empire, most temporal authorities are mute on the subject of sex crimes, which was a domain left to a large extent exclusively to the medieval church (Greenberg and Bystryn 530). The second historical moment which shaped religious attitudes towards homosexuality, reestablishing the boundaries between sanctioned and unsanctioned sexuality, was the Gregorian reforms of the High Middle Ages. "Ecclesiastical denunciations of homosexuality began to reappear in the 11th century, with homosexuality among the clergy becoming a target of persistent criticism" (Greenberg and Bystryn 533). The theologian and reformer Peter Damian of Ravenna (ca. 1007–1072) first used the term "sodomia" in his *Liber Gomorrhianus* (*Books of Gomorrah*, ca. 1050) essentially inventing "sodomy" as a concept "for categorizing—that is, for uniting and reifying, for judging and punishing—genital acts between members of the same sex" (Jordan, *The Invention of Sodomy* 43). Damian defined sodomy as anal intercourse and identified this act as one that "surpasses all others in uncleanness," which causes the "death of the body, the destruction of the soul," and "opens the doors of hell and closes the gates of heaven" (qtd. in Boswell, *Christianity, Social Tolerance, and Homosexuality* 211). The definitive canonical statement on sodomy was made by Thomas Aquinas (1225–1274) in his *Summa theologiae* (ca. 1265): same-sex acts are associated with heresy and are construed as "against nature" because, like bestiality, oral sex, and masturbation, procreation is not the aim (Boswell 318). "By the end of the 13th century," conclude Greenberg and Bystryn, "the major elements in the Christian response toward homosexuality had been created. Scholastic theology had reconstructed sodomy as a sin against nature, far worse than other sexual sins" (542). Ecclesiastical bodies were formed to prosecute persons suspected of this sin at the same time that secular authorities were keen to begin wielding their power in this domain (542). The transition of power in regard to punishing "unnatural" sexuality from church to state in Western Europe is a multifaceted history. The sections below outline key developments in this history in Great Britain, Germany, and the United States of America in order to highlight and offer explanations for the similarities and differences in terms of moral and legal standards between these countries during the late nineteenth and early twentieth centuries.

## Britain: From "sodomy" to "gross indecency"

"Buggery" was first brought under the scope of temporal jurisdiction by the Buggery Act of 1533 after England's break from the Roman Catholic Church during the reign of Henry VIII. "Forasmuch as there is not yet sufficient and condigne punishment appointed and limited by the due course of the laws of the Realm for the detestable and abominable vice of buggery committed with mankind or beast; . . . it may be enacted . . . that the same offence be from henceforth adjudged felony, and such order and form of process therein to be used against the offenders as in cases of felony at the common law" (qtd. in Moran, *The Homosexual(ity) of Law* 22). The new law indicates a shift in power, but not a radical reconceptualization of the offence. Jeffrey Weeks writes that the act adopted the same criteria as the church: "all acts of sodomy were equally condemned as being 'against nature,' whether between man and woman, man and beast, or man and man" (*Coming Out* 12). Byrne Fone notes that "The 1533 law secularized both the crime and the punishment"; as for felons, the punishment for sodomites was hanging and the seizure of their property (*Homophobia* 216). Early modern "sodomy" though, writes Alan Bray, differed to modern homosexuality in that it "covered more hazily a whole range of sexual acts, of which sexual acts between people of the same sex were only a part" ("Homosexuality and the Signs of Male Friendship" 41). He points out, moreover, that "it was not only a sexual crime" but "also a political and a religious crime" (41), which explains "the ubiquitous association of sodomy with treason and heresy" in Renaissance sources (42). Seventeenth-century records of arrest and conviction for "sodomy" and "buggery" highlight this fact. The Old Bailey, London's central criminal court, has recently digitized its court proceedings from 1674 to 1913, and a search of the archives for "Sodomy" from the list of "Sexual Offences" between 1674 and 1700 will bring up four cases. Only one of these, though, involves intercourse between men: "Mustapha Pochowachett a Turk, was Tried for committing the most Unnatural and Horrid Sin of Buggery, which is so detestable, and not fit to be named among Christians; which he did on the 11th of this Instant May, upon the Body of one Anthony Bassa, Dutch Boy, of the age of 14 years" ("Mustapha Pochowachett"). The others involve a woman who "did commit Buggery with a certain Mungril Dog," a man who was arrested "for Buggery of a Mare," and Thomas Davis who was indicted for an act of "Assault upon one Charity Parrot, Spinster" ("Mungril Dog"; "Buggery of a Mare"; "Thomas Davis").

Same-sex desire was, like all sins, a potential for any individual. John Dennis's *The Usefulness of the Stage* (1698) identifies sodomy as one of the "four reigning vices" in England along with "the love of women," drinking, and gambling (qtd. in Naphy, *Born to Be Gay* 151). William Naphy notes that it was believed that "some people had 'appetites' that incline them to one sex or another," yet "'giving oneself over' to these appetites was largely a matter of the will and habit" (Naphy 149). Despite the fierce legal and religious condemnation directed at sexual acts between men during this period, many historians agree that a certain degree of tolerance to-

ward same-sex love and the sexual act existed. Randolph Trumbach considers this tolerance more or less universal during the early modern period, citing the scant occurrences of charges being brought against perpetrators (Trumbach, "Renaissance Sodomy" 45). When Mary I ascended the throne, she repealed her father's buggery act, but Elizabeth I reenacted the law in 1563. Most of the few cases that were brought to court in the century and a half after this seem to have been cases of rape against prepubescent boys (Trumbach 50). Rictor Norton concurs, stating that "Laws against homosexuality have never been enforced with full vigour systematically in any country: prosecution always proceeds by fits and starts" (Norton, *The Myth of the Modern Homosexual* 140).

The nineteenth century was an era during which persecution dramatically increased. There was a "widespread conservative reaction across Europe," writes Naphy, which he identifies as a response to the French Revolution and the Napoleonic Wars (Naphy 235–36). Especially sexual vice was targeted by moral crusaders, as H. G. Cocks argues, never "before in the history of Britain had so many men been arrested, convicted, imprisoned, pilloried, and even executed for homosexual offences" (Cocks, "Secrets, Crimes, and Diseases" 107). Charles Upchurch writes that the early decades of the nineteenth century saw a rise in surveillance and a "new uniformity of the police presence," which brought with it a "greater frequency of arrests" and inspired "self-policing" on the part of homosexual men (Upchurch, *Before Wilde* 15). Searching the digital records of the Old Bailey attests to this. From 1674 to 1913 there were 1072 total cases involving sodomy and 96 involving "assault with sodomitical intent." There were, as stated above, four cases of sodomy from 1674 to 1700 with no cases of sodomitical assault. This rose markedly in the eighteenth century to 56 cases of sodomy and 30 cases of sodomitical assault. And the numbers surged between 1801 and 1900, with 668 cases of sodomy and 61 cases of assault with sodomitical intent tried at the Old Bailey alone. The dramatic upswing in uses of the anti-sodomy law is contrasted to the abolition of the death penalty in England for this crime in 1861, but it still carried with it fines, prison sentences, and the pillory.

The prohibition against same-sex acts between men was reinscribed in English law with Section XI of the Criminal Law Amendment Act of 1885. The amendment originally had nothing to do with sex between men but was intended to control brothels by increasing the age of consent for girls from thirteen to sixteen. A section was introduced by Henry Labouchère which reads: "Any male person who, in public or private, commits, or is a party to the commission of, or procures, or attempts to procure the commission by any male person of, any act of gross indecency shall be guilty of a misdemeanour, and being convicted shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour" ("The Criminal Law Amendment Act of 1885" 335). The origins and intention of this piece of legislation, known as the Labouchère Amendment, writes Lesley Hall, "are profoundly obscure and have resisted the attempts of historians to elucidate" (Hall, "Sexual Cultures in Britain" 41). The MP's "aim in proposing



the amendment remains unclear," argues Morris Kaplan, who cites Frank Harris, a contemporary journalist, who later suggested that "it was an effort to sabotage the entire bill." Nevertheless, the amendment was added to the act without debate and became law (Kaplan, *Sodom on the Thames* 175). Jeffrey Weeks asserts that the result of the new law was a sharpening of the division between legitimate and illegitimate forms of sexual relations. "Homosexuality was seen as posing a threat to stable sexual relations within the bourgeois family, which was increasingly regarded as an essential buttress to social stability" (Weeks, *Making Sexual History* 25). His interpretation, though, rests upon the assumption that this law made *all* homosexual acts illegal for the first time, whereas before this was the case only for instances where proof of anal intercourse could be established. Norton refutes this oft repeated assertion on the part of some historians. "Before 1885 most of the men prosecuted under the antigay law were convicted of 'attempted sodomy,' a misdemeanour covering behaviour such as oral intercourse, mutual masturbation, frottage, groping, and soliciting" (Norton 141). The phrase "in public or in private" contained in the amendment, argues Norton, did not dramatically expand the remit of the law. On the contrary, "it was always the case that sex between men in private was a criminal offence." The only change, he asserts, is the amendment's term "gross indecency," which is merely a nineteenth-century reworking of the phrase "attempted sodomy" (141). Matt Cook, as well, suggests that the new amendment was in fact a less decisive shift in anti-sodomy laws than Weeks and Ed Cohen suggest in their respective studies (Cook, *London and the Culture of Homosexuality* 42–43; Cohen, *Talk on the Wilde Side* 91–93, 118–19).

The 1885 law, since it did not actually increase the scope of anti-sodomy laws, seems to have actually reduced the penalty for sex between men. The draconian measure of capital punishment for this crime, which was in place at the beginning of the century, eventually gave way to a maximum sentence of two years with hard labor. But for the upswing in conviction, blackmail, and the threat of social ostracism, the Labouchère amendment would appear to be a modest liberalization of the law. In reality, this signals a shift in the practices of policing sex crimes, argues Charles Upchurch, "from a system reliant on relatively rare but brutal displays of punishment on the offender's body to one that sought to reform behavior through a system of observation and regulation." Critical to this shift is a movement away from the public use of the death penalty towards more frequent and consistent enforcement of lesser sentences (Upchurch 7). The first conviction of "gross indecency" at the Old Bailey was that of Edgar Miller on 3 May 1886, who received nine months' hard labor. Between this first case and Oscar Wilde's conviction on 20 May 1895, there were 94 convictions of gross indecency at the Old Bailey ("Edgar Miller"). Apart from the Wilde trials, the highest-profile early application of the law was the Cleveland Street Scandal (1889), with the conviction of two working-class male prostitutes who operated out of the brothel in Cleveland Street near London's West End (Kaplan 168–70; see also Lewis et al., *The Cleveland Street Affair*; Hyde, *The Cleveland Street Scandal*).

## Germany: Movements and Setbacks

Until Article 116 of the *Constitutio Criminalis Carolina* (the first criminal code of the Holy Roman Empire), the cities and states within the Holy Roman Empire of the German Nation had no sodomy laws; however, in the late Middle Ages in the bustling and well-urbanized regions that now make up southern Germany and Switzerland, many law courts operated from the assumption that penal codes of the Roman Empire were still in effect (Puff, *Sodomy in Reformation Germany and Switzerland* 27). For the entire German Reich, Emperor Charles V brought sexual decency under temporal jurisdiction in 1532, one year before Henry VIII issued his decree. The *Constitutio Criminalis Carolina* criminalized sodomitical acts ("Sodomiterei") as "against nature" ("wider die Natur") which was punishable by death (Hull, *Sexuality, State, and Civil Society in Germany* 64). "If anyone commits impurity with a beast, or man with a man, or a woman with a woman, they have forfeited their lives and shall after the common custom, be sentenced to death by burning" (qtd. in Puff 29) ("so eyn mensch mit eynem vihe, mann mit mann, weib mit weib, vnkeusch treiben, die haben auch das leben verwürckt, vnd man soll sie der gemeynen gewonheyt nach mit dem fiewer vom leben zum todt richten"; Kaufmann, *Die peinliche Gerichtsordnung Kaiser Karls V.* 81). Although this law persisted into the eighteenth century, the decentralized nature of the German Nation, until 1871 with the establishment of the Kaiserreich, meant that regional variations with regard to enforcement and the scope of the law varied greatly. Helmut Puff writes that as "Cohesion between regions different in language, economic output, and level of urbanization was low" (19) and because "the *Constitutio Criminalis Carolina* was subsidiary to customary and local law, it took many principalities and territories more than a century to implement the code" (30; see also Hull 58). The disparity between regions also had an effect on the understanding of what acts constituted sodomy. Maria Boes points out that the definition of "unchastity" or "impurity" ("vnkeusch") could be elastic depending on the time period or location within the Holy Roman Empire. Sodomy could be as broadly conceptualized as to include all nonprocreative sexual acts or even sex between Christians and non-Christians (Boes, "On Trial in Early Modern Germany" 29).

The Enlightenment ideals which pushed for the decriminalization of religious offenses, such as witchcraft, blasphemy, heresy, and sodomy, became reality in France with the Revolutionary criminal code of 1791, which was then confirmed in the Napoleonic Penal Code of 1810 (Sibalis, "Male Homosexuality in the Age of Enlightenment and Revolution" 117–18). Those countries under France's direct sway at this time followed suit by adopting similar penal reforms. The southern German kingdom of Bavaria abolished its anti-sodomy law in 1813, setting a prescient for the German states of Württemberg (in 1839), Braunschweig, and Hannover (both in 1840) to follow. Reform came to the hegemonic powers of Austria and Prussia, but was not quite as sweeping as elsewhere. Austria abolished the death penalty for same-sex acts in 1787, making it one of the first European nations to do so

(Stümke, *Homosexuelle in Deutschland* 11; Eder, "Sexual Cultures in Germany and Austria" 156). In the penal code established in 1803, male as well as female same-sex acts were punished with prison sentences. In the ascendant northern German powerhouse, Prussia, only sex between men was penalized. The death penalty was repealed in 1794 and the "1851 revision of the Prussian penal law defined same-sex acts as only a minor offence, nevertheless imposing prison from six months to four years" (Eder 156; see also Mosse, *The Image of Man* 27–28). As the driving force behind German unification, Prussia asserted its dominance over its neighbors, and extending its anti-sodomy laws was one facet of this. In 1869, the Prussian anti-sodomy law, §143, became law for the entire North German Confederation (*Norddeutscher Bund*) as §152. This was a huge step backward, for example, for the kingdom of Hannover, which had not penalized homosexual acts for nearly three decades. Prussian dominance became absolute when the German Empire was proclaimed at Versailles in January 1871 following the Franco-Prussian War (1870), and §152 was adopted for the entire Reich as the notorious Paragraph 175 (Steakley, *The Homosexual Emancipation Movement in Germany* 21; Stümke 21–23; Sibalis 119). The statute, which for the first time unified German legal attitudes toward same-sex acts, reads: "An unnatural sex act committed between persons of the male sex or by humans with animals is punishable by imprisonment; the loss of civil rights may also be imposed" (qtd. in Grau, *Hidden Holocaust?* 65) ("Die widernatürliche Unzucht, welche zwischen Personen männlichen Geschlechts oder von Menschen mit Tieren begangen wird, ist mit Gefängniß zu bestrafen; auch kann auf Verlust der bürgerlichen Ehrenrechte erkannt werden"; qtd. in Stümke 21). 1871 marked the end of an era, writes Hans-George Stümke, for those German states which for an entire generation had not criminalized homosexuality (23).

Germany holds the special distinction of being the first country to produce an organized homosexual liberation movement. Robert Beachy argues that "the criminalization of male same-sex eroticism and the inclusion of the Prussian anti-sodomy statute as Paragraph 175 in the new German Imperial Criminal Code after 1871" was one of the "four broad vectors of German history" which gave rise to the "invention" of homosexuality (Beachy, "The German Invention of Homosexuality" 804). In contrast to France, where male-male sex acts were not illegal and as a consequence were less often the subject of public debate, in Germany the situation was reversed. Sexology, in particular the liberationist variety, was key in the development of modern homosexuality and "served as an example, sparking homosexual rights activism elsewhere in Europe" (Beachy 836). On 14 May 1897, Magnus Hirschfeld, a physician and sexologist, led the founding of the Scientific-Humanitarian Committee (Wissenschaftlich-humanitäres Komitee, or WhK). James Steakley writes that "The Committee's goal was first and foremost legal reform" (*The Homosexual Emancipation Movement in Germany* 30), so they prepared and circulated "a three-page petition which outlined the scientific and humanitarian reasons for amending Paragraph 175 so that homosexual acts would be punishable only in cases involving coercion, public annoyance, or adult minor relations," which was brought before the Reichstag

in December 1897 (Steakley 30; Wolff, *Magnus Hirschfeld* 43). This first, ultimately unsuccessful, petition bore 900 signatures of scientists, lawyers, and highly placed civil servants, and by 1914, Hirschfeld and his followers had collected the names of more than 3000 doctors, 750 university professors, and numerous public figures, among whom were Gerhart Hauptmann, Heinrich and Thomas Mann, Frank Wedekind, and Rainer Maria Rilke (Steakley 31; Wolff 43; see also Mancini, *Magnus Hirschfeld* 87–132). Manfred Herzer argues though that legal reform was merely part of the committee's overall goal, which was the "liberation of homosexuals." Herzer points out that "This rather abstract formulation, in essence a slogan, implied far more than the repeal of a particular law targeting homosexual men. Rather, liberation meant 'elimination of the existing prejudices among the people.' To back up this point, Hirschfeld pointed to his own 'observations in France, Italy, Holland, and other countries, where prejudices continue to exist almost unchanged' despite the repeal or at least reform of anti-sodomy statutes in those countries" ("Communists, Social Democrats, and the Homosexual Movement" 201). The committee faced its first major setback in the Harden-Eulenburg Affair (1907–1909). Hirschfeld, who testified as an expert witness on homosexuality, confirmed that one of the officials, Lieutenant General Kuno Count von Moltke, was indeed homosexual. His strategy had been to win support for his cause by asserting that homosexuality was widespread and existed at every level of society; but his plan backfired, and the financial resources of the WhK almost evaporated as supporters feared exposure and resultant ostracism (Steakley 38–40; see also Wolff 68–87).

In the aftermath of the First World War, the relative liberality of the Weimar Republic, which took the form of freedom of opinion, press, and assembly, led to an outpouring of homosexual writings and publications as well as an increase in the number of organizations and meeting places. This era gave the WhK greater maneuverability in its reform efforts. In the area of educating the public, efforts took many forms, including the new mass medium of film (Eder 158). Richard Oswald's *Anders als die Andern* (*Different from the Others*, 1919) is not only, as James Steakley argues, "the first feature film with an explicitly homosexual theme made anywhere in the world" ("Cinema and Censorship in the Weimar Republic" 181), but also a unique filmic example of an effort at seeking tolerance from the mainstream public and rallying homosexual individuals to the cause of emancipation and legal reform (see also Dyer, *Now You See It* 25–42). Hirschfeld, who appeared in the film and served Oswald in the role of "scientific-medical advisor," considered his collaboration on the project the logical continuation of his prewar activism: "as Hirschfeld himself pointed out in introductory remarks at the film's premiere, his cinematic role was by no means markedly different from the sort of education work he had been engaged in for decades" (Steakley, "Cinema and Censorship in the Weimar Republic" 184). In the film, Paul Körner, played by Conrad Veidt (who would become one of Germany's leading actors), is a famous violinist who is blackmailed for his homosexuality. Denounced to the police, his career and reputation destroyed, he commits suicide. Hirschfeld is the understanding physician who saves the protagonist's friend

and protégé, Kurt Sivers (played by Fritz Schulz), from following him into death and encourages him to become active in the reform movement. "The film thus closes not with a double suicide but with a clarion call to redeem Körner's death by political activism" (Steakley, "Cinema and Censorship in the Weimar Republic" 187). The first showing took place in Berlin at the Richard Oswald Film Theater, near the Kurfürstendamm, on 24 May 1919. The film was, writes Charlotte Wolff, a "bomb-shell" (*Magnus Hirschfeld* 191), one which set off a debate about indecency in film. Steakley writes that censors decided on 16 October 1920 that the film offended "public order and security" and was therefore banned to general audiences, but could be shown to medical professionals in training contexts ("Cinema and Censorship in the Weimar Republic" 192). This and other initiatives led by the WhK nearly bore fruit, culminating in a bill that would have legalized homosexual acts between consenting adults in private, which was approved by committee in the Reichstag on 16 October 1929. A full vote before the entire parliament seemed within grasp until the Wall Street stock market crash caused the bill to be tabled and never to be taken up again (Steakley, *The Homosexual Emancipation Movement in Germany* 85).

## The Old Sin in the New World

When European explorers and colonists arrived in North America, what they found among the peoples of the New World, write John D'Emilio and Estelle Freedman, were "Native American sexual customs [that] varied widely" from tribe to tribe and that above all "differed from their own" (*Intimate Matters* 6–7). The earliest records of same-sex activities among indigenous Americans come from Spanish and Portuguese conquistadores. These accounts are very often of questionable reliability, writes Brett Genny Beemyn, as "European observers sometimes characterized other cultures as engaging in sodomy and other 'vices' in order to portray themselves as superior and to justify colonial expansion" ("The Americas" 145). Nevertheless, a great deal of research has been devoted to Native American sexualities, especially the gender/sexual identity *berdache* (see Archer and Lloyd, *Sex and Gender* 103–05). White settlers brought their sexual mores with them, and consequently the thirteen British colonies that would at the end of the eighteenth century free themselves from the rule of mother England all established laws against "sodomy, buggery, or 'the crime against nature'" (see Eskridge, *Dishonorable Passions* 16). As in Britain as well as in Germany, during the early modern period, "sodomy" was "an elastic and dynamic concept" which encompassed various prohibited sexual acts (Eskridge 16; see also D'Emilio and Freedman 30). The laws that the colonies established were essentially extensions of English law, which called for the execution of those found guilty. "The seventeenth-century American colonies adopted a variety of approaches to sexual transgression," writes William Eskridge, "all harsh in theory but less so in practice" (17). For instance, in Virginia's 1610 code, sodomy was a capital offence like rape and adultery: "Men outnumbered women on the colony by a ratio of three to one; the Virginia Company periodically disciplined the randy young men for behavior

that upset the public order" (Eskridge 17). However, after the mid-seventeenth century, sex crimes including sodomy were less stringently enforced. The situation was similar in other middle and southern colonies; the hazily defined crime of sodomy called for the death penalty, but, writes Eskridge, it was rarely enforced (17). The situation was slightly different in Pennsylvania, where sodomy was not a capital offense until 1718. Under Penn's "Great Law" of 1682, only murder warranted the death penalty. The punishment for sodomy and bestiality was "property forfeiture, public whipping, and six months at hard labor for the first offense and life in prison for the second"; there are, though, no recorded convictions for sodomy in colonial Pennsylvania (Eskridge 17).

Whereas in the middle and southern colonies sodomy laws sought to maintain public order, the laws in theocratic New England reflected the leaders' concerns over the maintenance of the moral purity of their communities (Eskridge 17–18; see also Oaks, "Defining Sodomy in Seventeenth-Century Massachusetts" 79–83). If the Puritans thought they could flee the "sodomitical" practices that infested the Old World, they soon learned that they were sorely wrong. Despite "severity in punishment" for "sundry notorious sins," writes Governor William Bradford in his history *Of Plymouth Plantation* (written between 1630 and 1651), in 1642 "even sodomy and buggery (things fearful to name) have broke forth in this land oftener than once" (qtd. in Katz, *Gay American History* 20–21). "Upon the examination of this person and also of a former that he had made some sodomitical attempts upon another, it being demanded of them how they came first to the knowledge and practice of such wickedness, the one confessed he had long used it in old England; and this youth last spoke of said he was taught it by another that had heard of such things from some in England when he was there" (qtd. in Katz 21–22). And yet, the Pilgrims were themselves aware that there was no escaping the sinfulness of human nature. The New England minister Thomas Shepard, in his *The Sincere Convert* (1641), demonstrates the linkages that existed in the Puritan mind between homosexual acts and other sins/crimes: "Thy heart is a foul sink of atheism, sodomy, blasphemy, murder, whoredom, adultery, buggery. . . . Although they break not out into thy life, they lie lurking in thy heart" (qtd. in Bray 40–41). It would not be until the end of the eighteenth century that there was a refining of what acts constituted sodomy, and so by the nineteenth century "sodomy" came to be understood as anal intercourse, between man and animal, man and woman, or man with man or boy (Eskridge 19–20). Although Eskridge identifies the seventeenth century as "the high point for the expansive interpretation and aggressive enforcement of sodomy and other sexual morality laws in America" (19), there were altogether fewer than ten executions for sodomy and almost all of these were instances of rape or bestiality (18). In the eighteenth century, even in puritanical New England, "there was less-aggressive monitoring of people's private activities by church and state," which meant that for the whole of the century there were "virtually no executions for sodomy" (19). D'Emilio and Freedman concur, but they add that other forms of chastisement were meted out, including seizure of property, "severe and repeated whipping, burning with a hot iron, or banishment"



(30). Beemyn points out that there was one known execution for sodomy in the British North American colonies during the eighteenth century, which "occurred in 1743 and involved an unnamed Irish doctor in Fort Frederica, Georgia. It was also the last use of the death penalty for sodomy in what became the United States" (152). After the revolution sodomy remained a criminal offense, but all of the original thirteen states repealed the death penalty for this crime (Eskridge 19).

In the nineteenth century, in most states, sodomy belonged to "crimes against public morals and decency" (21); an exception, though, was New York, which had a narrower definition of sodomy than most others. There it counted amongst "crimes against the person," which, Eskridge writes, "suggests that sodomy laws filled a regulatory gap as regards what we would today consider nonconsensual sex" (20). The testimony in such cases of a willing "accomplice" was inadmissible. Therefore, writes Eskridge, "In practice, police rarely enforced sodomy laws against anyone before 1880" (21). From the late eighteenth to the late nineteenth century, only twenty sodomy cases were prosecuted in New York (22). In the early and mid-nineteenth century, convictions of sodomy were uncommon anywhere in the United States. However, in the final decades of this century, as American society underwent radical change, the number of convictions of sex between men greatly increased. The 1880 Census records that 63 persons were incarcerated for "crimes against nature"; only five of these were in New York (Eskridge 22). In the span of ten years, by the time of the 1890 census, this number had risen to 224, which is, argues Eskridge, "an increase greatly exceeding growth in the general population" (50). Population growth was, though, a contributing factor. Immigration from Europe and urban migration caused the population of New York City to swell: in 1880 the city consisted of 1.9 million residents (Eskridge 22), by 1890 its population had reached over 2.5 million, and, over the next 30 years, it would surge to over 5.6 million (Eskridge 41). It was a similar story for other major US population centers. "The United States was transforming from a relatively homogenous, rural, farm-based society to an ethnically diverse, urban industrial one" (41). Eskridge writes that "America's population explosion" produced, among other things, "a subculture of Sodom," which, by 1890, "was dominated by self-consciously feminized men who called themselves 'fairies'" (45; see also D'Emilio and Freedman 226–29).

George Chauncey, in *Gay New York* (1994), tells the history of the development in the late nineteenth and early twentieth centuries of "a highly visible, remarkably complex, and continually changing gay male world," in which participants "forged a distinctive culture with its own language and customs, its own traditions and folk histories, its own heroes and heroines" (1). The contemporary observer Charles Gardener, in *The Doctor and the Devil; or, The Midnight Adventures of Dr. Parkhurst* (1894), recounts his visit to one of the sites of New York's male homosexual subculture, the "Golden Rule Pleasure Club": "The basement was fitted up into little rooms, by means of cheap partitions, which ran to the top of the ceiling from the floor. Each room contained a table and a couple of chairs, for the use of customers of the vile den. In each room sat a youth, whose face was painted, eye-brows black-

ened, and whose airs were those of a young girl. Each person talked in a high falsetto voice, and called the others by women's names" (qtd. in Katz 40). Contemporary commentators identified the European precedent of these New York homosexual subcultures. For instance, Colin Scott, writing in 1896, noted that "Coffee-clatches, where the members dress themselves with aprons, etc., and knit, gossip and crochet; balls, where men adopt the ladies' evening dress are well known in Europe. 'The Fairies' of New York are said to be a similar secret organization" (qtd. in Katz 44). In comparison to their European brethren though, their networks and communities were less established and less visible. Hirschfeld, in his *Die Homosexualität des Mannes und des Weibes* (*The Homosexuality of Men and Women*, 1914), based upon observations he made while traveling in the US in 1893, writes that "Homosexual life in the United States is more hidden to a greater extent than in the United Kingdom. For example, while visiting Philadelphia and Boston, I could hardly perceive any homosexuality, while visitors from those cities later assured me that in these centers of Quakers and Puritans, 'a great deal goes on' in intimate circles" (Hirschfeld, *Homosexuality* 523) ("Noch um einen Grad verstärkter als im United Kingdom spielt sich das homosexuelle Leben in den United States ab. So konnte ich bei einem Besuche von Philadelphia und Boston kaum etwas von Homosexualität wahrnehmen, während mir Besucher aus jenen Städten später versicherten, daß in diesen Zentren der Quäker und Puritaner in intimen Kreisen 'kolossal viel los' sei"; 550). Hirschfeld continues, however, pointing out in America's favor other differences between the US and Britain and Europe, particularly in regard to the publication of sexological research: "more than one manuscript has wandered from England over the Atlantic Ocean, in order to find a publisher and printer in America" (523) ("mehr als ein Manuskript wanderte von England über den Atlantischen Ozean, um in Amerika einen Verleger und Drucker zu finden"; 550). He is likely specifically alluding to John Addington Symonds and Havelock Ellis's *Sexual Inversion*, which, after being deemed indecent in England upon its publication in 1897, was published in Philadelphia (Crozier, "Introduction" 65–67). Legally, as well, the US contrasts favorably to Europe and especially to England. "It is true that so many urnish officers and government officials, for whom the European ground became too hot beneath their feet, so many business people and academics have begun a new life in the new world without the old persons changing, and who are exposed to the same temptations as in their native country directly after they arrive in Central Park in New York" (524) ("Hat doch so mancher urnische Offizier und Beamte, dem der europäische Boden zu heiß unter den Füßen wurde, so mancher Kaufmann und Akademiker in der neuen Welt ein neues Leben begonnen, ohne damit den alten Menschen zu ändern, an dessen Eigenart alsbald nach seiner Landung im Zentralpark von New York dieselbe Versuchung herantrat, wie in der Heimat"; 550).

The United States that Hirschfeld visited, however, was a nation in the midst of great change. Growth and industrialization produced social upheaval and the nation's first visible same-sex subcultures, with scandals that garnered nationwide attention, like the case of Alice Mitchell (1873–1898) and Freda Ward (1875–1892).



Conservative backlash, a rising tide of neo-Puritanism, was responsible for "a revolutionary expansion of American sodomy law and its enforcement between 1881 and 1921" (Eskridge 50, see also D'Emilio and Freedman 171–221, especially Dugan, *Sapphic Slashers*). In the late nineteenth century, states that had no sodomy laws duly adopted them, and every state admitted to the Union after the Civil War, excepting Wyoming, had sodomy laws on the books. Additionally, writes Eskridge, "Existing sodomy laws were expanded, updated, and enforced more energetically" (49). The Oscar Wilde scandal contributed to this expansion, but, in most cases, "individual state statutes were introduced following local scandals in which the public learned that men were engaging in unnatural practices not covered by the traditional crime-against-nature laws" (51). One way in which these laws were expanded was by including oral sex within the scope of "sodomy," with the immediate result that "the number of sodomy arrests skyrocketed" (Eskridge 53, see table 57). It was this America in flux and its reactionary response through persecution of sex crimes that Edward Prime-Stevenson fled around the turn of the century. Although his viewpoint is clearly different to that of Hirschfeld, continental Europe may have seemed by comparison a far safer haven for "Uranian" men.

"Unnatural" sexuality came officially under the domain of temporal jurisprudence at about the same time in both England and Germany, being assigned the dual moniker of sin and crime. This was an era of great turmoil, as religious, state, and social norms in much of Europe were in numerous ways radically transformed. The anti-sodomy laws in England and Germany are an example of the shift in power from church to state, and in particular demonstrate that in these countries morality and sexual normativity became more and more the responsibility of secular authorities. In Britain, Germany, and the British colonies that would become the United States, the state adopted the definitions and penalties of the church: the range of forbidden sex acts, known as sodomy, was regarded as unnatural and demanded the death of the guilty. Until the end of the nineteenth century, though, this is where the similarities end. The decentralized political nature of the German Nation, until the foundation of the Kaiserreich in 1871, meant that regional legal standards varied more than in England. This political autonomy of the German states also made possible, in the early nineteenth century, movements that called for the abolition of these laws. But this progress was reversed with German unification. After the extension of Prussia's penal code to the entire German Empire, the legal situation pertaining to laws against sex acts between men were, on many significant points, quite similar to those in Britain. The expansion of and rise in enforcement of sodomy laws in the late nineteenth century in the United States reflect similar trends in the other two lands. If there is a commonality between the three nations, with regard to their legal statutes forbidding male same-sex intimacies, it is that nineteenth-century social change brought the rise of homosexual subcultures as well as the conservative response to this rise through increased persecution of male-male sex acts.

Organized emancipation and legal reform efforts began in Germany in earnest decades before Britain or America. And yet the Nazi takeover in January 1933

brought with it a reactionary backlash that effectively silenced the public discourse on sexuality and sexual reform. In the months after the Reichstag Fire, on 27 February 1933, most of the bars known as meeting places for homosexual men and women were closed in all major cities in Germany. Public libraries and bookshops were purged of all writings that were condemned as "indecent" (Grau 26). Although actual reform had come so close in 1929, Paragraph 175 was amended in 1935 to extend the definition of what constituted illegal homosexual acts. The term "unnatural sex act" ("widernatürliche Unzucht") was replaced by the more pliable term "sex offence" ("Unzucht") (Jellonek, *Homosexuelle unter dem Hakenkreuz* 113–14), which meant that "even the snuggling together of two naked male bodies came under this definition," writes Günter Grau (64). After the war, argues Robert Moeller, the "Federal Republic's break with the past was anything but clean" (Moeller, "Sex, Society, and the Law in Postwar West Germany" 427). Police reports indicate that between 1953 and 1965 there were 98,700 violators of Paragraph 175 of which nearly 38,000 were found guilty and sentenced. "The Federal Constitutional Court," writes Moeller, "did not view the expansive discriminatory laws against male homosexuals, introduced by the Nazis in 1935, to embody the abhorrent characteristics of National Socialism. Rather, a new West Germany explicitly endorsed this Nazi legacy as completely consistent with a 'democratic political order'" (428). The situation was considerably more favorable in Socialist East Germany: after 1957 the GDR stopped prosecuting men over the age of eighteen; and, in 1968, with the introduction of a new criminal code, Paragraph 175 was abolished (Beachy, "The German Invention of Homosexuality" 838). The following year the West German Bundestag lifted criminal sanctions against sexual activity between men over the age of twenty-one, but Paragraph 175 was not eliminated from the criminal code until 1994 (Herzer, "Communists, Social Democrats, and the Homosexual Movement in the Weimar Republic" 219; Moeller, "Sex, Society, and the Law in Postwar West Germany" 427; Beachy 838; see also Moeller, "Private Acts, Public Anxieties, and the Fight to Decriminalize Male Homosexuality in West Germany" 539–47).

Legal reform in the postwar era was slow in coming in England too. The scope of British homosexual activism was more modest by comparison, represented in writings such as the sexological studies of Havelock Ellis, particularly his multivolume *Studies in the Psychology of Sex*, and the diverse liberationist output of Edward Carpenter, including *Homogenic Love and its Place in a Free Society* (1894) and *The Intermediate Sex* (1908) (Hall, "Sexual Cultures in Britain" 37–38, 40–41). It was not until the Sexual Offences Act of 1967, ten years after the Wolfenden report made the recommendation, that sex acts between two men were partially decriminalized in England and Wales as long as they were in private and between two consenting partners above the age of twenty-one. Scotland and Northern Ireland lagged even farther behind, extending the provisions of the act in 1980 and 1982, respectively (Weeks, *Sex, Politics and Society* 263; Tatchell *Europe in the Pink* 84). In the United States, the repeal of laws regulating sex between men came to pass state by state during the course of the late twentieth and early twenty-first centuries. Illinois was

the first state to decriminalize sex acts between men, doing so in 1961 (Eskridge 393), but other states were not quick in following. For instance, although New York reduced the punishment for sodomy between consenting adults from a felony to a misdemeanor in 1950, it did not repeal the law until 1980 (Eskridge 399). When the Supreme Court ruling in *Lawrence v. Texas* struck down all existing state statutes on 26 June 2003, fourteen states still had laws on the books, and in eight of those it was a felony (Eskridge 297, fig. 9.3, 325–30).

## Religion, Law, and Homosexual Exile

The public discourse about homosexuality during the decades leading up to the publication of the works of fiction here under scrutiny was intense, owing to progress made in the field of sexology and in particular to public scandals, including the Cleveland Street Scandal, the Oscar Wilde trials, and the Eulenburg Affair. Writing and publishing fiction treating male-male love sympathetically would have been challenging in such a highly charged political environment. Prime-Stevenson circumvented restrictions at home in the United States by printing *Imre* privately in Naples, Italy, at a book press where the typesetters could not read English (Gifford, *Dayneford's Library* 8). In 1909 the publishers of Mackay's first two books of the nameless love, "Die namenlose Liebe: Ein Bekenntniss" ("The Nameless Love: A Creed") and "Wer sind wir? Eine Dichtung der namenlosen Liebe" ("Who are we? A Poem of the Nameless Love"), was fined 600 Marks for distributing writings deemed indecent by the courts, and consequently in 1913 the first edition of *Die Bücher der namenlosen Liebe* appeared with Paris as its place of publication and a Dutch address for its distributors (Fähnders, "Anarchism and Homosexuality" 144–45). Mann was an eminent author cautious, in particular at this point in his career, of reprisals from the guardians of bourgeois morality (Reed, "The Frustrated Poet" 132–34); he creates an ambivalent treatment of same-sex desire, one that permits divergent readings of the texts: simultaneously celebrating same-sex attraction while vilifying it, allowing the protagonist to free himself of the guilt and shame he associates with his homosexuality but disallowing the fruition of this liberation, and linking this desire to philosophy, beauty, and creativity while also associating it with the abyss, disease, and degeneration. And *Maurice* remained suppressed by Forster, who deemed that the novel was "unpublishable until my death and England's" (Moffat, *Forster* 115). Later in his life, in 1967, he readjusted this assessment, but only marginally. His biographer Wendy Moffat writes: "On the manuscript of *Maurice* he wrote—'Publishable. But worth it?'" (319). But more than simply standing in the way of publication in the forms of censors and secularized religious strictures embodied in penal code statutes and judicial rulings, religious and legal discursive formations are default discourses which are inexorably embedded in all four works of fiction. These discourses may not play a great role explicitly, but they are powerful in the implicit force they wield. One form this takes is in the travel motif. As men who loved men found opportunities to discover and express their sexuality in the role of

foreigner—one might say "sex tourist"—in France, Greece, Italy, or North Africa, so too did homosexual fictional characters (Aldrich, *Seduction of the Mediterranean* 101–35; see also Aldrich, *Colonialism and Homosexuality*). For homophile literature of the era, travel and exile were key topoi. The theme recurrent in early gay writings is self-imposed exile, the escape from repression, and travel as the means towards sexual self-discovery and liberation; but, as I state above, without critical engagement with religion and law, travel and exile are little more than a coping mechanism, one only available to a small educated and leisure-class minority of homosexual subjects. Religious and legal discourses are present in the four works of fiction to differing degrees and with varying degrees of force. Of the texts, *Der Puppenjunge* demonstrates the most significant measure of direct engagement with these discursive formations, which are in large part a reflection in his fiction of the author's individual(istic) efforts at homosexual liberation.

### His "feet are fixed!" Discovering a New Homeland

The confession is a structuring motif in the narrative of *Imre*. First, in the preface, Oswald and Imre offer their confession to the fictional editor Xavier Mayne (32–33). This preface sets the tone for the two confessions that make up the narrative that follows—first Oswald to Imre (81–103) and later Imre to Oswald (117–26). These are secularized acts of confession, influenced by sexological models of self-narration, as discussed in chapter 5. Religion, although not playing a direct role in the narrative, is still a force to be reckoned with, one which informs the opprobrium against love and desire between men that the central characters have internalized. As Oswald narrates his life story to Imre, he tells him that he had once thought of himself as "that anachronism from old—that incomprehensible incident in God's human creation" (85); this "anachronism" is likely the "sodomite," although the nomenclature of sin never enters the narrative. In turn, when Imre confesses his homosexuality to Oswald later in the narrative, he admits that from boyhood he understood that "a part of himself [ought] to be crushed out, if it could be crushed, because it was base and vile" (119). Again, sin is not explicitly named, but it no doubt informs the moralistic contempt he has internalized from a young age. Legal discourse is manifest more directly in the novel in the form of two minor characters who personify "popular ignorances" and "century-old and century-blind religious and ethical misconceptions" (120). When Oswald is confronted by conventional morality, this attack is not loaded with notions of the Sin of Sodom, but rather phrased in terms of disease and crime.

A mere ten days after visiting a specialist who prescribes marriage as a cure for his homosexuality, Oswald engages himself to "the daughter of a valued family friend," a young woman whom he "had always admired" (93). He breaks off this engagement after he meets and falls in love with another man. Oswald confesses his sexuality and love to this man, who answers his disclosure with scorn.

He heard my confession through with ever more hostile eyes, with an astonished unsympathy, disgust curling his lips. Then, he spoke, slowly, piti-

lessly: "I have heard that such creatures as you describe yourself are to be found among mankind. I do not know, nor do I care to know, whether they are a sex by themselves, a justified, because helpless, play of Nature; or even a kind of *logically* essential link, a between-step, as you seem to have persuaded yourself. Let all that be as it may be. I am not a man of science nor keen to such new notions! From this moment, you and I are strangers! . . . Farewell! If I served you as a man should serve such beings as you, this town should know your story tomorrow! Society needs more policemen than it has, to protect itself from such lepers as you!" (99)

Oswald, according to this character, is not a sinner, rather a "leper"; therefore, medical discourse has replaced religious discourse. He does not, however, insist that Oswald be carted off to an asylum; instead society's traditional mechanism for controlling this indecent form of passion, that is, "policemen," is called for. Imre recounts to Oswald that he has met with a similar figure in Karvaly Miklos, a senior officer for whom he secretly harbored "a fierce, despairing homosexual love" (120). When a conversation in the officers' club turns to the subject of homosexuality owing to a recent scandal, Karvaly tells Imre: "If I found that you cared for another man that way, youngster, I should give you my best revolver, and tell you to put a bullet through your brains within an hour! Why, if I found that you thought of me so, I should brand you in the Officers Casino tonight, and shoot you myself at ten paces tomorrow morning. Men are not to live when they turn beasts. Oh, damn your doctors and scientists! A man's a man, and a woman's a woman!" (121). Karvaly's opinion is telling as a reflection of popular male fear of same-sex desire and acts. It is an infringement upon male honor, and thus the military code dictates that one whose honor is compromised must seek satisfaction or, barring that, commit suicide. Merely possessing this sexual desire compromises male honor, so if Imre were homosexual, he would have "to put a bullet through [his] brains within an hour." Additionally, even being desired by another man is compromising. This may have been a recurrent problem for Karvaly who, Imre describes, "looks so astonishingly like that statue, you know—the one by that Greek—Praxiteles" (42). Thus, Karvaly would challenge Imre to duel with pistols if he discovered that the younger man felt sexual desire for him. In regard to desire between men, the military code of honor is a system of values which is inspired by religious and legal injunctions against "unnatural" vice, "Men are not to live when they turn beasts," but it supersedes these structures as well. Regarding the similarity between the two men whom Oswald and Imre had loved, although they are products of different countries, the former the representative of England and the latter of Austria-Hungary, they share the "true conviction of the dionistic [i.e., heterosexual] temperament" (121) in that they both reject liberal, liberationist science and cling to older, more conservative notions, their societies' default discourses.

The first line of defense that Oswald and Imre have against the attitudes expressed by these characters is the "Mask." "The Mask—the eternal social Mask for

the homosexual!—worn before our nearest and dearest, or we are ruined and cast out!" (101). The mask is a central, organizing trope in the novel. The first part is titled "Masks" (35); the second is "Masks and—a Face" (69); and the third is "Faces—Hearts—Souls" (106)—indicating the gradual laying aside of masks and dissimulation, the progression towards forthrightness, which directs the progression of the plot. Early in the narrative, Oswald notes Imre's "nervous habit of personal reserve" (39) which is so out of place amongst the "demonstrativeness, never unmanly, which is almost as racial to many *Magyarak* as to the Italians and Austrians" (39). His reserve is comparable to that of "the average English gentleman," which is something that Oswald actually admires, "certainly not wishing it less" (59). "Imre might have been an Englishman, if it came to outward signs of his innermost feelings" (61). The physical signs of intimacy between men, common in Hungarian culture, Imre finds "so hideously womanish" (62). His mask conceals "the deeply buried mystery of a heart's uranistic impulses" (64), which he seems to fear will at any moment spring forth and betray him, but he overplays his reserve, he protests too much. "I have had to learn the way to keep myself so, to study it till it is a second nature to me! I am not easy to know! But, Oswald, Oswald, *ich kann nicht anders, nein, nein, ich kann nicht anders!*" (80). After he drops his mask in the third part, he admits that it was after Karvaly had commented inadvertently that men like him should "put a bullet through your brains within an hour" (121) that Imre was worked up "into a sort of panic" and had "sworn to make no intimate friendship again" (121). He adopts an "exaggerated, artificial bearing" which necessitated "shrinking from commonplace social demonstrativeness" (122). Oswald explains to him that "You wore your masks so closely—gave me no inch of ground to come nearer to you, to understand you, to expect anything except scorn" (123).

Religion and law also impact the text in terms of the travel and exile motifs. Oswald relates to Imre that after he had confessed himself to the man he loved, he left England for continental Europe. "I started quietly on a long travel-route on the Continent, under excuse of ill-health. I was far from being a stranger to life in at least half a dozen countries of Europe, east or west. But now, now, I knew that it was to be a refuge, an exile!" (99). Initially, he is a reluctant exile from his former life, but he comes to accept his banishment. Oswald searches for a "new identity" (100); he becomes estranged from his "birth-land": "Little by little, my birth-land, my people, became strange to me. I grew wholly indifferent to them. I turned my back fuller on them, evermore" (100). He also uses this expression, "birth-land," as opposed to "homeland," earlier in the narrative to relate to Britain (37), which seems to indicate the character's sense of detachment and may well be a reflection of Prime-Stevenson's feelings toward America. From Europe, Oswald can pass judgment upon "Anglo-Saxon civilization": "where is still met, at every side, so dense a blending of popular ignorances; of century-old and century-blind religious and ethical misconceptions, of unscientific professional conservatism in psychiatric circles, and of juristic barbarism; all, of course, accompanied with the full measure of British or Yankee social hypocrisy toward the daily actualities of homosexuality" (120).



In this passage the character identifies a triad: religion, law, and medicine—further consideration is granted the third in chapter 5. So difficult is the life of the homosexual man or woman in America and Britain that the nations of Europe, "even those yet hesitant in their social toleration or legal protection of the Uranian," seem by comparison "educative and kindly," characterized by "national common-sense and humanity" (120). That Oswald includes the United States in his invective would suggest that the author is railing against his own "birth-land" as much as his character is against his. Oswald has traveled widely and, especially in this aspect, shares commonality with the fin-de-siècle "invert" discussed by Yvonne Ivory. "The invert is a figure that is literally mobile, who moves unnoticed from culture to culture and finds like kind in foreign cities" ("The Urning and His Own" 339). Many of these detached and rootless homosexual subjects drew upon discourses of individualism and superiority to establish identities which "counteracted many of the prevailing prejudices of the medico-juridical system" (Ivory 346). Ivory argues, "For the turn-of-the-century European invert, under pressure to self-identify as a criminal type, there is no more comforting thought than that laws are the contrivances of a despotic state, that duty is not an eternal truth, that obedience to oneself is superior to obedience to a system" (339). Oswald's mobility as well as the "Uranian" superiority he cultivates for his identity (which is explored in chapter 3) have distinct affinities with the invert Ivory describes. But *Imre* presents important variations on the travel and exile motif of early twentieth-century homosexual writings.

The destination of Oswald's travel, Hungary, contrasts to other works where France, Greece, Italy, and North Africa are recurrent locales. In contrast to the usual haunts, in Austria-Hungary homosexual sex was illegal. Budapest might not have been a haven and destination for homosexual men in the same way that at this time Venice and Capri were. An encounter early in the narrative between Imre and a former captain of his regiment suggests this. The man, whom Oswald describes as "a man of perhaps forty years, with the unmistakable suggestion of a soldier about him, and of much distinction of person along with it, but in civilian's dress" (65), "was requested privately to give up his charge," owing to hints that he was engaged in a "little love-affair with a . . . cadet" (65). "You know, or perhaps you do not know, how specially sensitive—indeed implacable—the Service is on *that* topic," Imre explains to Oswald. "Anything but a hint of *it*! There mustn't be a suspicion, a breath! One is simply ruined!" (65). Alone, this is relatively minor in itself. What Imre narrates would have been the case in practically any army in any country in Europe at the time. This incident simply indicates that Oswald and Imre do not extract themselves entirely from the "real" world where homophobia is a fact and part of life. They do not escape to an Arcadian idyll of homosexual fantasy. Instead, Oswald finds a new homeland in Hungary. He is no longer the perpetual outsider like Ivory's itinerant invert. "Imre, I will never go away from thee. Thy people shall be mine. Thy King shall be mine. Thy country shall be mine—thy city mine: My feet are fixed! We belong together" (201; see also Tobin, "Kertbeny's 'Homosexuality'" 3–18). Escape comes to an end; unlike Ivory's inverts, in *Imre* he puts down roots. It is difficult to say whether

this also applied to Prime-Stevenson, who lived out his life mostly in Switzerland, or if he had more in common with the inverts of Ivory's essay than his protagonist did.

## Italian Travel and Ambivalent Liberation

The language of religion and law plays an important, but subtle, role in the narrative of *Der Tod in Venedig*, which reveals the influence of this discourse in the text. The word "sin" is used only once in the narrative, by Aschenbach, during his final Socratic monologue. He discourses that the artist must follow where Eros leads, along the path of Beauty, which is an "errant and sinful path" (264) ("ein Irr- und Sündenweg"; 153). Thus, the protagonist does not condemn same-sex desire per se, but rather rejects the utilitarian imperative that art be morally instructive. The language of law, on the other hand, occurs with greater frequency in the text. It is used with regard to the artist's pursuit of Beauty, which "may lead a noble mind into terrible *criminal* emotions" (265; emphasis added) ("führ[t] den Edlen vielleicht zu grauenhaftem Gefühlsfrevel"; 154). Owing to this fact, Aschenbach concludes that "the use of art to educate the nation and its youth is a reprehensible undertaking which should be *forbidden by law*" (265; emphasis added) ("[dass] Volks- und Jugenderziehung durch die Kunst ein gewagtes, zu verbietendes Unternehmen [sei]"; 153). Again, this evocation of law is not a specific condemnation of homosexuality; instead it is a statement with implications that are akin to the aestheticist creed: art for art's sake (see chapter 7).

Legal language, though, does cast a shadow across Aschenbach's desire for Tadzio in a manner parallel to the metaphor made between Aschenbach's desublimating homosexuality and the cholera that spreads through the canals of Venice (see chapter 4). In the fifth chapter of the novella, once the cholera outbreak becomes evident, despite the authorities' efforts to cover it up, the narrator links Aschenbach's passion, his "innermost secret" ("eigenst[es] Geheimnis"), with the "guilty secret of the city" ("schlimme[n] Geheimnis der Stadt") (246; 128). Not only is his desire associated with disease, but also with crime. "For to passion, as to crime, the assured everyday order and stability of things is not opportune, and any weakening of the civil structure, any chaos and disaster afflicting the world, must be welcome to it, as offering a vague hope of turning such circumstances to its advantage" (246) ("Denn der Leidenschaft ist, wie dem Verbrechen, die gesicherte Ordnung und Wohlfahrt des Alltags nicht gemäß, und jede Lockerung des bürgerlichen Gefüges, jede Verwirrung und Heimsuchung der Welt muß ihr willkommen sein, weil sie ihren Vorteil dabei zu finden unbestimmt hoffen kann"; 128). Somewhat later in the narrative, the link between Venice's cholera outbreak and Aschenbach's homosexual passion is reiterated again, associating criminality and lawlessness with desire: the "adventure of the outside world which darkly mingled with the adventure of his heart, and which nourished his passion with vague and *lawless* hopes" (250; emphasis added) ("jenem Abenteuer der Außenwelt, das mit dem seines Herzens dunkel zusammenfloß und seine Leidenschaft mit unbestimmten, gesetzlosen Hoffnungen nährte"; 133). The cholera has created the social chaos, the English travel clerk tells Aschenbach, the



lawless state of affairs for which the protagonist had secretly hoped: the cholera has led "to a certain breakdown of moral standards, to an activation of the dark and antisocial forces, which manifested itself in intemperance, shameless licence and growing criminality" (259) ("brachte eine gewisse Entsittlichung . . . hervor, eine Ermutigung lichtscheuer und antisozialer Triebe, die sich in Unmäßigkeit, Schamlosigkeit und wachsender Kriminalität bekundete"; 144).

The police are also a recurrent motif in the narrative, not by their physical presence, but in that they are invoked by several characters. Trying to discover the truth about the disease, Aschenbach questions various Venetians about the "sweetish, medicinal smell that suggested squalor and wounds and suspect cleanliness" (245) ("süßlich-offizinellen Geruch, der an Elend und Wunden und verdächtige Reinlichkeit erinnerte"; 127), which is the telltale sign that all is not well in Venice. Until asking the Englishman, he receives a common refrain: "The police have laid down regulations" (246) ("Eine Verfügung der Polizei"; 127); "It is merely a police measure" (250) ("eine Maßnahme der Polizei"; 133–34); "Because of the police! It's the regulations" (253) ("Von wegen der Polizei! Das ist Vorschrift"; 138); "a police precaution" (254) ("Eine polizeiliche Anordnung"; 138). The police, though, are ineffective in controlling the spread of the cholera, which overtakes the city. As the disease and homosexuality are inexorably linked in the narrative, this might be a subtle commentary on police surveillance of sex between men. The scene of the action, though, is Italy, which had not penalized homosexual acts since the introduction of a new penal code in 1889 (Wanrooij, "Italy" 123), and so the "police" regulating Aschenbach's desire is he himself. He proves to be as ineffective at keeping himself in check as the Venetian authorities are in containing the infection. This need the protagonist feels for this "self-policing" stems from religious discourse. The opprobrium attached to same-sex desire by the ethos of Judeo-Christian teachings manifests itself surreptitiously in the text, taking the form of the guilt and shame that Aschenbach experiences for the life he has led in devotion to art and for not meeting the high standards of austere manliness which his forbears—men who devotedly served king, country, and God—represent to him. The roots of this shame spring from the mores of a culture saturated in notions of morality and immorality which find their sources in religion.

In addition, as in *Imre*, legal injunctions against homosexuality are suggested in the travel and exile motifs. Travel to Italy by this time was a well-established topos for sexual, especially homosexual, exploration and liberation, writes Robert Tobin, "at least since Goethe made his erotic discoveries there and Winckelmann moved there to lead his life more freely. In particular, Venice had become by the late nineteenth century a vacation center for homosexuals with means" ("Why is Tazio a Boy" 224–25). James Jones agrees: "Certainly there are many artistic reasons for locating the story in Venice—e.g. its attraction for German homosexuals such as Platen because of its acceptance of homosexual relationships, its function in German literature as a source of inspiration and rejuvenation, and its links to antiquity" (*Third Sex* 282). The lure of Italy, as well as that of Greece and the Mediterranean basin in general, writes Robert Aldrich in his study, *The Seduction of the Mediterranean* (1993),

affected not just German writers—although, he writes, they did form "the largest contingent of writers on the Mediterranean and homosexual visitors to the South" (101)—but British and French writers and artists as well. To list but a few examples of men who had blazed the trail for Aschenbach's fictional sojourn: the classicist Johann Joachim Winckelmann, Goethe, the poet August von Platen, Lord Byron, John Addington Symonds, Bosie and Oscar Wilde, Prime-Stevenson, Mann himself, and others sought and found sexual freedom in Italy (see Aldrich 101–35). The attraction to the Mediterranean, argues Aldrich, certainly had much to do with interest in the great ancient civilizations, their toleration, acceptance, and even praise of male-male love, and the point of reference these served for homosexual subcultures. Moreover, the financial disparity between traveler and native equated to a nearly inexhaustible supply of willing partners (Aldrich, *Seduction of the Mediterranean* 181–84). These are, perhaps, the "present charms" ("gegenwärtig[e] Reize") that the "goat-bearded man" ("ziegenbärtig[e] Mann") is hinting at as Aschenbach purchases his ticket: "Ah, Venice! A splendid city! A city irresistibly attractive to the man of culture, by its history no less than by its present charms!" (210) ("Ah, Venedig! Eine herrliche Stadt! Eine Stadt von unwiderstehlicher Anziehungskraft für den Gebildeten, ihrer Geschichte sowohl wie ihrer gegenwärtigen Reize wegen!"; 78). For Aldrich, Aschenbach is emblematic of the lure of the South on the northern European; he discusses the "Aschenbach Phenomenon" in the introduction to his study (9–11). "Whether Apollonian fable or Dionysian song, *Death in Venice* comprises a revolutionary breakthrough in the expression of gay desire," writes Mann's biographer Anthony Heilbut. "*Death in Venice* does more than evoke a pederastic episode; it constitutes a virtual Baedeker's guide to homosexual love" (*Eros and Literature* 261).

Of course, it is not an unproblematic portrayal of liberation of same-sex Eros; instead *Der Tod in Venedig* problematizes the literary motif of Italian travel and exile. While working with this motif—allowing Venice and its environs to free the protagonist from the exhausting discipline and dry, formal intellectualism which have ruled his life—the novella works against this motif at the same time. Aschenbach's journey is not one of necessity, like Oswald's, an escape from certain social ostracism and disgrace. Rather, he is led and finally entrapped by a series of male figures. The first of these is the stranger near the park in Munich, whose stare awakens in him "a young man's longing to rove to far-off and strange places" (259) ("[eine] schweifende Jünglingssehnsucht ins Weite und Fremde"; 145) and who spurs him toward "the charming south" (202) ("[den] liebenswürdigen Süden"; 67). Another is the unlicensed gondolier who ferries Aschenbach in his coffin-like boat to the Lido, the location of his fateful meeting with the beloved boy. And there is the leader of the troupe of musicians, who provides the nervous stimulation that will help in pushing Aschenbach over the edge. Venice is a meeting place, a bridge between the East and the West; at times it is Hades, the city is "extremely injurious to him" (228) ("ihm höchst schädlich"; 104), "an impossible and forbidden place" (231) ("[ein] ihm unmögliche[r] und verbotene[r] Aufenthalt"; 107–08), and at other times it is "the Elysian land . . . where lightest of living is granted to mortals" (235) ("[das] ely-

sische Land, . . . wo leichtestes Leben den Menschen beschert ist"; 113). The narrator comments upon the dual nature of Venice: "this city, half fairy-tale and half tourist trap" (248) ("diese Stadt, halb Märchen, halb Fremdenfalle"; 131). Aschenbach achieves liberty from the tyranny of intellectualism, from the reason which insists that his same-sex desire be repressed or at least sublimated into Platonism, only to fall victim to a maniacal excess of emotion and desire.

The novella is not Mann's first treatment of the Italian travel motif. Ilsehold Jonas writes that in the short story "Tonio Kröger" (1903), the eponymous protagonist "had succumbed to the temptations of Italy for some time; but then he had come to his senses, and precisely on account of his erotic adventures in the south and their ultimate conquest, had matured into an artist" (*Thomas Mann and Italy* 39). Contrastingly, Kröger is a young man at the outset of his career, whereas Aschenbach is not: "in his exhaustion and susceptibility he lacks the strength to resist the temptation of the total abandonment" (Jonas 41). It is an ambivalent treatment of this literary motif. Later works, including *Maurice* and *Der Puppenjunge*, for instance, demonstrate much less reliance upon travel and exile. *Der Tod in Venedig* works within as well as against the motif of sexual liberation through travel, thereby questioning the literary convention of how to deal with the moralistic and legalistic condemnation of love between men.

## The Outlaws of the Greenwood

Religion and law infringe upon the narrative at various points in Forster's novel. Instances of the former include Clive Durham's early struggles with his desire. "Deeply religious, with a living desire to reach God and to please Him, he found himself crossed at an early age by this other desire, obviously from Sodom. . . . He had in him the impulse that destroyed the City of the Plain. It should not ever become carnal, but why had he out of all Christians been punished with it?" (55). When Clive discovers the classics, "the horrors the Bible evoked for him were to be laid by Plato" (55), he is able "to throw over Christianity" (56); however, I wonder how effectively he was able to accomplish this as the motif of sin recurs later in the narrative, for instance, after Maurice's initial rejection of Clive's advances. "Great was the pain, great the mortification, but worse followed. So deeply had Clive become one with the beloved that he began to loathe himself. His whole philosophy of life broke down, and *the sense of sin was reborn in its ruins*, and crawled along corridors. Hall had said he was a criminal, and must know. He was damned. He dare never be friends with a young man again, for fear of corrupting him. Had he not lost Hall his faith in Christianity and attempted his purity besides?" (58; emphasis added). Maurice too is haunted by "the sense of sin" associated with desire for another man, for instance, after his consultation with Dr. Barry, who invokes the language of religion: "never let that evil hallucination, that temptation from the devil, occur to you again" (134). Afterward Maurice resolves to "keep away from young men," but he soon realizes that "he could not keep away from their images, and hourly committed sin in his heart" (131). Mark Lily writes that Christianity "is taken up extensively in the novel through the general discussion

of belief, and specifically through the character of Penge's vicar, Mr Borenus" who "personifies the anti-life spirit of Christianity" (*Gay Men's Literature* 57). His exaggerated concern for the spiritual wellbeing of Mrs. Durham's domestic staff makes him appear ridiculous, even to Mrs. Durham. He is, certainly by design, a figure that cannot be taken entirely seriously: "If the parson hadn't looked so damned ugly [Maurice] wouldn't have bothered, but he couldn't stand that squinny face sneering at youth" (163). Borenus views himself as a combatant against "all sexual irregularities" in the church's struggle to "reconquer England" (206). Borenus and his fight might be portrayed in caricature, but this treatment masks the seriousness of what was at stake. Writing in March 1915 to Forrest Reid, who was one of the early readers of *Maurice* and himself a gay author, Forster states: "The man in my book is, roughly speaking, good, but Society nearly destroys him, he nearly slinks through his life furtive and afraid, and burdened with a sense of sin" (Furbank, *Forster* 2: 14). The misguided machinations of agents like the absurd village parson, who "assumed that love between two men must be ignoble" (207), the bigoted college don, the well-meaning but clueless school master, and the hypocritical suburban doctor nearly crush the development of the gay protagonist.

In *Maurice*, law, like religion, is society's default discourse, society's buttress, and a threat to the homosexual man. "So they proceeded outwardly like other men. Society received them, as she receives thousands like them. Behind Society slumbered the Law" (80–81). And like religion, the language of law crops up at various points in the narrative, such as when Clive admits his love for Maurice early in the novel. Maurice tells him: "it's the worst crime in the calendar, and you must never mention it again" (44). Legal discourse receives sustained attention in the narrative through the recurrent trope of the homosexual "outlaw" and in a reversal of the motif of travel and exile. The association between crime and homosexuality recurs in the narrative in the outlaw living outside of or against societal strictures. From early in the novel, a will to rebel exists with its earliest instance being when Clive admits to Maurice: "I'm a bit of an outlaw, I grant, but it serves these people right. As long as they talk of the unspeakable vice of the Greeks they can't expect fair play. It served my mother right when I slipped up to kiss you before dinner. She would have no mercy if she knew" (72–73). Clive subverts familial and university power structures. The family and the university each are microcosms of society at large, and Clive's actions, in general, are an affront to the hypocrisy that informs sanctions against love between men. In particular, they are willful defiance of Mr. Cornwallis, the college authority figure, who instructs his students to omit "a reference to the unspeakable vice of the Greeks" from their translations (37–38), and his mother, the head of the family, for whom appearances and decorum are more important than truth or conviction. Maurice echoes this sentiment: "'You and I are outlaws. All this'—he pointed to the middle-class comfort of the room—'would be taken from us if people knew'" (108).

There is an excitement, a certain sexiness associated with living dangerously, even if it is secret subversion as in the case of Clive and Maurice's relationship. However, the risk of exposure, blackmail, social ostracism, and prison were undeni-

ably genuine threats. Although Forster portrays Clive's hetero-conversion in mystical terms, I argue that it would be a justifiable reading of the text to assume societal pressures play no mean role in Clive's transformation. This seems to be Maurice's first reaction when Clive informs him that he has "changed" and now loves women. Maurice's responds: "Clive, you're in a muddle" (107). The mystical conversion did not play on the big screen. In James Ivory's 1987 film adaptation of *Maurice*, the criminalization of sex acts between men takes a more prominent position in the narrative. Clive's turn to a "normal" life is prompted by Risley's conviction for gross indecency; he recognizes that a relationship with Maurice is too high a liability for a man with social standing and ambition.

In the post-Platonic relationship period of the narrative, Maurice fully comprehends what is at stake as a sexual misfit. "At first he was proud of his self-control: did not he hold Clive's reputation in the hollow of his hand? But he grew more bitter, he wished that he had shouted while he had the strength and smashed down this front of lies. What if he too were involved? His family, his position in society . . . He was an outlaw in disguise" (114). The will to rebel is no longer boyish unruliness, rather, in this later phase it takes on a darker, more serious hue. Escape from the mandatory sexual homogeneity of Edwardian England, to flee the pressures of social class, to embrace the outlaw identity fully, is posited as the protagonist's only avenue. During his second consultation with the hypnotist Lasker Jones, who fails to cure Maurice's aberrant sexuality, Jones recommends that Maurice relocate to a country in which same-sex acts are not criminalized, such as France or Italy. "'You mean that a Frenchman could share with a friend and yet not go to prison?' 'Share? Do you mean unite? If both are of age and avoid public indecency, certainly.' 'Will the law ever be that in England?' 'I doubt it. England has always been disinclined to accept human nature'" (183).

Exile in a foreign country is not an option for Maurice though. The novel refuses to operate within this convention of early gay literature. Before the episode with the hypnotist, Maurice and Clive travel in Italy. In light of the author's other works, the reader might reasonably expect travel in the south to beget sexual awakening, which could lift Platonic constraints upon their relationship. This is not the case though. Although their sojourn through Italy receives little description in the narrative, it becomes clear that Maurice is more the type of middle-class English tourist that Forster lampoons in his other writings, such as *A Room with a View* (1908) or even *A Passage to India* (1924). "He liked [Italy] well enough in spite of the food and the frescoes" (91), finding the country "very jolly—as much as one wants in the way of sight-seeing" (92). Though, "Maurice had no use for Greece" (91), and so when Clive is determined to extend his pilgrimage "to the yet holier land beyond the Adriatic," Maurice refuses to go. Greece, for him, begins to carry with it a taint of "morbidity and death" (92). The theme of the Mediterranean as liberator is then fully turned on its head when travel in Greece brings about not liberation, but further repression and the end to Clive and Maurice's relationship. There Clive sees "only a dying light and a dead land," concluding that "the past was devoid of mean-

ing like the present, and a refuge for cowards." In the Theater of Dionysus, Clive converts to heterosexuality (97). This site, the Theater of Dionysus, is of importance. In *Der Tod in Venedig*, Dionysian forces lead Aschenbach to the south and unleash his repressed and sublimated desires. In two of Forster's short stories, "The Story of a Panic" (1904) and "The Curate's Friend" (1911), Dionysian spirits—Pan in the former and a faun in the latter—liberate the central characters. One could reasonably expect something similar for Clive, a moment of catharsis at which point he abandons thwarting Platonic restraint. However, nothing of the sort occurs. Instead this literary motif appears to be reversed. Perhaps Clive looked for liberation in the wrong place? Or maybe he found it, but turned his back on it, like Mr. Lucas in the short story "The Road from Colonus" (1911)? Perhaps, in his cold connubial bed with Anne, Clive, like Mr. Lucas, is haunted by "the noise of running water" (*Selected Short Stories* 90). In the tale, the sound of running water is a memento of Mr. Lucas's encounter with a shrine, a spring gushing from a hollow tree, in the Greek countryside. He is offered the possibility of fulfilling his desire "to die fighting" (80), but he returns to England to be haunted by the sound of the spring and the lost opportunity. Clive too may be haunted by lost opportunities for happiness. This is suggested in Clive and Maurice's final dialogue toward the end of the narrative. When Maurice refers to the time when Clive kissed his hand, Clive rejoins, "'Don't allude to that,' . . . not for the first and last time, and for a moment causing the outlaw to love him" (211). Although he might have secured himself socially by marrying, Clive is still an outlaw and still loves Maurice.

The literary motif of travel in the Mediterranean is reversed. The forces of nature that liberate Maurice are English and unite him with Alec, the gamekeeper. During the second session with Jones, Maurice realizes that "Men of my sort could take to the greenwood" (183). And so he and Alec do. "Maurice finally loses his virginity in the arms of an English working man," writes Aldrich, "Forster's view of homosexuality is that it allows men to cross social barriers, not recreate an ancient culture" (99). Social forces like religion and law are "too incompetent to catch them," writes Forster in the novel's "Terminal Note," which was written and appended to the manuscript in 1960, "the only penalty society exacts is an exile they gladly embrace" (216). The trope of the outlaw is a leitmotif in the novel which comes to fruition at the conclusion of the narrative. Maurice goes into exile with Alec, but it is an English exile of Forster's own fashioning, which was modeled on Millthorpe, the home and commune of Edward Carpenter and his partner George Merrill. Jeff Bush argues that Maurice and Alec's "escape to the greenwood does not merely represent escapist gay wish-fulfilment," rather, "The novel becomes a pastoral unlike any other, a modern pastoral infused with queer sexual politics" ("The Queering of the Greenwood" 11). This "queer pastoral becomes truly liberatory," Bush concludes. "In the final scene of the novel, Forster appeals to the greenwood to formulate his own philosophy of sexuality which is indebted to, and extends, Carpenter" (11). They are not robbed of their homelands, forced to take refuge abroad or in an Arcadian idyll; instead "England belonged to them" (207).



## Proving Who Is the Stronger

*Der Puppenjunge*, as well as the first six *Die Bücher der namenlosen Liebe*, feature direct confrontation, more direct than what one sees in the other three works of fiction, with church and state stigmatization and persecution of love and sex between men. Mackay's writing program strives to grant a voice to and rally support for the "nameless love," which denotes specifically intergenerational same-sex liaisons—the texts treat love between adult men and boys between fourteen and seventeen years of age—rather than homosexual relations in general. For this mode of desire, he opts to avoid the term "pederasty" ("Päderastie") or its synonym in German, "Knabenliebe" (literally, "lad-love"). By doing so, he evades existing nomenclatures. In the introduction to *Die Bücher der namenlosen Liebe*, titled "Die Geschichte eines Kampfes um die namenlose Liebe" ("The History of a Fight for the Nameless Love"), Mackay writes that this "love I call 'nameless,' since no name yet correctly names it today" (15) ("die Liebe, die ich die 'namenlose' nannte, da kein Name sie heute recht noch nennt"; 13). In the first book, "Die namenlose Liebe: Ein Bekenntniss," he addresses this love, explaining that "Each name that has named you until now has become a term of abuse in the dirty mouths of the vulgar, a misunderstanding in dull minds, which is worse than all insults" (57) ("Jeder Name, der Dich genannt bisher, ist ein Schimpfwort geworden in dem schmutzigen Maule der Gemeinheit, ein Mißverständniß in trüben Gehirnen, das schlimmer ist als alle Beschimpfung"; 79). Mackay is not the only writer of the era to take up his pen in support of same-sex desire only to be confronted with the discursive baggage with which existing naming structures were laden. John Addington Symonds begins his essay on homosexuality, "A Problem in Modern Ethics" (1891), stating that he can "hardly find a name" for discussing same-sex love "which will not seem to soil this paper" (*Symonds and Homosexuality* 128); Oscar Wilde cites Alfred Douglas's poem, calling it "the love that dare not speak its name"; and Edward Carpenter and Elisar von Kupffer invent their own terminology for same-sex love in their writings. Mackay was engaging in a deft strategy. Instead of creating yet another new name, as Carpenter had with "homogenic love" and Kupffer had with "Lieblingminne," he avoids names altogether. In this way, not only has he avoided, like Symonds, Carpenter, and Kupffer, terms with connotations loaded with moralistic derision, but passes judgment upon sexological terminology, which, for Mackay, carries with it associations of illness and gender inversion. "In these books I have not used one of those technical terms taken from foreign and dead languages, not once even one of those ambiguous words that appear to have become the most indispensable aids and the most effective tricks of science" (43) ("Ich habe in diesen Büchern nicht einen jener fremden und toten Sprachen entlehnten Fachausdrücke, nicht einmal auch nur eines der vieldeutigen Worte gebraucht, die zu den unentbehrlichsten Hilfsmitteln und den wirkungsvollsten Allüren der Wissenschaft geworden zu sein scheinen"; 59). Thus his strategy is closest to Wilde's use of Douglas's poem in that it refuses to name this love at the same time that it refuses to remain silent about it.

Of the seven nameless love writings, this study focuses primarily on the full-length novel and supports its analysis with reference to the earlier texts, especially the novella, *Fenny Skaller: Ein Leben der namenlosen Liebe* (Fenny Skaller: A Life of the Nameless Love), which was written in 1906 and published in 1913 as the third book in the *namenlosen* collection. In *Der Puppenjunge*, religion and law are hand in glove. This theme is communicated too in the earlier writings. "Cursed by parsons of all religions and all sects as an unmentionable sin; persecuted by judges" (*Books* 148) ("Von den Pfaffen aller Religionen und aller Art als unnennbare Sünde verflucht; von den Richtern . . . als Verbrechen verfolgt"; *Bücher* 264); religion and law are the social forces which for centuries have discredited and persecuted love between men (see J. Bauer, "On the Nameless Love and Infinite Sexualities" 7). In the novel, religious structures play a secondary role to that of legal forces. Indeed, notions of the sinfulness of same-sex desire and same-sex acts exert little force over either protagonist. In the narrative, Graff does not struggle with guilt and shame in the way that Oswald, Imre, Aschenbach, Clive, and Maurice do; there is no indication that Günther is even aware that his profession is considered a vice or is illegal.

In the first six books of the nameless love, religion and notions of sin play a greater role than in the novel. In "Die namenlose Liebe: Ein Bekenntniss," Mackay equates the coming of Christianity with "night" falling upon Europe: "For centuries this love, which the Greeks set in its beauty and nobility in the bright sunshine and before the eyes of the world, was buried: its name was debased and outlawed, it was itself dishonored, persecuted and despised" (53) ("Auf Jahrtausende hinaus wurde die Liebe, die die Hellenen in ihrer Schönheit und ihrem Adel unter das heitere Licht der Sonne und vor die Augen der Welt gestellt, begraben: ihr Name entehrt und verfemt, sie selbst geschändet, verfolgt, verachtet"; 73). Religion and Christian morality are personified twice in *Der Puppenjunge*. The first instance takes the form of a village pastor whom Günther compares with his first john. "The pastor in his village had also done that with them, only he had not been friendly, but clumsy and rough, and had only given them a couple of apples from his garden" (41) ("Das hatte der Pfarrer auf ihrem Dorfe auch mit ihnen gemacht, nur war der nicht freundlich, sondern grob und roh gewesen und hatte ihnen nur ein paar Äpfel aus seinem Garten gegeben"; 43). Unlike Borenus in *Maurice*, this parson cannot be said to represent any particular aspect of religious doctrine or teaching; instead he serves to highlight social hypocrisy in general. Second, this discourse is personified in Graff's landlady. She strikes an ominous chord from her first appearance, "a woman dressed entirely in black, with scrawny features and strikingly dark, sharp eyes" (34) ("Eine ganz in Schwarz gekleidete Frau mit hageren Zügen und auffallend dunklen, scharfen Augen"; 35). She could be a frustrated spinster or a mourning war widow, and, along with the obvious association of death, the color of her clothing could hint at religion through an association with the robes of a religious order. She is a personification of "the night" that Mackay likens Christianity to in the "Bekenntniss." Unbeknownst to Graff, nothing would escape the notice



of these "dark, sharp eyes," and eventually an unspoken hate wells between the two. "Her entire appearance was strange and unpleasant to him: the black, staring eyes, the stern mouth, the hard, cold face, even the invariably black dress, and the whole attitude of her gaunt bony figure" (157) ("Ihre ganze Erscheinung schon war ihm fremd und unsympathisch: die schwarzen, starren Augen; der strenge Mund; das harte, kalte Gesicht; selbst das unabänderlich-schwarze Kleid, wie die ganze Haltung der hageren, knochigen Gestalt"; 183). This hate culminates in her denunciation of Graff to the authorities as a corrupter of youth. At his trial she is a key witness for the prosecution. "She stood there in her dark dress, the very bones of morality. Her black eyes sparkled in her pale and haggard face" (278) ("Sie stand da, in ihrem dunklen Kleide, ganz knochengewordene Moral. Die schwarzen Augen funkelten in dem blassen und hageren Gesicht"; 321). Her physical characterization mirrors her deeds: she is a caricature of religion's antilife spirit working with the state out of a twisted sense of Christian and civic duty.

Legal discourse is more central in the plot as the force that tears the two lovers apart. As complications arise, Graff contemplates leaving his life behind and escaping with Günther. The south lures him, over the Alps to Italy, "in safety, in peace and happiness. Yes, Italy, there it's cheap and lovely—nice and warm" (237) ("in Sicherheit, in Frieden und Glück . . . Ja, Italien, dort ist es billig und schön . . . warm und schön"; 272–73). He does not act in time and Günther is taken into custody by the police and interned at a juvenile detention center. The lawyer Graff consults evokes a Dickensian image of the legal profession. "Everything about the small, misshapen man was yellow: his hair, his skin, his eyes, his teeth, the nails of his greedy hands" (256) ("An dem kleinen, schlechtgewachsenen Manne war Alles gelb: die Haare, die Haut, die Augen, die Zähne, die Nägel der gierigen Hände"; 296–97). He advises Graff not to become involved in petitioning for Günther's release from the center. Disregarding this advice leads to Graff's arrest for indecent assault against a minor and a member of his own sex. At his trial, although the color trope black is repeated in the "black figures" ("schwarze[n] Gestalten"), these judges are different to the landlady, who derives a sadistic satisfaction from upholding morality. They, on the other hand, seem to fulfill their function in the legal structure without any great conviction. They ask insulting and shameful questions to which the protagonist is unable to reply. "Questions . . . questions—more shameless than anything he had ever heard in the Adonis Lounge from the boy prostitutes there—struck his ear. He did not understand them. He only felt: they were shameless—shameless and absurd" (278) ("Fragen . . . Fragen—schamloser als Alles, was er je in der Adonis-Diele von den prostituierten Jungens dort gehört, schlugen an sein Ohr. Er verstand sie nicht. Er empfand nur: sie waren schamlos . . . schamlos und widersinnig"; 321). Günther, his will broken by the institution, also testifies against his former lover and friend. Graff is convicted and sentenced to two months in prison for "indecent assault" (289) ("Sittlichkeitsverbrecher"; 333). When a court official, as if excusing himself, tells Graff "I don't make the laws, I carry them out" (289) ("ich mache die Gesetze nicht, ich führe sie aus"; 334), Graff is scandal-

ized that "He carries out laws . . . which he considers unjust and convicts innocent people—daily and hourly. And can sleep peacefully" (289) ("Er führt Gesetze aus . . . die er für ungerecht hält und verurteilt Unschuldige—täglich und stündlich. Und kann ruhig schlafen"; 334).

Upon his release, he declares: "Either I am a criminal or the others are, who made this law and carry it out" (289) ("Entweder bin ich ein Verbrecher oder die Anderen sind es, die diese Gesetze gemacht haben und sie ausführen!"; 333). The eponymous protagonist of *Fenny Skaller* also comes to realize that "human laws" ("Menschengebot[e]"), which "forbade what nature ordered" ("verboden, was die Natur gebot"), lack any sort of justification or foundation. Skaller is resolved that "From now on he intended to obey only the laws of his nature" (*Books* 157–58) ("Von jetzt an wollte er nur noch den Gesetzen seiner Natur gehorchen"; *Bücher* 280). Mackay overturns notions of crime and criminality. The men "who made this law and carry it out" are "petty and stupid bureaucrats" (*Hustler* 276) ("klein[e] und dumm[e] Amtsmenschen"; *Puppenjunge* 319), unthinking, unfeeling cogs in the machine of state oppression; theirs is the true crime, the infringement upon the civil liberty of the individual. "What are all the crimes in the world compared with the ones committed by those in gowns and vestments, robes and uniforms" (289) ("Was sind alle Verbrechen der Welt gegen die, begangen von Denen in Talaren und Ornaten, Roben und Uniformen!"; 334). These scenes in *Der Puppenjunge* are informed by the author's philosophy of individualist anarchism. "Mackay regarded himself as an anarchist," writes Ruth Kinna. "Anarchy, he argued, meant the abolition of the state, of artificial boundaries, the bureaucracy, the military and the judiciary; it meant the freedom of individuals to determine and pursue their own interests, consistent with the equal liberty of all. In anarchy, individuals would be free to live their private lives as they saw fit and to experiment without limit" ("The Mirror of Anarchy" 47). His struggle for the nameless love fits within this struggle for individual freedom. He writes in "Die Geschichte eines Kampfes um die namenlose Liebe" that "the question of this love also is in its deepest basis a social question: the fight of the individual for his freedom against whatever kind of oppression" (44) ("auch die Frage dieser Liebe ist in ihrem tiefsten Grunde eine sociale Frage: der Kampf des Individuums um seine Freiheit gegen jede wie immer geartete Unterdrückung"; 61). It is not only "those in gowns and vestments, robes and uniforms" who are guilty of curtailing the liberty of the individual; it also applies to anyone who can witness the liberty of their fellow man be trampled. "There are few human beings who have not become criminals against their fellow humans—not directly, but rather indirectly, in that they tolerate and advocate laws such as this one for example" (289) ("Es gibt wenig Menschen, die an ihren Mitmenschen noch nicht zu Verbrechern geworden sind—nicht direkt, sondern indirekt, indem sie Gesetze, wie dieses zum Beispiel, dulden und befürworten"; 333).

After his release, Graff resists the lure of escape and exile: "He did not travel toward the south. He traveled back to Berlin" (292) ("Er fuhr nicht nach dem Süden. Er fuhr zurück nach Berlin"; 336). He returns to Berlin in order to prove that the

unjust law has not "won" and succeeded in robbing him of his dignity and homeland. "As a young man who knew almost nothing of life and little about himself, Hermann Graff had come to the metropolis a year ago. As a man who wanted to know and master life as it was, he returned again. He had to show himself who was the stronger" (292) ("Als ein junger Mensch, der fast Nichts vom Leben wußte und Wenig von sich, war Hermann Graff vor nun einem Jahre in die große Stadt gekommen. Als ein Mann, der das Leben erkennen und es meistern wollte, wie es war, kehrte er wieder. Es mußte sich zeigen, wer der Stärkere war"; 336). Graff returns to Berlin in a contest of wills against a repressive, homophobic society. Like Fenny Skaller in the autobiographical novella, Graff's life has purpose: "His life had meaning. It had become a fight. A fight for his love!" (*Books* 153) ("Sein Leben erhielt einen Sinn. Es war ein Kampf geworden. Ein Kampf um diese Liebe!"; *Bücher* 272).

The exile theme is rejected in *Der Puppenjunge*. Whereas the other works of fiction demonstrate new variations on the travel and exile motif in homosexual literature—Oswald's exile ends when he finds a new homeland, *Der Tod in Venedig* operates within the bounds of the convention of Italian travel as sexual liberator while subverting it as well, and Maurice and Alec create their own refuge from societal condemnation by escaping into folklore—Mackay's novel breaks new ground. In his earlier texts, travel and exile are still central motifs. In "Wer sind wir? Eine Dichtung der namenlosen Liebe" ("Who are We? A Poem of the Nameless Love"), the second book of the volume, the speaker is in exile from his homeland: "Homeless, I chose for myself a freer land for my home" (82) ("Heimathlos wählte ich selbst mir / zur Heimath ein freieres Land"; 150). And, as a young man, Skaller discovers himself and his love through travel, through "roving through the world" ("die Welt durchstreifen"): "A restless wandering from place to place. A flight from himself. A fleeing from people" (117) ("Ein ruheloses Schweifen von Ort zu Ort. Eine Flucht vor sich selbst. Ein Fliehen auch vor den Menschen"; 208). In particular, Paris is mentioned in both of these works. "Mackay visited Paris many times and it may well be that his first sexual adventures were in that city," writes Hubert Kennedy in the introduction to his translation of *Die Bücher der namenlosen Liebe*. "He also gives Paris as the place of the sexual awakening of his alter ego Fenny Skaller in the third book" (6). Although travel is crucial to his process of self-discovery, he returns to Germany to be an agent of change. After "Years of travel, passed in foreign lands" (137) ("Jahre auf Reisen, in fremden Ländern verbracht"; 243), he returns home to Berlin. "He has only one place left in the world where he can set his foot: thus he will claim it with all his power and no one shall drive him from this little place. No one!" (133) ("Er hat nur noch einen Platz auf der Welt, auf dem er Fuß fassen kann: so will er ihn behaupten mit aller Macht und Niemand soll ihn von diesem kleinen Platze verdrängen. Niemand!"; 235–36).

Graff's and Maurice's refusals to exile themselves in France or Italy share a good deal of commonality. Both texts assert the validity of the fight for individual freedom against moralistic and legal condemnation and lead the reader to imagine the ultimate success of this fight. The protagonists refuse to be banished. Where

these two portrayals differ is from where the struggle is fought. Maurice recreates for himself an English myth of the outlaws in the greenwood, a fantasy of an England more true to itself; but in doing so the novel takes a negative view of the possibility that society can be changed. It is a fantasy and an anachronism. On the other hand, Graff accepts the world for what it is, and chooses to live in that world in order to subvert its power structures from within. While Maurice rejects the Mediterranean exile discourse for an exile of his own fashioning, Graff strives to win understanding and acceptance for his nameless love. *Der Puppenjunge* counters the yearning for escape and the desire to recover an Arcadian idyll that characterizes much homosexual literature of the era, whether this escape and recovery was in the conventional destinations like Italy or France, or more surprising locales like Hungary or the English greenwood. Instead it situates the protagonist in the very midst of a hostile society.

## Conclusion: Speaking Its Name

The works of fiction were written in and reflect societal contexts that were not, as I argue above, dissimilar. In England and Germany, same-sex acts came under temporal jurisdiction around the same time and, by the end of the nineteenth century, laws were firmly ensconced in the penal codes of both nations which punished "gross indecency" and "widernatürliche Unzucht," respectively. American laws were, in most colonies, extensions of English law. By the 1890s, rapid social change in the United States gave rise to expansive use of sodomy laws to combat what must have seemed to be a rising tide of "the crime against nature." Consequently, all four texts respond and react to religious and legal discourses, if in different ways. *Imre*, in addition to recounting the protagonists' reckonings with the alleged sinfulness/criminality of their sexualities, depicts an important variation of the travel and exile motif. In *Der Tod in Venedig*, Aschenbach struggles with the shame he associates with emotion, sensuality, his artistic temperament, and his homosexual desire. The south liberates this desire and frees him of his shame, but the ambivalence of this freedom means that the novella subverts the theme of sexual liberation through travel and exile. *Maurice* challenges this motif as well, to a greater extent. In Forster's novel, homosexuality is at odds with the Edwardian social order, and rather than flee to Italy, Maurice and Alec find a home in "an England where it was still possible to get lost" (219). And, in *Der Puppenjunge*, after he is jailed for his love for another male, Hermann Graff returns to Berlin to effect change in society, in order to win tolerance and understanding for the nameless love.

What becomes clear is the subversive potential of all four works of fiction. These texts not only take on society's default discourses, but draw on alternative conceptual and taxonomical structures—challenging and expanding these discourses, negating stereotypes, and broadening the range of images and motifs with and through which to fictionalize love and desire between men. Over the course of the following chapters this will become increasingly evident, as I approach the literary

texts by way of the three distinct counterdiscourses to the religio-legal formation—Greek love, sexology, and Oscar Wilde—in order to demonstrate how the texts respond to each. Fiction was (and still is) a crucial means for affirming this desire, and the works of this era, in demanding to speak the name of same-sex love, set in motion literary and cultural revolutions. This love has refused to be silenced.