

# No Spirit For Me

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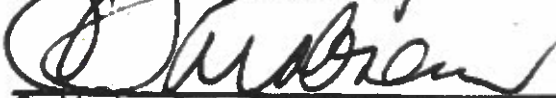
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## Abstract

*No Spirit For Me* is a photographic installation that explores the erotics of abjection as a vehicle to transform the violence, persecution, and social condemnation experienced by sexually stigmatized individuals. Tracking how sex has been policed and punished over the course of the last century, this paper identifies how the State uses its regulatory powers to define increasingly broad definitions of “good” and “bad” sex, resulting in the rise of a new category of “sexually abject” individuals that are denied access to culturally acceptable processes of healing, and from the State’s narrative of justice. The works in *No Spirit For Me* combine personal ethnographic and counter-archival methodologies to re-present the legal documents sourced from the State Attorney who prosecuted the author’s father for sex crimes with boys, while failing to adjudicate similar crimes he committed against girls, illuminating the complex intersection of homophobia and misogyny that contributes to failures within the criminal justice system. Through transformative labor, the artistic process offers an alternative to catharsis for overwhelming experiences that are so life-altering they remain irresolvable. Focusing on weaving, printmaking, and metal-work, the installation blends together pain and pleasure to articulate a new aesthetic sensibility arising from *jouissance*.

## Keywords

Abjection, transformative labor, sexual violence, jouissance, erotics of art, intergenerational sex, statutory rape, juvenile sexuality, homophobia, misogyny, carceral aesthetics, incarceration, sex law, sexual variance, LGBTQ, queer, transgender, photography, weaving, fiber art, women's work, lithography, printmaking, prison abolition, criminal justice reform.



# INTRODUCTION



## **Monstrous Love - The Search for Empowerment through Sexual Abjection**

In May 2007 my father, Robert Hasty, was arrested on six felony charges for sex acts with a 13-year old boy. My father was 78-years old. His bail was set at \$495,000. Quietly, my father posted his bond



with his entire life-savings and home as collateral. Meanwhile, the police drafted a community bulletin with my father's name, address, mug shot, and list of charges, as mandated by community notification legislation for sex offenses. My father's arrest was broadcast across television news and published in the local newspaper. Within 24 hours he had broken the terms of his bond by driving through a Walmart parking lot, a place where he ordinarily shopped for groceries, went to the pharmacy, and – what raised the concern of the arresting officers – would have circulated through space in close proximity to families with children, including adolescent boys. He was arrested again, his bond revoked, rendering him indigent. In the coming months, my father changed his plea from not guilty to guilty, ultimately entering a plea deal with the prosecutors without going to trial. He was sentenced on two charges: Lewd and Lascivious Battery and Lewd and Lascivious Molestation. He was given the maximum sentence on both charges, fifteen years, served concurrently. At the sentencing hearing, the Judge opined that this was essentially a life-sentence. My father's age and disability had not hindered his ability to seduce young men. The court considered him a threat to society, thus making my father ineligible for "compassionate" sentencing alternatives sometimes extended to elderly felons.

In the end, my father served four years of his sentence. He passed away in the prison medical ward on April 6, 2011. He quietly left prison and was transported to the funeral home, a free man.

From one angle, my father's arrest and subsequent conviction is a story of justice served, of the correct and proper functioning of the criminal justice system to protect society from dangerous criminals. Sexual predators, particularly those who abuse children, are viewed as a particularly heinous group with the capacity to inflict immeasurable harm. Their uncontrollable urges are a slippery slope of moral degeneracy leading to increasingly horrific acts up to and including the murder of children. At previous moments in history, the sexual predator has been

called by other names: the “sex deviate,” “degenerate pervert,” “security risk,” “sexual psychopath,” and “moral threat.” Often, these terms are used interchangeably with another term: “homosexual.”

The swift response of the criminal justice system and its harsh sentencing of my father was no doubt motivated by the homosexual nature of his crimes. When the law professes to protect children, it does not extend that protection equally to all children. Such was the case of Sherry Johnson, who was raped at age ten by a deacon in her church, becoming pregnant by age eleven. Instead of charging the man for the crime, her mother arranged for her daughter to marry her twenty-year-old abuser. The marriage of minors was permitted under Florida law and sanctioned by the Judge who issued the couple a marriage license, with full knowledge of Johnson’s young age<sup>1</sup>. Cyntoia Brown, a sixteen-year-old who was coerced into sex work, killed one of her clients in self-defense, believing she was about to be murdered herself. She was tried as an adult and sentenced to life in prison in Tennessee<sup>2</sup>. It was also my case, as a girl-child and one of my father’s victims. Either unseen by the law or treated as criminals themselves, it is clear that only some victims are considered worthy of protection and deserving of justice. One particularly profound area of judicial negligence has been sex crimes committed within the heterosexual family, which are commonly perpetrated by male relatives known to the victim: fathers, step-fathers, uncles and family acquaintances. Gender, race, class, immigration status and sexual orientation are all factors that influence the uneven response of law enforcement. While there are many intersections worthy of deeper inquiry, the focus of my thesis paper will be specifically on the intersection of homophobia and misogyny in the construction of sex law itself, with a keen interest on the discrepancies

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1 Kristof, Nicholas. “11 Years Old, a Mom, and Pushed to Marry Her Rapist in Florida.” *The New York Times*. May 26, 2017. Accessed December 15, 2018. <https://www.nytimes.com/2017/05/26/opinion/sunday/it-was-forced-on-me-child-marriage-in-the-us.html>

2 Andone, Dakin. “Governor Still considering Clemency for Cyntoia Brown.” *CNN*. December 13, 2018. Accessed December 15, 2018. <https://www.cnn.com/2018/12/13/us/cyntoia-brown-governor-clemency-trnd/index.html>

of how sex crimes are policed and punished across categories of gender and sexuality.

As my father's child, his victim, and as a queer person, I am in a unique position to approach this topic. My research is fueled in part by my desire to understand my father and the context in which he lived. He was born on September 3, 1929, the fourth of five children to a working-class celery farmer in the mid-century rural Florida. I'm interested in the complex maneuvering of stigmatized sexuality in the religious Southern environment that simultaneously tolerated and condemned it. My father lived his life in the closet, and over the course of his life was married to three different women. This was not unusual for gay men of his era. For the majority of my father's lifetime, all consensual homosexual sex was illegal, and most men who attempted to live openly gay lives were subject to severe forms of persecution that limited their access to employment and other civil rights. Through my thesis research, I acquired my father's criminal case file from the prosecuting State attorney. Obtaining this material was a pivotal moment. These documents contained the first and only record I have that my father thought of himself as "gay." Reading through the case file coincided with my recent decision to begin testosterone therapy. This was a significant decision that marks a new phase in my own gender transition. As a genderqueer person, my own legal status is considered illegitimate in the State of Florida. There is no third gender option available on birth certificates or driver's licenses, a category that is currently recognized in California, Oregon, Washington and several other states. My gender has been the subject of stigmatization, pathology and exclusion, as transgender people are currently being targeted by a national sex panic. Since 2015, multiple states have introduced legislation, commonly dubbed "bathroom bills," that require individuals to use the restroom that matches the gender on their birth certificate. While many of these bills have failed, several have passed into law, including North Carolina's *Public Facilities Privacy & Security Act*, dubbed HB 2, although it was amended one year later, removing the discriminatory bathroom

clause<sup>3</sup>. In April 2019, the Supreme Court upheld the Trump Administration's policy to ban transgender people from military service, effectively reverting to a "Don't Ask, Don't Tell" era tactics that were previously used to suppress gay Military personnel from serving openly<sup>4</sup>. Through the lens of the law, I began to see how my father and I occupied a shared space, one defined by legal exclusion and social condemnation. This was not the only common ground we shared.

The other I had no part in choosing; and yet it has proven to be profoundly influential in shaping my sexuality. When my father raped me, it cast me out of the sexually normative world and into the sexually abject. Child molesters and sex offenders share this abject world with their victims, which they have forcefully dragged along with them. My father's violation of the primal taboo twisted my vantage, brought me closer to his, gazing into a world of normative romance where I would never fit, into a system of laws that excluded me. The stigma of pollution, of surviving incest, broke down the boundaries between everything rumored as inviolable, unspeakable, morally incomprehensible. What I have learned from talking about what my father did to me, from the tremors that occupy the silence between words, is that people find me repulsive, too. It has given me a unique ability to traverse a landscape deemed monstrous, in defiance of the people who found the acts that I have lived through impossible to endure, utterly self-shattering, pitiable. It is from within this space, always and already cast out of the status quo, that that I have found the freedom to speak. Without boundaries between things, I am fluid, able to shift in my identifications, pressing up against the ethical limits of empathy, and perhaps also, of love. Trauma counsellors know how survivors of incest must ultimately reconcile two deep conflicts: rage at the profound betrayal of the parental bond, and the persistence of that bond in spite

3 Park, Madison, and Elliott C. McLaughlin. "North Carolina Repeals 'bathroom Bill'." *CNN*. March 31, 2017. Accessed April 14, 2019. <https://www.cnn.com/2017/03/30/politics/north-carolina-hb2-agreement/index.html>.

4 Gaouette, Nicole. "Pentagon Transgender Ban Goes into Effect." *CNN*. April 12, 2019. Accessed April 14, 2019. <https://www.cnn.com/2019/04/12/politics/transgender-troop-ban-starts/index.html>.



of it. In reality, they are never reconciled, but rather they sit alongside one another, facets of a prism. For most crimes deemed unspeakable, there is no socially accepted system for processing the complexity of experience or the depth of emotion. In the absence of such a system, I argue that the artistic process provides a profound possibility for the production of transformative meaning from experiences that threaten the very fabric of self-hood and social order.

These ideas about the transformative possibility of abjection, I owe to my first semester course called “Queer Love”, taught by the eminent theorist on queer theory, Dr. David Halperin. The course was built on the premise that queer sex has been widely discussed, but the topic of queer love was much more elusive. In one reading from the course, Michael Warner’s book *The Trouble with Normal*, the author discusses how heterosexual marriage since the Enlightenment has been rooted in the concept of antinomian love. While the State maintains the power to regulate, and solemnize, marriage as a matter of public interest, the antinomian narrative argues that love has a defiant character that can transcend the law itself. In heterosexual romance, the force binding lovers together need not be sanctioned by society; its consecrating power takes place within the private, “world-canceling” unit of the couple’s intimate exchange. Warner adds that “the culture of marriage... thrives on stories of revolt,”<sup>5</sup> which we can easily observe in how the great romantic love stories are not stories of marriage, but rather of extramarital, or illegitimate love<sup>6</sup>. In the Queer Love course, Halperin argues that if heterosexual marriage is already built on a tradition of rebellion and transgression, queer love must be *queerer* than what has been codified by straight society. To support his claim we read a number of works of fiction, short stories, novels and experimental prose, that all presented examples of this *queerer* kind of love. *Ready To Catch Him Should He Fall* by Neil Bartlett, the narrator wakes up next to his lover unable

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5 Warner, Michael. *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*. (Cambridge, MA: Harvard Univ. Press, 2000), 103.

6 Ibid, 102.

to imagine the day after, or any future beyond the sexual exchange. In JR Ackerley's *I Think The World of You*, we enter into a curious, and constantly shifting, love triangle between a man, his younger lover, his lover's wife and family, and a dog. In Nabokov's *Lolita*, the narrator uses his mastery of language to convince the reader of the erotic appeal of his chosen love object: a twelve-year old girl. In all these queer love stories, the love affairs have a quality beyond what's merely illicit, stretching into a realm of desire that defies possibility. What makes these love stories queer is that love itself appears as a fleeting gesture to something beyond the threshold of imagination, even beyond the capacity to be realized within society as we know it. In all of these stories, the declaration of love is an expression of something deeply human. The object of desire is as immensely variable as the breadth of all other measures of human difference. No matter how strange I thought the object, nor how foreign to my own erotic preferences, it was not my place to make moral judgments on the desiring imagination. This realization made me more free to accept declarations of love at face value, rather than trying to place them in the realm of medical pathology or moral failure, where most of the narratives of sexual deviance as a threat to society originate. This is not to say that sexual desire doesn't sometimes cause harm, but this is not a problem of desire itself. Desire is a fundamental human emotion that naturally seeks its expression. Individual actions that lead to its inappropriate, or harmful, expression are inseparable from a society where desire is highly regulated, and where non-conforming desire is criminalized and punished as a threat to the social order.

My thesis research is driven by the desire to humanize monstrosity, specifically those monstrous figures that have arisen from the sexually abject. Queer desire is no stranger to abjection, a concept that finds a home within queer theory, as well as critical race theory, both areas that deal with how social condemnation leads to the production of an "othered" group. What is specific to my argument is how individuals like my father became monstrous as a result of legal and social processes

that stigmatized his desire and cast him out of the “normal” order of things. As an individual that has also been abjected, both because of my queerness and my status as “polluted” through victimization from a particularly taboo sex crime, what’s at stake is not just my father’s humanity, but my own as well. We both occupy a space outside of society, a space where we are often, or intermittently, the object of revulsion. Excluded from the normal order of things, our abjection need not be something to which we surrender blindly; rather, it offers the possibility to become the very substance of a profound transfiguration. As Halperin describes in his essay *What Do Gay Men Want?*, abjection is a kind of inverted Sainthood, a path to a perverse exaltation that follows the same trajectory as the sublime, just in the opposite direction<sup>7</sup>. The labor of transformation does not come easily, since it must be forged under conditions of exile and persecution. Through Halperin’s theory of abjection, I see a pathway for the artistic process to become the vehicle for the production of transformative meaning. Through abjection and the thesis work engendered by my research, I have found the glimmer of possibility for radical acts of love: the acceptance of my father and myself with full acknowledgement of our flawed selves. In is in this context that I situate my research question: how can abjection, as a concept, provide an opportunity for transformative meaning for queer subjects? And how can the process of making abject art be a source of empowerment within conditions of social condemnation or persecution?

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<sup>7</sup> Halperin, David M. *What Do Gay Men Want?: an Essay On Sex, Risk, And Subjectivity*. (Ann Arbor: University of Michigan Press, 2007), 73.



**Administering  
poison to pro-  
duce miscar-  
riage.**

woman, unlawfully administers  
for her, or causes to be admin-  
istered, any medicine, or other noxious  
substance, or other means whatever,  
with intent to procure a miscarriage,  
or otherwise to injure or destroy the  
child in consequence thereof, shall  
be punished in the State penitentiary not  
less than one year, or by fine not ex-  
ceeding five hundred dollars.

**Crime against  
nature.**

SEC. 12. Whoever commits a  
crime against nature, either with  
man or woman, shall be punished by imprisonment  
not exceeding twenty years.

**Intermarriage  
of white man or  
woman with ne-  
gro, mulatto.  
&c.**

SEC. 13. If any white man  
marry a mulatto, or any person  
of African descent, or if any white woman  
marry a mulatto, or any person  
of African descent, or if any white man  
marry a mulatto, or any person  
of African descent, or if any white woman  
marry a mulatto, or any person  
of African descent, such persons  
shall be deemed guilty of a  
felony, and upon conviction shall  
be fined not less than one  
thousand dollars nor more than  
five thousand dollars, and shall be  
imprisoned in the State prison not  
less than one year nor more than  
months, at the discretion of the  
court.

## I: Criminal Intimacies - Sex Law and the Policing of Difference as Moral Threat

Sex law is the area of criminal legislation that regulates the sexual  
conduct of individuals as a matter of public policy. Presumably, these  
laws are in place to protect individuals from harm, securing each cit-

## CRIMES—FELONIES.

administers to her, or advises or prescribes to be taken by her, any poison, drug, medicine, or thing, or unlawfully uses any instrument or device with the like intent, or with like effect therein, shall, if the woman does not die thereof, be punished by imprisonment in the State penitentiary not exceeding seven years, nor less than one year, and by a fine not exceeding one thousand dollars. (d)

Whoever commits the abominable and detestable crime of sodomy, either with mankind or with beast, shall be punished by imprisonment in the State penitentiary not exceeding ten years. (d)

Whoever, a white man shall intermarry with a negro, or a white woman who has one-eighth of negro blood in her, or a negro woman shall intermarry with a negro, or a white man who has one-eighth of negro blood in him, or a white woman who has one-eighth of negro blood in her, shall be deemed guilty of a crime, and upon conviction shall be fined not more than one thousand dollars, or less than fifty dollars, or imprisoned in the State penitentiary not more than ten years or less than six months, at the discretion of the court. (e)

izen's right to life, liberty and the pursuit of happiness<sup>8</sup>. However, the definition of harm as it applies to sex has been subject to increasingly broad interpretation over the course of the past century. A wide swath of consensual, but stigmatized, sexual activity has been targeted by repressive legislation on the grounds that it is a threat to public morality and decency. As David Langum states in his book *Crossing the Line*,  
<sup>8</sup> Langum, David J. *Crossing over the Line: Legislating Morality and the Mann Act*. (Chicago: University of Chicago Press, 2006), 7.

these were laws not aimed at stopping harmful behavior; rather, their chief concern was to use coercive government policy to demand that people be “good”<sup>9</sup>. Under the legislative reforms of the turn-of-the-century Progressive era, sexual conformity became an issue of moral uplift, often used interchangeably with language of sexual and moral “purity”. More recently under neoliberal policy, the State has retreated from regulation of the market, only to intensify its penal sanctions over an ever-widening spectrum of human behavior, reflecting the increasing belief that social regulation is the “legitimate” sphere of government administration<sup>10</sup>. The invention of new legal apparatuses to regulate, repress and punish sexual difference has, in effect, produced new categories of criminal behavior, bringing into being a new criminal underclass of “sexually abject” individuals. Subjected to “a presumption of mental illness, disreputability, criminality, restricted social and physical mobility, loss of institutional support, economic sanctions, and criminal prosecution,”<sup>11</sup> these nonconforming individuals are effectively cast out of ordinary life, becoming second-class citizens with severely limited civil rights. As Gayle Rubin argues in her seminal essay, sex is its own vector of oppression cutting across all other categories of inequality, and irreducible to gender, race, class or ethnicity<sup>12</sup>. However, sex has proven to be a potent tool to stoke public anxiety and fear towards shifting norms and values affecting society more broadly. In the 1950s, “the exploding civil rights movement, the escalating Cold War, and the emergence of urban gay subculture”<sup>13</sup> resulted in massive resistance from conservative legislators. Racial justice, sexual non-

9 Ibid, pp. 6-9.

10 Halperin, David M. “Introduction: The War on Sex”, *The War on Sex*, ed. David M. Halperin and Trevor Hoppe. (Durham: Duke University Press). 10.

11 Rubin, Gayle S. “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality.” *Deviations: A Gayle Rubin Reader*. (Durham: Duke University Press, 2012), 149.

12 Ibid, 164.

13 Braukman, Stacy. *Communists and Perverts under the Palms: The Johns Committee in Florida, 1956-1965*. (Gainesville: University Press of Florida, 2013), 9-14.

conformity and political liberalism became indistinguishable threats requiring State surveillance and control<sup>14</sup>. Fear of harm, particularly threats to children, have proven to be highly effective tools for mobilizing erotic hysteria, and swiftly implementing legislative change<sup>15</sup>. The process follows a reliable formula, leveraging a high-profile and horrific case of stranger-abduction, violent sexual assault or brutal murder to typify an entire class of sexual behavior<sup>16</sup>. These exceptional crimes are politicized to hastily pass poorly thought out legislation with a wealth of “collateral consequences... far worse than the alleged evils that the coercive legislation was designed to suppress.”<sup>17</sup> Often, grave harm is done to the very demographic the law aimed to protect, with the most vulnerable - gay men, men of color, young girls, “trafficked” women, transgender individuals - becoming collateral damage from the State’s misguided attempts to ensure that its diverse population conform to a single, “moral” standard of sexual conduct. In order to understand the scope of sexual activity currently and historically regulated by the State, the elaborate infrastructure used to enforce these laws, and the disproportionate punishment of sex crimes, I will spend the following section focused on the content of sex law itself as it relates to major areas relevant to my thesis research: homosexuality, gender equality and juvenile sexuality.

Over the course of U.S. history, the only kind of adult sex that has never been subject to legal sanction is where the penis is placed inside the vagina within wedlock, provided that the couple is of the same race<sup>18</sup>. Marriage, up until the 2015 U.S. Supreme Court ruling in

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14 Johnson, David K. *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government*. (Chicago: University of Chicago Press, 2004), 31.

15 Rubin, 41.

16 Best, Joel. *Threatened Children: Rhetoric and Concern about Child-victims*. (Chicago: University of Chicago Press, 1993), 40-41.

17 Langum, 8.

18 Rubin, 162.



*Obergefell v. Hodges*, was federally defined as the union between a man and a woman. However, not all heterosexual couples have been historically permitted to marry. Marriage across racial lines was strictly regulated in the United States through miscegenation laws. These laws prohibited marriage between whites, and usually one or several racial groups that included blacks, Native Americans, Asians, Filipinos, or in Georgia and Arizona, anyone categorized as “non-white.”<sup>19</sup> These laws remained in multiple states until they were federally ruled unconstitutional in the 1967 ruling *Loving v. Virginia*<sup>20</sup>. While gender and race as markers of marriageability have become more flexible over the course of the past century, age has become an area of increasing anxiety and regulation. In the 1890’s, the age of consent was either 10- or 12-years old, except in Delaware, where it was 7-years old<sup>21</sup>. In the modern era, the age of consent is generally interpreted to mean the age of discretion for sexual intercourse, however historic usage suggests it relates more directly to the minimum age of eligibility for a young girl to marry. Laws governing marriage had been directly imported from English common law, and were intended to protect the girls’ chastity as a commodity that would be transferred from her father to her husband<sup>22</sup>. Not all girls were granted equal protection. White girls, and girls of previously chaste character were the intended beneficiaries. In the U.S., the institution of slavery legally permitted the sexual exploitation of black girls, a legacy that has perpetuated unequal enforcement up to the present day. For white girls, being forcibly raped was seen as a kind of promiscuity which would exclude her from these tenuous legal protec-

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19 “Anti-miscegenation Laws in the United States.” Wikipedia. April 06, 2019. Accessed April 13, 2019. [https://en.wikipedia.org/wiki/Anti-miscegenation\\_laws\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Anti-miscegenation_laws_in_the_United_States).

20 *Loving v. Virginia*, 388 U.S. 1 (1967).

21 Odem, Mary E. *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920*. (Chapel Hill: Univ. of North Carolina Press, 1996), 14-15.

22 Fischel, Joseph J. “Per Se or Power - Age and Sexual Consent,” *Yale Journal of Law and Feminism* vol. 22, no. 2 (2010 ): p. 279-342. HeinOnline, <https://heinonline-org.proxy.lib.umich.edu/HOL/P?h=hein.journals/yjfem22&i=283>.

tions<sup>23</sup>. This bias was codified by the defense mandate that convictions for rape required the victim to demonstrate adequate resistance to prove use of force<sup>24</sup>. At the turn-of-the-century, white Progressive feminists sought to raise the age of consent to sixteen or eighteen as part of a broad “social purity” campaign to eliminate the sexual double standard that granted men sexual license before marriage, but punished young women for the same behavior. By 1920, reformed statutory rape legislation had raised the age of consent in all fifty states. However, these statutes only applied to sexual activity between unmarried, heterosexual partners. Within marriage, men had nearly unrestricted sexual access to their wives. The “marital exemption” excluded husbands from being prosecuted for forcible rape<sup>25</sup>. This went uncontested until 1973, when second wave feminists in Michigan took on the “marital exemption” as part of their broader agenda of rape reform. Marital rape was not criminalized in all 50 states until 1993. Even after the marital exemption was closed, marriage still provided protection to adults who could be charged with statutory rape for sexual activity with a minor, and to minors who illegally had sex with each other. Up until recently, marriage law in all 50 states permitted minors to marry under certain conditions, often with parental consent, and sometimes requiring judicial approval. A *Frontline* study analyzed marriage records in 41 states, and found that 207,000 minors were married in the U.S. between 2000 and 2015<sup>26</sup>. In Florida, 60 percent of the marriages involved 17-year olds, but more than a handful involved minors age 13. What these laws reveal is that, even in the contemporary moment, the regulation of sex with minors is a hotly contested area where the rules, regulations and “moral” arguments about harm are subject to broad

23 Ibid, 286-287.

24 Schwartz, Susan. “An Argument for the Elimination of the Resistance Requirement from the Definition of Forcible Rape,” *16 Loy. L.A. L. Rev.* 567 (1983). 567.

25 Cocca, Carolyn. *Jailbait: The Politics of Statutory Rape Laws in the United States*. (Albany: State University of New York Press, 2004), 17.

26 “Florida Moves to Ban Marriage Before the Age of 17.” *PBS*. Accessed December 18, 2018. <https://www.pbs.org/wgbh/frontline/article/florida-moves-to-ban-marriage-before-the-age-of-17/>.

exceptions. Juvenile or intergenerational sex deemed criminal in other contexts can be made permissible within the legitimizing category of marriage. Thus the State, through its administration of marriage, constructs categories of “good” and “bad” sex. Marriageability is the moral standard of institutionally legitimized sex, and the only area where some individuals, typically husbands, have been guaranteed the right to sexual autonomy, even if their sexual license is at the expense of their underage or unconsenting wives<sup>27</sup>.

It has been only four years since same-sex couples have been granted federal protections through the legitimizing institution of marriage. Prior to this ruling, homosexuality was not criminalized as an entity per se; however, the law vehemently targeted the sex acts through which same-sex desire was expressed. Over the history of sex law, sodomy has been a statutory offense, where the consent of the parties is irrelevant to the charge. Historically, the State has classified its interest in regulating sodomy not as a crime against the person, which in the 1881 Florida Criminal Code included homicide, abortion, assault and rape; but rather as “offenses against chastity, morality and decency,”<sup>28</sup> which covered the “crime against nature” along with adultery, seduction, polygamy, and mixed-race cohabitation<sup>29</sup>. The sodomy statute traces its origin to sixteenth century England, when it was implemented by King Henry VIII<sup>30</sup>. English law stated that the “detestable and abominable vice of buggery committed with mankind or beast” would be punishable by the death<sup>31</sup>. Over the course of U.S. History, the implementation

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27 Warner, 96-97.

28 McClellan James F., Compiler. *Digest of the Laws of the State of Florida, from the Year One Thousand Eight Hundred and Twenty-Two, to the Eleventh Day of March, One Thousand Eight Hundred and Eighty-One Inclusive*. (Tallahassee, Fla, Printed at the Floridian Book and Job Office), 349-356.

29 Ibid, 374-376.

30 Posner, Richard A., and Katharine B. Silbaugh. *A Guide to America's Sex Laws*. (Chicago: University of Chicago Press, 1998), 65.

31 Spence, James R. “The Law of Crime against Nature,” *North Carolina Law Review* 32, no. 3 (April 1954): 312.

of sodomy laws has varied greatly in different states and municipalities. For that reason, I will focus on the history of the sodomy laws in the State of Florida, where my father was convicted of violating them fifty years prior to his 2008 conviction. On October 9th, 1957, my father plead guilty to two “morals” charges in Orange County, Florida. He was convicted and sentenced to five years in Raiford State Penitentiary. He served two years before being released on Parole.

When the State of Florida became a territory in 1822, it imported its criminal code directly from English common law. During this period, sodomy was had a maximum penalty of one year in prison and a \$500 fine, except for a brief period in 1828, when the law was repealed entirely and sodomy was decriminalized. In 1842, Florida specifically re-implemented a sodomy statute that made the crime a felony, punishable by death, thus being the “first jurisdiction in the United States in 123 years to make sodomy a capital offense other than by adoption of the common law.”<sup>32</sup> In 1868 the criminal code was revised, lessening the penalty for sodomy to a maximum sentence of twenty years, which was still one of the most severe in the United States. At the same time, the wording of the statute was revised. When North Carolina adopted the English common-law statute in 1837, “buggery” was an offensive term considered unmentionable. Lawmakers instead referred to sodomy as “abominable and detestable crime against nature”<sup>33</sup>. In the 1881 Florida Criminal Code, the sodomy law read “whoever commits the abominable and detestable crime against nature, either with mankind or with beast, shall be punished by imprisonment in the State penitentiary not exceeding twenty years”<sup>34</sup>. Florida thus adopted the same euphemistic wording of sodomy statutes passed in other states. Some mid-century legal theorists, like James R. Spence, call our attention to the “the” in the statute, arguing that the original intent of the lawmak-

32 Painter, George. The History of Sodomy Laws in the United States: Florida. Accessed December 06, 2018. <https://www.glapn.org/sodomylaws/sensibilities/florida.htm>.

33 Spence, 313.

34 McClellan, 876.

ers pertained to one act only: anal sodomy<sup>35</sup>. Spence suggests that U.S. lawmakers projected naiveté onto the 16th century English. He argues that oral sex was no innovation, and would have been specifically addressed if the original law had intended to cover it. The perceived vagueness of “crimes against nature” as it was read by U.S. courts left the law open to judicial interpretation, which over the course of the twentieth century became increasingly broad. Court precedents began to interpret the statute as applying to any sexual encounter deemed “unnatural”, immoral or repulsive to the personal taste of the judge. In the 1921, the “crime against nature” was broadened to include fellatio in Florida following the ruling of *Ephraim et al. v. State*<sup>36</sup>. In 1943, the earlier interpretation was unanimously upheld and expanded to cover cunnilingus in *Larson v. State*. The case involved oral sex between a 76-year-old man and two minor girls who solicited him. In his opinion, the judge moralized about the repulsive quality of these crimes, going on the record to say “that all unnatural forms and methods of coitus have proven themselves detrimental to both health and morals.”<sup>37</sup> The felony “crime against nature” statute remained on the books until 1972, when it was deemed unconstitutionally vague. In 2003 U.S. Supreme Court ruling *Lawrence v. Texas* overturned all remaining sodomy laws in all 50 states<sup>38</sup>. The ruling held that sex acts between “consenting adults in private” were constitutionally protected under the due process clause of the U.S. Constitution<sup>39</sup>. However, Florida law has retained a misdemeanor offense for “lewd and lascivious behavior<sup>40</sup>.”

Before *Lawrence v. Texas*, some states had exemptions within their sodomy statutes for heterosexual couples of any marital status, or for

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35 Spence, 315.

36 Spence, 317 and Painter, “The History of Sodomy.”

37 Painter, “The History of Sodomy.”

38 Ibid.

39 *Lawrence v. Texas*, 539 U.S. 558 (2003).

40 Fla. Stat. § 798.02 (2018).

married couples, who practiced the proscribed sex acts in private<sup>41</sup>. The privileges granted to heterosexual and married couples, codified in the selective enforcement of sodomy laws in some jurisdictions, reflected the intended purpose of these statutes. Classifying the mechanics of homosexual sex as sex offenses was used by law enforcement as a means to criminalize homosexuality as an entity. This idea was explicitly expressed by the Florida Legislative Investigation Committee report, a government committee operating between 1956-1964, which was formed to investigate the allegedly Communist agenda driving the civil rights activism of the NAACP, and which quickly shifted to target homosexuals<sup>42</sup>. The significance of the *Lawrence* ruling is that it secured federal protection for a specific kind of gay sex previously considered criminal, and reflected a growing tolerance for certain types of sexually nonconforming activity. However, as Scott De Orio discusses in his essay “The Invention of Bad Gay Sex”, the newly protected category of “consenting adults in private” served to further disqualify more marginalized sex practices including commercial sex, teenage sex, sado-masochistic sex, sex between HIV positive individuals, and promiscuous sex. Individuals engaged in “bad” homosexual sex would be subject to increasingly harsh sex offender laws and criminal persecution<sup>43</sup>. De Orio critically reminds us that, over the course of the last century, most acts resulting in “crimes against nature” charges did not occur in the privacy of one’s home or between consenting adults. “Most, if not all, of the consensual gay sex against which the police enforced the sodomy law took place in public or semi-public spaces, involved minors, or sometimes both.”<sup>44</sup> The history of sex law regulating homosexual sex

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41 Rubin,162.

42 *Homosexuality and Citizenship in Florida: A Report of the Florida Legislative Investigation Committee*. Tallahassee: Committee, 1964.

43 De Orio, Scott. “The Invention of Bad Gay Sex: Texas and the Creation of a Criminal Underclass of Gay People.” *Journal of the History of Sexuality* 26, no. 1 (2017): 53-87. <https://muse.jhu.edu/> (accessed December 1, 2018), 55-56.

44 De Orio, Scott. “Punishing Queer Sexuality in the Age of LGBTQ Rights” PhD Diss. University of Michigan, Ann Arbor, 2017. Deep Blue, [http://hdl.handle.net/2027.42/138757\\_86](http://hdl.handle.net/2027.42/138757_86).

is steeped in a pervasive belief that sexuality is a moral issue, and that its regulation is necessary to maintain public order. Sexual nonconformity is seen as a uniquely potent corrupting force leading to a slippery slope of “moral degeneracy” across an entire population. Statutory sex laws designed to criminalize an entire class of consensual sexual activity have actively produced new categories of criminals under the particularly unpleasant umbrella term, “sex offender.” This distinction has effectively produced an entire class of sexually “abjected” individuals subject not only to broad social, economic and legal sanctions that exclude them from ordinary life, but also from full participation as citizens, sometimes going as far as bringing into question their very humanity. The history of sex law reveals how sexual transgression evokes particularly vehement anxieties about moral and social contagion, positioning these crimes as deserving of particularly harsh punishment, up to and including punishment by death.

If the policing of homosexual sex is one area where regulation has been clearly unjust, and where it has substantially limited the sexual autonomy and civil liberties of a group, the policing of juvenile sex is one area where the legitimacy of State intervention is rarely questioned. The rise of State interest in the regulation of adolescent sexuality dates back to the Progressive era, where rapid urbanization and industrialization increasingly drew women into the labor force. Outside of the traditional sphere of family supervision, young women experienced unprecedented freedoms, including increased opportunities to explore romantic relationships<sup>45</sup>. The sexuality of adolescent girls was the chief focus of these reformers, who believed that no virtuous woman of any age would ever freely consent to her own “ruin” by engaging in premarital sex<sup>46</sup>. Rather than seeing young women as sexual agents capable of feeling, and commanding, their desire, Progressive reformers believed that girls were sexually passive and weak, making them vulnerable to

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45 Odem, 2-3.

46 Odem, 25.



seduction and exploitation by more powerful male desire. Their campaign did not intend to grant women greater sexual autonomy, but rather to hold men to the same high standard of “virtue” that was expected of women. In Odem’s words, “they sought to enforce their vision of moral order by making sexual relations with young women a criminal offense.”<sup>47</sup> Progressive women succeeded in reforming age-of-consent legislation, in effect making the sexual activity of youth a crime. Under the purview of the law, consensual sexual relations between youth were indistinguishable from sexual assault. As the laws were actually enforced by the courts, statutory rape legislation that was originally intended to protect young women, was instead turned against them.

Once Progressive era women succeeding in changing the law, its enforcement was largely out of their control. Governing bodies, law enforcement agencies and the court system were male dominated spaces that excluded women. Mary Odem’s research on statutory rape cases brought in front of Alameda County Superior Court and the Los Angeles Juvenile Court between 1910 and 1920 articulates how statutory rape proceedings became a punitive process for both the girl victims and the male defendants. Once charges were brought, girls were held in county detention homes for delinquent youth to await court proceedings. They were subjected to compulsory pelvic exams to determine if they were virgins, then questioned extensively about their sexual histories. They were pressured to name all of their sexual partners, which were then used to levy charges against multiple defendants. In the courtroom, girls were subjected to detailed and explicit public questioning about their sexual activity. If the victim admitted to having multiple sexual partners, her sexual history would typically result in lesser charges for the male defendant, and her own detention in court mandated rehabilitation centers for delinquent girls. If she admitted to the court that she entered the sexual encounter voluntarily, or without demonstrating adequate resistance, the Judge could further lessen the charge, despite the fact that as a statutory offense,

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47 Odem, 11.

consent is legally irrelevant<sup>48</sup>. In one case, a fifty-seven-year-old male perpetrator was sentenced to probation because the girl appeared to be much older than she actually was, and because “her habits and morality are not alone questioned, but are absolutely proved to be bad.”<sup>49</sup> What Odem’s research reveals is that law enforcement officials were not motivated by concern for the physical or emotional harm the girl may have endured, but rather because they equated the loss of chastity with the destruction of moral purity, which posed a threat to social order. Through law enforcement tactics in the courtroom and outside of it, the system that was supposed to protect young women instead subjected them to punitive measures which caused substantial harm; these included public humiliation, physically invasive and unwarranted medical procedures, long-term detention in delinquent homes, separation from their families and social stigmatization as “delinquents.” These harsh punishments for sexually active young women reveal how sexual threat is conceptualized differently across lines of gender and sexuality.

Early precedents and arguments set by statutory rape prosecutions in the Progressive era still effects the rhetoric of juvenile sexuality today. The organizing principle of age-of-consent law is that “age acts as a proxy for a power differential suspect of coercion”<sup>50</sup>. Adolescents below the statutorily defined age are considered incapable of sexual decision-making, and do not legally have the right to consent. In Joseph Fischel’s essay “Per Se or Power” he argues that the emphasis on age obscures a wide variety of other factors besides age itself that make young people more vulnerable to coercion and exploitation. How the intersection of “power, dependency, sexual and social experience, gender and gendered expectations”<sup>51</sup> affect individuals differently should be the focus of concern. Blanket proscriptions collapse the differ-

48 Odem, 68-79.

49 Odem, 79.

50 Cocca, 19.

51 Fischel, 281.

ence between vectors of inequality, particularly when it comes to the difference between queer and heterosexual youth. In the 1970's, the gender specificity of age-of-consent legislation came under scrutiny by second wave feminists. These laws extended legal protection only to underage girls. As part of broad agenda of reform to forcible rape and statutory rape law, some feminists argued to make these laws gender neutral as a formal step to inscribe gender equality into law, and to acknowledge that adolescent boys were also potential victims. Sex-radical feminists held an opposing view, that age-of-consent legislation was rooted in patriarchal and repressive ideology, and that the age of consent should be lowered in order to make coercion, and not age, the standard for regulating harmful sex<sup>52</sup>. In addition, the marital exemption shifted the real target of the law to marital status, not age. Sex-radicals argued that making age-of-consent law gender neutral would provide more pathways for law enforcement to prosecute same-sex couples who were already substantially targeted by other criminal legislation<sup>53</sup>. This was proven to be the case. The possibility of charging adult men with the sexual abuse of juvenile males was a persuasive selling point to legislators<sup>54</sup>. As soon as gender neutral age of consent legislation was passed, law enforcement began hunting down gay men and organizations "under the pretense of child protection."<sup>55</sup> One of the most intense crackdowns happened in the Revere suburb of Boston, beginning in June 1977. As Scott De Orio describes in his dissertation "Punishing Queer Sexuality in the Age of LGBT Rights," it started when a gay man, Richard Peluso, was arrested on charges of having sex with underage boys. He testified in court that he had sex with 200 boys since 1964. The police used his testimony, as well as the testimony of the youth he slept with, in order to track down and indict 24 gay men for over 100 felonies. The prosecutors and media dubbed the group

52 Cocco, 18-20.

53 Cocco, 20.

54 Ibid, 76-77.

55 Fischel, 289.

the “Revere sex ring,” alleging that the men, who had nothing to do with one another, were an organized group conspiring to molest young boys. Some of the youth were in their early 20s and above the legal age of consent; others had been working as hustlers because they had been kicked out of their homes by homophobic parents; most of them were openly gay themselves. Regardless of the factors that indicate that these boys were voluntary participants, they were cast as “helpless” victims and subjected to a variety of harmful tactics by law enforcement officials in order to compel their cooperation. As one youth described, police came to his school with a binder full of names and photographs, spoke to his teachers, and publically humiliated him<sup>56</sup>. The boy went on to say “that only one kind of rape had happened to him: he had been emotionally raped by the police investigators.”<sup>57</sup> Another stopped going to school entirely because he was tired of being detained by police detectives, who would bring him to police headquarters to be interrogated for hours to compel him to confess to sexual activity that never happened.<sup>58</sup>

Second wave feminists also brought attention to another overlooked area of harm to adolescents, the prevalence of incest and child sexual abuse within the heterosexual family. In most cases of child sexual abuse, the perpetrator is known to the victim. In Mary Odem’s analysis of early 20th century statutory rape cases, the majority of these cases involved voluntary activities, but some involved sexual assault. In forty-three percent of assault cases the perpetrator was a relative: a father, step-father, uncle or brother<sup>59</sup>. From a study of Victorian era gender relations in New York, the author states that “sex with girl children was woven into the fabric of everyday life in the tenements

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56 De Orio, Scott. “Punishing Queer Sexuality in the Age of LGBTQ Rights” PhD Diss. University of Michigan, Ann Arbor, 2017. Deep Blue, <http://hdl.handle.net/2027.42/138757>, 126-130.

57 Ibid, 130.

58 Ibid, 187-188.

59 Odem, 58.

and the streets: out-of-the-ordinary, but not extraordinary.”<sup>60</sup> More recently, a DOJ Bureau of Juvenile Justice bulletin published in July 2000 reported that 34% of all sexual assaults of adolescents under the age of 18 were perpetrated by family members, while 58% were perpetrated by an acquaintance. In sexual assaults against the youngest juvenile victims, strangers were rarely the perpetrators. Just 3% of sexual assaults against victims under age 6 were perpetrated by strangers, and they were only 5% of the offenders in the sexual assault of youth ages 6 through 11. In addition to the rarity of sexual assault against young children being perpetrated by so-called stranger-predators, as it is typically represented by the media, sexual assaults of children under the age of 6 were the least likely to result in arrest or be otherwise cleared. While the media paints a picture of the primary threat to children as the predatory gay man, statistics reveal that girls are the most common victims. Of all juvenile sexual assault victims reported to law enforcement, 78% percent were female<sup>61</sup>. These numbers were compiled from crimes reported to law enforcement, but as social workers and professional therapists are quick to emphasize, incest is one of the most underreported crimes<sup>62</sup>. Whether it’s the deeply rooted hold of biblical proscriptions against consanguineal kin, or the pathologization of parental desire in freudian psychoanalysis, or the reluctance of children or other family members to subject themselves or their family to invasive and lengthy criminal proceedings, incest remains a topic of deep taboo that is rendered nearly unspeakable. Other factors within the family that affect reporting of sexual abuse include the economic dependence of children on their parents, learned subservience to adults, particularly male authority figures, and often threats

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60 Ibid.

61 “Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics.” Howard N. Snyder PhD. Office of Juvenile Justice and Delinquency Prevention. July 2000. Accessed December 20, 2018.

62 Fontaine, Mia. “America Has an Incest Problem.” *The Atlantic*. January 28, 2013. Accessed December 20, 2018. <https://www.theatlantic.com/national/archive/2013/01/america-has-an-incest-problem/272459/>.

of bodily harm<sup>63</sup>. One of the most repeated threats in compilations of incest survivor's testimony are variations of *if you tell, I'll kill you*<sup>64</sup>. What that has meant over the course of how sex law has been historically enforced is that heterosexual marriage remains an area of relative privilege and protection from crimes that are harshly punished when perpetrated by members outside of the family unit. Rhetoric arguing for the protection of children has largely ignored the family as an area of nearly unrestricted access, where dependent children are subjected to parental authority, and where violations of the relationship of dependence can result in lasting trauma if abused. Instead, these fears have taken shape in the social imagination as the pedophile monster, a stranger-predator that draws its shape from sustained homophobic campaigns that position homosexuality as the antithesis to the sanctified nuclear family<sup>65</sup>.

If the homosexual pedophile has become the symbolic figure of moral threat and corruption, the image of the innocent child has become the idealized figure of the model citizen, future progress and moral "goodness,"<sup>66</sup> especially in times of social anxiety and uncertainty<sup>67</sup>. The mobilization of child protection discourse to construct the mythological purity of children has resulted in a stew of homophobic and anti-sex imperatives that are used to direct State power to the most vulnerable groups: gay men, men of color and young girls<sup>68</sup>. It has also perpetuated the idea that children are incapable of causing harm themselves, which has caused law enforcement to overlook for decades the nearly unrestricted access children have to each other. As David Halperin de-

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63 Odem, 60.

64 Bass, Ellen, Louise Thornton, and Jude Brister. *I Never Told Anyone: Writings by Women Survivors of Childsexual Abuse*. HarperPerennial, New York, 1991.

65 Lancaster, 93.

66 Edelman, Lee. *No Future: Queer Theory and the Death Drive*. (Duke University Press, 2004), 11.

67 Best, 180-181.

68 Fishel, 284.

scribes, lawmakers have attempted to address this loophole in recent years by expanding enforcement of juvenile sex crimes, resulting in a new and rapidly growing class of “juvenile sex offenders.”<sup>69</sup> According to a 2009 U.S. Department of Justice report, one quarter of sex offenders known to police are juveniles, with the peak age of offense being between 12- and 14- years old<sup>70</sup>. One increasingly common activity that can result in youth being indicted as sex criminals is teen-sexting, especially if involves the transmission of photos. The practice of taking nude or sexually explicit “selfies” can result in the commission of multiple felonies, where the possession, production and dissemination of the images can be charged as separate child pornography and exploitation offenses. Juveniles charged with this class of offense are subject to mandatory registration as sex offenders, as well as designation as a felon, which can result in long-lasting harm. While it’s clear that the perceived innocence of children is a false notion, and that some youthful behavior causes harm and should be disciplined appropriately, Halperin argues that “the sheer numbers of very young children currently being accused of sex offenses, and the draconian ways in which they are being punished, also raise the possibility that sex offenses are being defined far too broadly and treated out of all proportion to the real danger they present — the possibility, in other words, that sex, not harm, is the actual target of regulation.”<sup>71</sup>

The rise of the “sex offender” as a class of criminal has its origins in a series of sex panics that occurred in the 1950s. In February 1950, Senator Joseph McCarthy made the incendiary claim that “205 card-carrying Communists were working in the State Department.”<sup>72</sup> To support

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69 Halperin, *War on Sex*, 14-16.

70 “Juveniles Who Commit Sex Offenses Against Minors.” David Finkelhor, Ph.D., Richard Ormrod Ph.D., and Mark Chaffin, Ph.D. Office of Juvenile Justice and Delinquency Prevention (OJP). Accessed December 04, 2018. <https://ojp.gov/newsroom/pressreleases/2009/OJJDP10024.htm>. Also quoted in Halperin, “*War on Sex*”, 14-15.

71 Halperin, *War on Sex*, 15.

72 Johnson, 1.



these charges, Deputy Undersecretary John Peurifoy revealed to Congress that ninety-one homosexuals had been forced out, implying that the entire State Department had been infiltrated by “sexual perverts.”<sup>73</sup> Thus the Lavender Scare emerged, concurrently and lesser known than the Red Scare, as quiet force that nearly eliminated anyone known or suspected to be queer from government employment. Senator McCarthy argued that homosexuals were “security risks” whose “basic weakness of character or lack of judgement” made them susceptible to compromise by Communists or their associates<sup>74</sup>. Homosexuals were also believed to be a threat to public health and well-being. FBI director J. Edgar Hoover himself publicly claimed that serious sex crimes perpetrated by “degenerate sex offenders” were increasing more than any other crime<sup>75</sup>. While the McCarthy era anti-gay *Purges* were institutionalized as standard government policy<sup>76</sup>, the panic trickled down to state and local politics. In the 1950s, many states, including the State of Florida, passed sexual psychopath statutes in response to rising concerns that “women and children were in great danger.”<sup>77</sup> These so-called sexual psychopaths were believed to be afflicted with a pathological condition that made their urges uncontrollable<sup>78</sup>. These new laws allowed officials to identify potential “sex fiends” *before* committing crimes<sup>79</sup>, so they could be detained indefinitely “for treatment” in an extra-judicial facility under the care of psychiatrists<sup>80</sup>. They implied

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73 Ibid.

74 Ibid, 21.

75 Ibid.

76 Ibid, 4.

77 Sutherland, Edwin H. “The Sexual Psychopath Laws,” *Journal of Criminal Law and Criminology* 40, no. 5 (1949-1950): 543-554, p. 543.

78 Ibid, 544.

79 Ibid, 544.

80 De Orio, Scott. “The Invention of Bad Gay Sex: Texas and the Creation of a Criminal Underclass of Gay People.” *Journal of the History of Sexuality* 26, no. 1 (2017): 53-87. <https://muse.jhu.edu/> (accessed December 1, 2018), 58.

that even one homosexual sex act was a slippery slope of moral degeneracy eventually leading to the murder of children. This assumption was implicit in how law enforcement responded to the 1955 murder of eight-year-old Jimmy Bremmers in Sioux City, Iowa. Twenty gay men with no connection to the murder were rounded up and committed to the state's mental hospital for terms up to twenty years, because a "sex fiend" was believed to be responsible for the crime<sup>81</sup>. Calls to institutionalize sexual predators deemed dangerous to society did not end in the 1950s. After a brief period of disuse in the 1960s and 1970s, these laws were revived in the 1990s to usher in a new era of indefinite civil commitment for sexual predators deemed "dangerous to society." Kansas, Missouri and Minnesota all have such facilities, but the program in Minnesota is by far the biggest, with 715 sex offenders held without term limits as of June 2015<sup>82</sup>. An egregious violation of human rights, these offenders are detained not as punishment for crimes committed, but as a preventative measure against future crimes. In addition to these extrajudicial measures to control and isolate individuals deemed sexually dangerous, the nature and substance of criminal legislation pertaining to sex crimes has substantially changed. In the 1990s, several high-profile child-abduction/murders were politicized to pass federal laws mandating that anyone convicted of sex offenses register with local law enforcement (the Wetterling Act of 1994), and that the registry be made public (Meghan's Law, 1996). In 2006, The Adam Walsh Act built on these antecedents and established a centralized federal sex offender database to monitor sex offenders *after* they are released from jail, and created federally mandated minimum sentences for a variety of sex crimes<sup>83</sup>. Sex offenses requiring mandatory registration make little distinction between the most violent cases of assault, and less harmful acts like public urination, consensual sex

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81 De Orio, "The Invention of Bad", 58.

82 Halperin, 26-27.

83 Lancaster, Roger N. *Sex Panic and the Punitive State*. (CA: University of California Press, 2011), 80-89.

between underage youth and solicitation of sex workers.<sup>84</sup> Information made available to the public online includes photographs of the offender, biographical information including legal name and aliases, residential address, guilty offenses as well as other criminal charges, gender and age of victim, identifying marks including scars and tattoos, detailed description of vehicles currently and previously owned including their tag numbers, and the option for members of the public to “track offenders” in order to receive alerts if the offender’s address changes<sup>85</sup>. The duration which offenders are subject to this mandatory surveillance can vary anywhere from ten years to life<sup>86</sup>. These laws often limit where sex offenders are legally allowed to live, prohibiting them from residing in close proximity to places where children congregate, like schools, bus stops, daycares or public parks. In Miami between 2007 and 2009, these proscriptions so drastically limited housing options for sex offenders that many of them took up residence under a bridge on the Julia Tuttle Causeway. By 2009, at least sixty-six offenders were residing under the same bridge<sup>87</sup>. As Lancaster argues, this legal process of purging sex offenders from society enacts a kind of “social death,” a condition which has three hallmark features: “subjection or personal domination, excommunication from the legitimate social or moral community, and relegation to a perpetual state of dishonor.”<sup>88</sup> As Amanda Argan highlights in her research on the efficacy of publicly searchable sex offender registries, is that there is no evidence that this kind of strict surveillance reduces recidivism in practice or potential<sup>89</sup>. Instead, these laws are effective at reinforcing the prison as a kind of abjected zone.

84 Lancaster, 80 and Halperin, “War on Sex,” 14.

85 FDLE - Sexual Offender and Predator System. Accessed December 20, 2018. <https://offender.fdle.state.fl.us/offender/sops/offenderSearch.jsf>.

86 Agan, Amanda Y. “Sex Offender Registries: Fear without Function?” *The Journal of Law and Economics* 54, no. 1 (2011): 207-39. doi:10.1086/658483.

87 Lancaster, 101.

88 Ibid, 73.

89 Agan, “Sex Offender Registries,” 208.

How sex laws have been policed and punished over the past century has resulted in the construction of a class of “sexually abject” individuals who are defined in relation to a single standard of sexual morality and “goodness”. In this system, the production of harm is not the standard of enforcement for sex offenses, but rather adherence to a code of “moral” citizenship where the State and other entities have delineated marriage as the only “virtuous” area for sexual expression, where certain kinds of sex are protected. This has created a privileged area of marital exemption where the intersection of homophobia and misogyny contribute to profound double standards of sexual (mis)conduct. Promiscuous young women have been institutionalized and incarcerated, while adolescent boys practicing the same behavior are exonerated from criminal charges. Child brides are permitted by law in most states, and adult men routinely evade statutory rape charges by marrying underage girls they rape or impregnate. Over the course of the last century, husbands have had nearly unrestricted access to the bodies of their wives and children, while the increasingly politicized rhetoric of child protection ignores statistical evidence that children are most likely to be sexually abused within the home. Moves to produce gender-neutral legislation have collapsed important differences between gender and sexuality, ignoring how gender inequality and sexual orientation produce different kinds of sexual violence with different metrics of harm. Homosexual men, men and women of color, and promiscuous girls have endured substantial harm through programs of sustained persecution. Laws aimed at protecting women and children have been used against them. The State itself has caused harm through the criminalization of a wide variety of consensual sexual activity, the scapegoating of sexually stigmatized groups, the broadening of the definition of “dangerous” sex and its increasingly harsh punishment resulting in the social death of those classified as “sex offenders”. The State justifies expanding regulation of sex through the belief that sexually nonconforming people experience desire that is both uncontrollable and impossible to rehabilitate. Desire is argued to impair judgement so profoundly that the

search for sexual pleasure will lead down a path of moral degeneracy ending in the murder of children. However, only “innocent” children are deserving of protection, as the exploding category of “juvenile sex offenders” increasingly targets adolescent sexual curiosity and exploration. Nonconforming desire is viewed as so potent that State regulation is the only safeguard between sexual order and chaos that prevents the sexually abject from polluting the rest of society. Abjection has become a central theme in how the State has used its administration of legitimate and illegitimate sexual activity to build a powerful narrative of sexual morality, law and order. In this narrative, sex itself is positioned as a moral threat, that left unconstrained is capable of unleashing something unspeakable.

## II: Exaltation Through Debasing - Abjection and the Production of Transformative Meaning

Abjection as a queer concept has its roots in an 1982 essay by Julia Kristeva: *Powers of Horror*. The concept was used to critique the subject/object binary of psychoanalysis by introducing a third term: the abject. Kristeva defines abjection as “what disturbs identity, system, order. What does not respect borders, positions, rules. The in-between, the ambiguous, the composite.”<sup>90</sup> For Kristeva, abjection exists at the border of being, where meaning collapses and objects are jettisoned into a state of radical exclusion.<sup>91</sup> It is a precursor to language and object-hood, and as such is often correlated to the maternal body, and the process of violent separation from it<sup>92</sup>. It is not just the maternal

<sup>90</sup> Kristeva, Julia. *Powers of Horror: an Essay On Abjection*. (New York: Columbia University Press, 1982), 4.

<sup>91</sup> Ibid, 2.

<sup>92</sup> Ibid, 13.

that evokes the abject, but anything that puts a subject on the border of their condition as a living being, like corpses, excrement and even food-loathing, such as the skin floating on top of milk. The abject simultaneously “beseeches and pulverizes the subject,”<sup>93</sup> tracing a simultaneous contradictory motion of attraction and repulsion. As Kristeva suggests, “one thus understands why so many victims of the abject are its fascinated victims, if not its submissive and willing ones.”<sup>94</sup> Abjection complicates feelings of revulsion by asserting that we are often irrationally fascinated by the forces that would annihilate us. Those forces of self-negation precede subjectivity, and persist in tenuous relationship with it to reveal the fragility of subjectivity itself. Within this paradox resides the alchemical potential of abjection to “transform the death drive into a start of life, of new significance.”<sup>95</sup> Abjection is not just horror, but the possibility to transform the horror of negation that constitutes our very being into a particular sort of pleasure through “that catharsis par excellence called art.”<sup>96</sup>

Literally cast out of society by the system of law and order, the sex offender is subjected to a social process of abjection. By definition, all prisoners are abjected as a result of a punitive regime that removes them from ordinary life, and excludes them from full citizenship. This is not a judgement on the prisoners themselves, many of whom have been wrongly convicted within a system of mass incarceration that disproportionately targets men of color, or have fallen prey to racist campaigns including the War on Drugs, or Three Strikes Laws. I am arguing that within the carceral state, the prison has become a physical space for abjection, literally a third space neither fully within or outside of society. Within the carceral system, sex offenders make up a specific class of criminal, and a specific experience of abjection, due to the severe stigmatization of nonconforming desire. Through sustained campaigns

93 Ibid, 5.

94 Ibid, 9.

95 Ibid, 15.

96 Ibid, 17.

of social death advanced by criminal law and extrajudicial policy, it's clear that the isolation of sex offenders from the rest of society is justified because sexual difference is viewed as a uniquely potent means to "pollute" the body politic. Mid-century rhetoric created particular anxiety about homosexual encounters between adults and adolescents based on the myth of recruitment. The 1964 report made by the Johns Committee characterizes homosexual men in this way: "the homosexual... prefers to reach out for the child at the time of normal sexual awakening to conduct a psychological preliminary to physical contact. The homosexual's goal... is to bring over the young person, hook him for homosexuality."<sup>97</sup> Stigmatized sex is able to mobilize such visceral horror in those who condemn it because it is believed to expand beyond the individual, becoming a social contagion. As Kristeva describes, "the traitor, the liar, the criminal with good conscience, the shameless rapist, the killer who claims he is a savior... Any crime, because it draws attention to the fragility of the law, is abject, but premeditated crime, cunning murder, hypocritical revenge are even more so because they heighten the display of such fragility."<sup>98</sup> One of the aspects that makes sex offenders as a criminal class different than other criminal behavior is that what has been regulated is the objects of desire and the modes of expressing that desire, putting consensual but stigmatized desire on the same level as coercive behavior. The expression of human sexuality is as fundamental to society as any other human product, including "systems of etiquette, forms of labor, types of entertainment, processes of production, and modes of oppression."<sup>99</sup> However, sex should not be viewed as mere biology, but rather a fundamental drive that gains meaning in relation to cultural processes that mediate it. As Gayle Rubin states, "the body, the brain, the genitalia, and the capacity for language are all necessary for human sexuality. But they do not determine its content, its experiences, or its institutional forms."<sup>100</sup> The

97 *Homosexuality and Citizenship*, 14.

98 Kristeva, 4.

99 Rubin, 147.

100 Ibid.

constructivist lens is necessary to understand how sexual variance is mediated by cultural narratives that understand it in terms of “sin, disease, neurosis, pathology, decadence, pollution, or the decline and fall of empires.”<sup>101</sup> People who experience stigmatized desire learn to understand themselves, their identity and their position in society through the cultural institutions that condemn them. The effects of internalized shame, homophobia and misogyny are often discussed within queer and feminist circles as something to grapple with and overcome. The struggle to adapt to external forces of persecution, and prevent them from becoming internalized within us. What deeply misguided efforts at “curing” homosexuality have proven, it’s not typically the object of desire that is malleable. What’s malleable is the understanding of what our experience as a desiring subject means. For Kristeva, criminals who turn to embrace their abjected status expose the fragility of the whole system of moral judgement. Those who embrace the substance of their social condemnation engage in a transformative activity. They expose the shortcomings of our social value system and make plainly visible the nefarious cultural processes of moral hierarchy that classify some people as “Other” in order to dehumanize them. This transformative process can be tracked linguistically, through the shift in the use of derogatory terminology to become epithets of hard-won pride. “Sexual deviants,” “perverts,” and “queers”.

Abjection finds its home in queer theory because it not only describes the conditions of persecution experienced by queer sexualities, but because it also offers a possibility to produce transformative meaning. In *What Do Gay Men Want?*, David Halperin looks at the controversial practice of sero-conversion, in which some gay men engaged in consensual unprotected sex in order to become HIV positive as a radical act of solidarity. This practice has often been cast in the frame of medical pathology, with the explanation that no one would ever risk death for sexual pleasure. However, abjection gives us another explanation. That which threatens the fabric of our very selfhood may

101 Ibid.



have an erotic appeal in itself. Forces which wish to annihilate us, can become fodder for the erotic imagination. The deep stigma not just of homosexuality during the AIDS crisis, but also how early in the crisis, before the development of effective medication and treatment, a positive diagnosis was viewed as a death sentence. The decision of some men to become HIV positive as a radical act of love describes a paradoxical motion of embrace and revolt, of acceptance and defiance, by absorbing the forces that used to negate them into the very substance of their being. This practice takes on a nearly alchemical significance as the enormous risk, enormous stake, some gay men have undergone to transform the meaning of a disease that was decimating the gay community.

The process of transformation does not come easy. Halperin describes the transfiguring potential of abjection as a kind of inverted Sainthood, a path to a perverse exaltation that follows the same trajectory as the sublime, just in the opposite direction.<sup>102</sup> Since abjection plays out in extreme debasement, especially the process of being exiled and humiliated by a society that condemns the the subject, it is not generally a voluntary experience. But neither is it a process to which the individual surrenders blindly. The subject contributes a transformative labor, often at tremendous cost to themselves. This labor enables them to “break out of ordinary life,”<sup>103</sup> transcending the social through a process that “removes the individual, for better or worse, from the normal human order.”<sup>104</sup> Halperin describes the process through the words of Marcel Jouhandeau, who says “I am like someone whom another has got hold of by the hair and who, not wishing to give out that appearance, pretends he is being caressed.”<sup>105</sup> Abjection and the hard-won

102 Halperin, *What Do Gay Men*, 73.

103 Ibid.

104 Halperin, *What Do Gay Men*, 74. See also Sartre, Jean Paul. *Saint Genet. Comedien et maryr*. (Paris: Gallimard, 1952), 104. “Dans le mysticisme de Genet on discerne... un refus de l’ordre humain.”

105 Halperin, *What Do Gay Men*, 73. See also Jouhandeau, De l’abjection. (Nantes: Le Passeur-Cecofop, 1999 [orig. publ. Paris: Gaillimard, 1939]), 166. All translations from the French by David M. Halperin.

pleasure that can be found in it is not a process of masochism, which would put it in terms of psychological health, but a way to track a struggle between the individual and the society which condemns them, and to “present that struggle in a dialectical, dynamic fashion as an ongoing battle for meaning.”<sup>106</sup> For Halperin and Kristeva, art is a field where the struggle for meaning can unfold. Both of these theorists turn to literature as a site where transformative creative production can “take the very substance of humiliation and forge from it the stuff of a paradoxical exaltation.”<sup>107</sup> Though these theorists are primarily concerned with literature, they lay down a framework for the transformative potential of abjection in visual art through the materiality of their language. The “substance” and that is “forged” may well be the “stuff” of the body and the seepage, excess and fragmentation that takes embodiment in art beyond its own boundaries.

Jouissance is a term that is useful for understanding the affect produced by these radical transformations. In French, *jouissance* means both enjoyment and sexual orgasm. In the poststructuralist theory of Jacques Lacan, “*jouissance* is the struggle to transgress the limits of pleasure or the ‘pleasure principle’, because pleasure is the obstacle to *jouissance* that takes the subject to the extreme point where the erotic borders death and where subjectivity risks extinction.”<sup>108</sup> Pleasure, for Lacan, was a principle of prohibition that functions much like the law, limiting pleasure while simultaneously amplifying the desire to transgress those limits. *Jouissance* is the drive to push beyond pleasure into a kind of ecstatic suffering. As Dymock states in her analysis of female submissives in the BDSM community, “the wilful impetus to transgress the pleasure principle is interpreted as an inherently queer gesture. Through this mechanism, queer becomes dangerous, anti-social

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106 Halperin, *What Do Gay Men*, 71.

107 Ibid, 80.

108 Dymock, Alex. “But femsub is broken too! On the normalisation of BDSM and the problem of pleasure.” *Psychology & Sexuality*, 3:1, (2012): 62. DOI: [10.1080/19419899.2011.627696](https://doi.org/10.1080/19419899.2011.627696)

and self-destructive.”<sup>109</sup> As such, *jouissance* offers an opportunity to access, to process and to confront experiences, emotions and affects that exceed society’s acceptable norms and limits. The possibility that the erotic imagination may not be limited to mere pleasure, and may be driven towards eroticization a range of sensation, including shame, humiliation, pain and suffering. This applies to the stigmatized desires of nonconforming sexual subjects, but it also applies to experiences that may be considered painful, uncomfortable or traumatic in other contexts. Queer subjects, sex offenders, and victims of sexual assault all have something to gain from the transformative possibilities of *jouissance*. *Jouissance* is powerful because it offers an alternative system for processing extreme or excessive emotion, putting it in terms outside of the narrative of pathology and psychological health. It describes how the erotic imagination is often attracted to experiences that shatter the boundaries of the self, and of society as we know it. Usually discussed in terms of the death drive and destruction, I argue that these drives break ground into new capacities for understanding, and meaning-making, that can shift the institutional forms of society itself by challenging the hegemony of its accepted narratives. *Jouissance* offers the possibility to express emotions that defy neat categorizations, or even resolution. Instead of catharsis, which is the resolution offered through the psychoanalytic process of healing, *jouissance* offers a means to address grievances so profound and life-altering that they remain irresolvable. It offers us a path beyond repair.

### **III: Object Art - Beyond Repair:**

## **Transgressing Form and Substance in the Embodiment of *Jouissance***

The term “Object Art” was first coined with the exhibition *Object Art*:

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<sup>109</sup> Ibid, 63.

*Repulsion and Desire in American Art* at the Whitney Museum of American Art in New York in 1993.<sup>110</sup> This exhibition formally identified a new framework in contemporary aesthetics for understanding work driven by abject concepts, affects or techniques. Abject Art, as it was conceived by the curators at The Whitney Museum, is a body of work that “incorporates or suggests abject materials such as dirt, hair, excrement, dead animals, menstrual blood, and rotting food in order to confront taboo issues of gender and sexuality.”<sup>111</sup> Their understanding drew upon the work of Kristeva to define the materiality of abjection, and also abjection as a process of social exclusion. In the exhibition catalog, the curators situate the art historical roots of abjection in the reaction against “the ‘hermetic’ purity of abstract painting.”<sup>112</sup> They discuss the work of three gay, white, male artists— Robert Rauschenberg, Jasper Johns and Cy Twombly – and their emphasis on embodied knowledge, especially the involvement of the lower body, anal eroticism and the scatological<sup>113</sup> as predecessors for the contemporary evolution of Abject Art. But, despite the curators commitment to confronting taboo issues of gender and sexuality, including the problem of canon formation and how some artists are “jettisoned, or abjected, from historical memory,”<sup>114</sup> their focus is more on how art represents the abject, rather than on how the artistic process can be used to meaningfully transform abjection into something beyond it.

Tiona Nekkia McClodden’s *The Brad Johnson Tape* is one work that uses the artistic process to express the transformative potential of abjection. McClodden works with poems from the archive of Brad John-

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110 Arya, Rina. *Abjection And Representation: an Exploration of Abjection In the Visual Arts, Film And Literature*. (Basingstoke, Hampshire, UK: Palgrave Macmillan, 2014), 82.

111 Jack Ben-Levi et al. *Abject Art: Repulsion And Desire In American Art : Selections From the Permanent Collection : June 23-August 29, 1993*. (New York: The Museum, 1993), 7.

112 Ibid, 11.

113 Ibid, 9.

114 Ibid, 7.

son, a gay black man who died in 2011 of AIDS related complications, whose work was under-recognized in his lifetime. His poems describe BDSM play where the “entire feeling of the text is of him annihilating himself.”<sup>115</sup> Also a BDSM practitioner, McClodden sets up a series of scenes where she records herself on a single VHS tape reading his poems out loud, searching for what she “feared and desired the most in an attempt to invoke a pure jouissance.”<sup>116</sup> In her 2017 essay in *ArtForum*, she describes how intensely this process affected her: “there are moments in these exercises in which I cry, and I have to read between tears, or in which I am in such ecstasy that my eyes are pulsing.” In this way, McClodden uses her practice as a filmmaker to forge a connection with Johnson that transcends the boundaries death, the limits of the body and the abstraction of language. She not only deeply feels Johnson’s unflagging ambition to create against the multiple forces that sought to annihilate him, she puts her own body in service of Johnson’s text, elevating his voice into a sphere of recognition he should have been able to achieve while living. McClodden’s posthumous actions to elevate Johnson at the same time as she grieves his premature loss and seeks her own ecstatic release, takes us to a transgressive territory beyond repair, to where the artistic process can be a vehicle for *queerer* kinds of love.

Another artist who uses the artistic process to create transformative meaning from experiences of sexual abjection is William E. Jones. In the 2007 video work, *Tearoom*, Jones appropriates video surveillance footage from a 1962 police sting operation to catch men having sex in a public restroom in Mansfield, Ohio. Police closed the restroom for “repairs” in order to convert a paper towel dispenser hanging on the door of a storage closet into a hideaway for police detectives to film suspicious activity through a two-way mirror. The footage was used as

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115 McClodden, Tiona N., and Juliana Halpert. “Interviews: Tiona Nekkia McClodden.” *Artforum International*. September 19, 2017. Accessed April 15, 2018. <https://www.artforum.com/interviews/tiona-nekkia-mcclodden-on-her-work-in-speech-acts-71161>.

116 Ibid.

evidence against sixty-five men who were caught on tape. Thirty-seven were caught in the act of sex and immediately arrested and charged with sodomy. The remaining men, guilty of “acting suspicious” on camera, were interviewed, fingerprinted and released.<sup>117</sup> In Ohio, sodomy carried a sentence of up to twenty years in prison. Jones appropriated and reproduced the video “as found,” knowing that this footage was used to convict the men depicted in it, likely destroying their lives<sup>118</sup>. This action does more than reproduce the footage, it transforms it. Moving this suppressed historical document into the artistic context builds an aesthetic conversation: the film grain, the color palette, the composition of the scenes. Moreover, its sexually explicit nature, as well as the obvious difficulties of obtaining it, mark it as a fetish object for the illicit satisfaction of the collector. The viewing audience is complicit in this action. They must occupy the position of police photographer, where they must confront their own voyeuristic pleasure in another’s abjection.

Louise Bourgeois’ *Cells*, a series of fifty-five installations begun when she was eighty-years-old and developed over the last two decades of her life. These enclosures deal with themes of abjection through the lens of the father-daughter relationship. She famously says of them: “The subject of pain is the business I am in. To give meaning and shape to frustration and suffering ... The Cells represent different types of pain: the physical, the emotional and psychological, and the mental and intellectual.”<sup>119</sup> To produce them, Bourgeois returned to the materials and memories of her early childhood, particularly fragments of the tapestries her father restored, drawing from the physical and emotional artifacts of her family dramas as a well-spring of creative expression. These enclosures bring together metals, glass, fragments of bone and mirror, contorted figures, industrial detritus and undulating blobs of

117 Kyler, Clare W. “Camera Surveillance of Sex Deviates” *Law and Order Magazine*, vol. 11 (1963): 16-18, 20.

118 Jones, William E. *Tearoom*. Accessed December 28, 2018. <https://www.williamejones.com/portfolio/tearoom/>.

119 Crone, Rainer, and Petrus Schaesberg. *Louise Bourgeois: The Secret of the Cells*. (Munich: Prestel, 2008.) 81.

plastic, abstracting the traumatic memory into powerful material affect. Through distancing herself from narration, she is able to transform the personal experience into seductive materiality that attracts the viewer as a voyeur into an interior architecture that they cannot fully enter. These sleights of hand allow the pain of trauma and the pleasure of material form to create a jarring dissonance that engulfs the senses.

In *Purge*, a 2017 performance at Pioneer Works in New York City, Doreen Garner reenacts a painful medical procedure -- a vesicovaginal fistula closure -- on a sculptural "skin" of J. Marion Sims. The Victorian gynecologist, a white man, advanced his medical career through recruiting black women as "specimens" who were tortured through experimental medical procedures. In *Purge*, Garner subjects the effigy of Sims to the same torture he inflicted. Inhabiting the role of "doctor" is a cast of black women, some of whom Garner had recruited as body cast models for a series of suspended silicone sculptural pieces mimicking the dismembered forms of his victims. *Purge* quite literally adopts the aesthetic and the affect of abjection, through the representation of life-like eviscerated forms and flayed skins of human bodies. Through flipping the script, Garner makes visible the injustice of how Sims' success as a lauded medical pioneer was built on the exploitation of black women, turning the artistic process into a stage for transformative justice.

Across these works, each artist goes beyond representations of abjection to engage in transformative process where art is the vehicle for the production of new meaning. These artists engage with histories and lived experiences of violence and persecution. The very material of that exclusion – Brad Johnson's writings, the Mansfield police evidence, Bourgeois' fathers' tapestries and the effigy of J. Marion Sims – become the material substance for radical transfiguration. By juxtaposing experiences of pleasure alongside suffering, these artists' work allows for a complexity of affect that allows both feelings to exist simultaneously as *jouissance*. These works offer a route to transformative

meaning outside of the spheres of medical pathology or art-as-therapy, calling attention to the structural problems that have contributed to the marginalization of non-conforming desire. Art becomes a means to process experiences that exceed the existing institutional forms and narratives for healing. These artists exemplify how abjection can be transformed through the artistic process as a mode of empowerment for marginalized subjects.





# METHODOLOGIES

## **I: Between Surveillance and Suppression - Practicing Personal Ethnography Within the Criminal Justice System**

In my first semester as a graduate student, I began to investigate, collect and archive the materials related to my father's incarceration.



While my work prior to graduate school had investigated my own experience from the approach of survivor testimony, I knew surprisingly little about my father's case, despite living through it as a young adult. When the coursework of my Queer Love class introduced the idea of antinomian romance – a kind of love that transgressed the law – I began to see connections between the project of queer love and my family's entanglement with the criminal justice system. I started to wonder if knowing the State's narrative of justice would change my

understanding of what happened? Of my own place in it?

To do this, I adopted the role of ethnographer, a research methodology adapted from the field of anthropology. Anthropology has a long emphasized the “dichotomy between outsider/insider or observer/observed,”<sup>120</sup> a dynamic founded on the construction of a generalized Other, where the anthropologist is “expected to get the ‘native point of view’ without actually ‘going native.’”<sup>121</sup> Over the last few decades, ethnographic practice has (rightly) become self-critical of its own historical roots, “born of the European colonial impulse to know others in order to lambast them, better manage them, or exalt them.”<sup>122</sup> This has resulted in a major paradigm shift. Western anthropologists once defended their authority to speak for others by arguing that “since we did not share the values and biases of our subjects ... we saw them with a clear, nonpartisan eye.”<sup>123</sup> The once widely held belief in the “mantle of omniscience”<sup>124</sup> has been challenged by the rise of “native” anthropologists who work from inside the cultures they write about. Ethnographers have begun to recognize the inevitable subjective position of the observer in a field of shifting identifications and power relations. They have started to incorporate personal narrative into a wider discussion of anthropological scholarship, arguing for the “enactment of hybridity belonging simultaneously to the world of engaged scholarship and the world of everyday life.”<sup>125</sup> The anthropological framework gave me a way to straddle the personal and the analytical to investigate how my family’s experiences with the carceral system could speak to larger

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120 Kirin Narayan. “How Native is a ‘Native’ Anthropologist?” in Louise Lamphere, Helena Ragoné, and Patricia Zavella, eds., *Situated Lives: Gender and Culture in Everyday Life* (New York: Routledge, 1997), 23.

121 Ibid, 5.

122 Ibid, 4.

123 Murphy, Robert F. *The Body Silent*. (New York: H. Holt, 1987), 176.

124 Behar, Ruth. *The Vulnerable Observer: Anthropology That Breaks Your Heart*. (Boston: Beacon Press, 1996), 5.

125 Narayan, “How Native is”, 23-24.

issues facing how sex is policed.

However, despite the embrace of subjective writing in anthropology, the field is fraught with questions about the appropriate use of personal voice. As Kirin Narayan states, “to acknowledge particular and personal locations is to admit the limits of one’s purview from these positions,”<sup>126</sup> further exposing the myth of objectivity that has problematized the authority of ethnographers to extrapolate personal experience to make larger, generalized claims. Perhaps, embracing one’s subjectivity while making those limits rigorously visible is the art of navigating a hybrid zone where one can maintain detachment while diving deep. Vulnerability is clearly at the core of this hybridity between scholarship and personal voice, but as Ruth Behar elaborates “vulnerability doesn’t mean that anything personal goes. The exposure of the self who is also a spectator has to take us somewhere we couldn’t otherwise get to. It has to be essential to the argument, not a decorative flourish, not exposure for its own sake.”<sup>127</sup>

Thus, I began my ethnographic role by channelling scientific detachment along with a keen awareness of where my emotional connection to the material could offer additional insight. My archival research began by scouring public records from the online databases available through the court system. These records were not centralized. The search began with the court records from two counties – Orange County and St. Lucie County – where my father was indicted, and quickly expanded across multiple state agencies. The fact that there were two separate cases separated by fifty years meant that the most recent records had been digitized, but the historic ones were not. Tracking down information about my father’s 1957 case led me to the State Archives of Florida, a division of the State Department which houses of 48,000 cubic feet of state and local government records<sup>128</sup>.

126 Behar, *The Vulnerable Observer*, 33.

127 Ibid, 14.

128 “Research at the Archives.” Florida Department of State. Accessed April 06, 2019. <https://dos.myflorida.com/library-archives/about-us/about-the-state-archives-of-florida/research-at-the-archives/>.

Additional materials required FOIA requests to Office of Executive Clemency overseen by the Governor of Florida, the Florida Department of Corrections and the Florida Commission on Offender Review. In addition to the public records, there were private documents held by my father's attorney who represented his criminal case, and my mother's attorney who represented her divorce case ten years prior. Then there was also our family members, some of which had witnessed or remembered certain key events, and whose memories could be used to fill gaps in the record, or corroborate or refute information that the records revealed.

Some documents were relatively easy to access, while in the process of seeking others I hit repeated dead ends. I started with the most accessible source, the court system's online records. Through this publicly searchable database, I was able to obtain multiple documents from his 2007 case, including the arrest report and narrative account about how my father met and seduced the boy. I was surprised at the amount of detail revealed by these documents. Had I been doing this research on my own, I might have been satisfied with what I found in this initial search. However, through close work with my faculty advisor, Carol Jacobsen, it quickly became clear that the court's online records were not comprehensive. Jacobsen's deep knowledge of the legal system, developed through her work advocating for clemency for women who had killed their male abusers in self-defense, helped me navigate the bureaucracy of the legal system and see the gaps in the record. Carol kept insisting that what I had obtained online was not complete. Somewhere, there was evidence archived. As next of kin, I would have the right to access it. It could be in the storage facility of the local court or police precinct, or it could be archived with one of the attorneys involved with the case. Through Carol's guidance, I was able to track down and investigate resources I wouldn't have otherwise known about.

My first call was to my father's attorney. I wanted to see if he remem-

bered my father's case, if he still had the records, and if he could share them with me. This inquiry quickly hit a wall. Since the case was closed over seven years ago, the attorney no longer had any legal obligation to keep the file. My father's records had been destroyed. Furthermore, I did not have a Power of Attorney. Seeking other avenues to access testimonial records, I asked my mother if she could research her divorce hearing, which began in 1998. My father's step-daughter from his second marriage testified against him in order to help my mother get sole custody of me. But this investigation also reached a dead end. My mother discovered that the lawyer who represented her had passed away, and her office had been liquidated. These initial roadblocks did not bode well. I was unsure of what more, if anything, I would be able to obtain.

I realized that I had overlooked one more lead: the prosecuting attorney. Because these were statutory offenses, the victim was not represented by private counsel. The prosecutor was the State. I was wary that the State Attorney, as a government office, would have more barriers to access than I had experienced with private counsel. But, I decided to reach out to them anyway. It ended up being a breakthrough. The clerk I made contact with was more than receptive to my query. I explained that I was the Defendant's child, and a victim. Since my case never went before the courts, I wanted to see his case materials to find closure. Surprisingly, they not only had the case file, they offered to make copies of everything they could legally share with me, documents that had not previously been digitized. Pursuant to State law, the attorney could not share materials that revealed the name or identity of the victim, so I would not be granted full access to his file. The evidence that remained confidential included a folder with nude photographs my father had taken. Because the subject was a minor, they would be considered child pornography.

The file arrived several weeks later in a priority mail envelope containing two CDs. The disks contained over 500 pages of documents, digi-

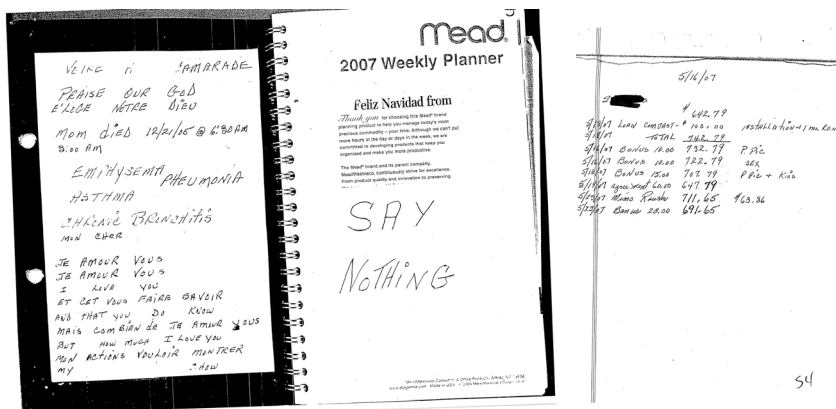


Figure 8: Original source documents from my father's criminal case file, showing pages from his journals and ledgers.

tized from xerox copies. The case file included information I had never seen before, some of which was deeply personal. There were pages from my father's handwritten journals, invoices and check registers, bail bond receipts, and startlingly, a handwritten contract for services made between my father and the boy. Alongside the documents, in another folder, were a dozen digital snapshots of objects around my father's home. I had managed to find the evidence I had been seeking. In the last folder, there was a five minute video of a police detective interviewing my father in his living room. I registered that this must be the very last footage of him taken outside prison walls.

These documents provided a flurry of information that dramatically shifted what I knew, and understood, of my father's relationships with adolescent boys. I read through a 19 page transcript of the controlled call. The call required that the boy cooperate with police detectives to entice my father into making incriminating statements. These were recorded without his knowledge. I was shocked at how unnecessary this step seemed, and how it revealed the State's tacit willingness to manipulate an underage victim in order to secure a conviction. They could have convicted my father on multiple charges without subjecting the boy to further explicit sexual conversation with someone who the State considered a dangerous sexual predator. If the context behind the call's



IN THE CRIMINAL COURT OF RECORD, of the County of Orange and the State of Florida  
in the year of our Lord one thousand nine hundred and fifty SEVEN

STATE OF FLORIDA

INFORMATION FOR

ROBERT H. HASTY

(1) CRIME AGAINST NATURE  
(2) LEWD AND LASCIVIOUS ACT

In The Name and by Authority of the State of Florida  
RICHARD H. COOPER, County Solicitor for the County of Orange, prosecuting for the State  
of Florida in the said County, under oath, information makes that  
ROBERT H. HASTY

of the County of Orange and State of Florida, on the 20th day of May, fifty-seven, and on various and  
divers dates between the 1st day of January and the 15th day  
of May in the year of our Lord one thousand nine hundred and fifty-  
seven, in the County and State aforesaid, did unlawfully and feloniously  
commit the abominable and detestable crime against nature per os with  
one [REDACTED]

(2) And your Informant aforesaid, prosecuting for the State of  
Florida, in the County of Orange, under oath, further information makes  
that ROBERT H. HASTY of the County of Orange, and State of Florida, on  
the 20th day of May, A.D., 1957, and on various and divers dates between  
the 1st day of January and the 15th day of May, A.D., 1957, in the County  
and State aforesaid, did unlawfully, knowingly, and willfully commit  
unnatural and lascivious acts, in that the said ROBERT H. HASTY did ex-  
hibit his penis in a lewd and lascivious manner to the said [REDACTED]  
and the said ROBERT H. HASTY did practice masturbation on the said [REDACTED]  
and on himself, the said ROBERT H. HASTY, in the presence of the  
said [REDACTED] and the said ROBERT H. HASTY did fondle and handle in a  
lewd and lascivious manner the private, sexual organs of the said [REDACTED]

Contrary to the intent of the Statute in such case made and provided, and against the peace and dignity of  
the State of Florida.

NAME HASTY, ROBERT H. CASE NUMBER 4374

Information Crime Against Nature  
Lewd and lascivious Act

Verdict P. G.

Sentence State Pen 5 years

Date Tried 10/9/57

Docket No. 174

VAUGHAN PRINT-ORLANDO

Figures 9-10: Two of the four total pages I uncovered from Orange County Clerk about my father's 1957 case.



purpose was not enough, I was overwhelmed, too, by its content. The candid descriptions of their inappropriate sexual relationship made my stomach churn. Yet, through that revulsion I began to feel something else, something that allowed me to see a more complex picture. It was clear that my father had some kind of rapport with the boy, and he spoke in a way I had never heard him speak to his own family. It was clear that this was a place where he could let his guard down. From the controlled call I obtained the first record that my father identified as a gay man. I found out that the boy was paid for the sexual arrangement with my father, in both money and gifts. I also found out that my father had signed over a life insurance policy, where I was named beneficiary, to the the boy in exchange for palliative care until his death. My feelings ricocheted across a spectrum of emotion: anger, rage and disgust, and surprisingly, also, sympathy. Through these revelations, I began to see how the State's intense repression of non-normative sexuality could work to produce the very kind of monstrosity that the law aims to suppress.

The revelations I gained from the State Attorney's case file represented a substantial accomplishment. But, I would not be so lucky in all areas of my research. Obtaining information from my father's 1957 "crimes against nature" case, and his subsequent Executive Pardon in 1964, would prove much more difficult. In this area I would not have an eureka moment. I would have to learn from what was elided.

The Orange County court kept all records prior to 1990 on microfiche. An archivist offered to help me track down information on my father. He managed to find just 4 pages. A substantial portion of the judgment was redacted. Despite that, it managed to convey a few important details: the boy was 14 years old when my father was 27 years old, the sexual contact happened over five months and was non-penetrative, and my father eventually pled guilty. These fragments of information raised more questions than they answered. Who was the 14 year old boy? How did the court become aware of their relationship? Why

did my father get a comparatively lenient sentence of only 5 years, when other white men charged with the same offense in the same county, during the same year, received the maximum sentence of 20 years?

Another document that I have not been able to access is my father's application for Executive Clemency. In 1964, just one year after the close of the Johns Committee, the State investigative arm which aggressively targeted homosexual teachers, my father was restored to full civil rights. Governor Farris Bryant, the same who called for the State to crack down on known "perverts,"<sup>129</sup> approved my father's application for clemency. His approval was supported by four more officials overseeing the Florida Commission on Offender Review<sup>130</sup>. In historical context, this is extraordinary. At a time when homosexuals were vehemently persecuted, what contributed to this official gesture of mercy?

129 Delaney, Robert W. "Bryant Pushes Task of Locating Perverts." *The Orlando Sentinel*. January 18, 1962.

130 State of Florida Commission on Offender Review. *Executive Pardon for Robert H. Hasty*. State Archives of Florida. March 11, 1964.

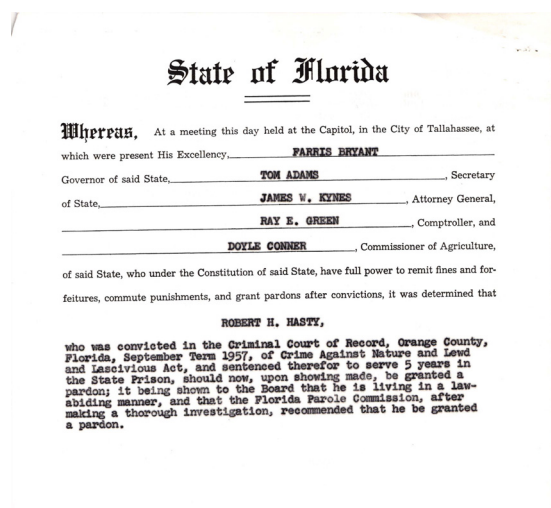


Figure 11: The one-page judgment from my father's 1964 application for executive clemency. The supporting application is sealed, and remains confidential.

I wanted to know what materials, exactly, were in my father's application for Executive Clemency. However, these documents were protected by executive privilege and considered confidential. They could only be obtained by express permission from the sitting Governor, then Rick Scott. My request was denied.

To piece together an answer, I turned to another archival source: the local newspaper. By chance, I had come across a few articles from the 1960's about someone with my father's name in *The Palm Beach Post*. When I saw the large black and white photograph I immediately recognized the "Bob Hasty" pictured as my father. The photo was taken on his wedding day, and pictured him standing with his second wife, a young widow with two young children. The date was March 6, 1964<sup>131</sup>. The wedding took place at the First Baptist Church in Pahokee, Florida. I was immediately struck by the date. After cross-referencing the Executive Pardon, I confirmed that he was granted clemency just five days after his marriage, on March 11, 1964. Was this a coincidence? Or was my father's connection with the church, and his subsequent marriage believed by State officials to be a sign of "rehabilitation?"

The ethnographic methodology allowed me to investigate my father's criminal cases, and by extension my own family history, by straddling a detached curiosity at the same time as deep feeling. Anthropological precedents gave me a framework for scrutinizing the waves of affect that arose from information revealed or obfuscated from archival sources. Following the lead of ethnographers I had researched, including Ruth Behar and Kirin Narayan, I mined my own subjectivity for impressions that I would later translate into material expression. In this manner, the process of amassing the my father's archive, specifically the interplay of State power and family secrets, were not reduced to merely content or subjects of study. Rigorous observation of my own emotional responses as I uncovered new information, or as I was foreclosed access to it, became essential to determining the form of my

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131 "Mr. and Mrs. Bob Hasty Now at Home" *The Palm Beach Post*. March 22, 1964.

thesis work.

## II: The Artist as Counter-Archivist - Kinship and Aesthetics of Carceral Intimacy

In most prisons across the United States, prisoners are not permitted access to cameras<sup>132</sup>. One exception is the commissioned studio

132 Famighetti, Michael, and Nicole R. Fleetwood. *Aperture 230: Prison Nation*. New York, N. Y.: Aperture Foundation, 2018. 19.



Figures 12-13: Newspaper articles from *The Palm Beach Post*, from March 1964, documenting my father's wedding to his second wife just days before being granted executive clemency.

portraits produced in makeshift photo studios within prison waiting rooms. The studios are staffed by inmates, and the photographs are commissioned by prisoners and their visitors for a small fee<sup>133</sup>. As Dr. Nicole Fleetwood describes in her essay “Posing in Prison: Family Photographs, Emotional Labor, and Carceral Intimacy,” these vernacular photographs proliferate across the homes of the families and loved ones of the US’s incarcerated population of about 2.3 million people<sup>134</sup>, making them one of the most widely circulated styles of vernacular photography. Yet, these images rarely are shared in public collections, archives or museums. Instead, the mug shot, developed in France in the 1880s by Alphonse Bertillon<sup>135</sup>, became the photographic convention for depicting prisoners. Rooted in the ideology of eugenics, mug shots served a racializing project directed toward blacks and other nonwhite groups, and were the dominant mode for visually representing those accused, or convicted of crimes. Fleetwood argues that images of prisoners are always in conversation with the criminal index. In contrast, the vernacular portraits taken by inmates of themselves and their families forefront the intimate attachments between inmates and their visitors and are “crucial modes of self-representation that serve as counter-archives to visually indexing “the criminal” through photographic technology.”<sup>136</sup>

Deana Lawson is one contemporary artist who works with the field of vernacular photography circulated between inmates and their loved ones. In her series *Mohawk Correctional Facility: Jazmin & Family* (2012–14), Lawson appropriates the portraits of her cousin Jazmin and her incarcerated partner, Erik, originally taken by an inmate studio

133 Fleetwood, Nicole R. “Posing in Prison: Family Photographs, Emotional Labor, and Carceral Intimacy.” *Public Culture* 27, no. 3 77 (2015). 492.

134 Kaeble, Danielle and Mary Cowhig. 2016. *Correctional Population in the United States, 2016*. Washington, DC: Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/cpus16.pdf> Accessed March 24, 2019.

135 Smith, Shawn Michelle. “The Mug Shot: A Brief History” *Aperture* 230: *Prison Nation*. New York, N. Y.: Aperture Foundation, 2018. 31-32.

136 Fleetwood, “Posing in Prison,” 493.

photographer in a facility in upstate New York<sup>137</sup>. These images show the two of them together, often with their daughter, posed in the style of traditional family portraiture. They stand in front of a hand-painted backdrop that places the couple on a balcony looking out to a sunset over the cobalt blue sea. This rendering is disrupted by the rigid lines of the cinder-blocks beneath it. We are brought back to a reality where the tender affection shared by the family at the center of the scene is set against an unattainable fantasy of a world outside prison walls. The casualness of their affection seems to assure us of their bond, yet the scene fails to let us overlook how the institution mediates this intimate moment. The result is an unshakable feeling of longing, as well as a jarring awareness of how rarely these all-too-common scenes of carceral intimacy circulate in mainstream narratives about incarcerated people.

Sable Elyse Smith is another contemporary artist who deals with the kinship bond that persists through incarceration, drawing specifically from the printed ephemera sent between her and her father over nearly two decades. In her artist book, *Landscapes and Playgrounds*, Smith seamlessly threads together landscapes of prison scenes and playground scenes, foregrounding the cage-like enclosures in each that make them startlingly indistinguishable. Interwoven amongst these images are letters written by her father. One letter charts the planning details for their next visit. Sable must fill out a new form to have her visit cleared with the Sergeant. He also instructs her to contact her grandmother, who will be sending her money to cover the costs of the trip. The focus on these quotidian details quietly reveals the pervasive violence that mediates the relationship between father and daughter. Their time together is structured by a bureaucracy of paperwork, visiting hours, security clearance, surveillance, and the financial burden of travel. In the sparse details that float across the largely unadorned pages of *Landscapes and Playgrounds*, the wide-reaching consequences of the punitive system far beyond the lives of the individuals

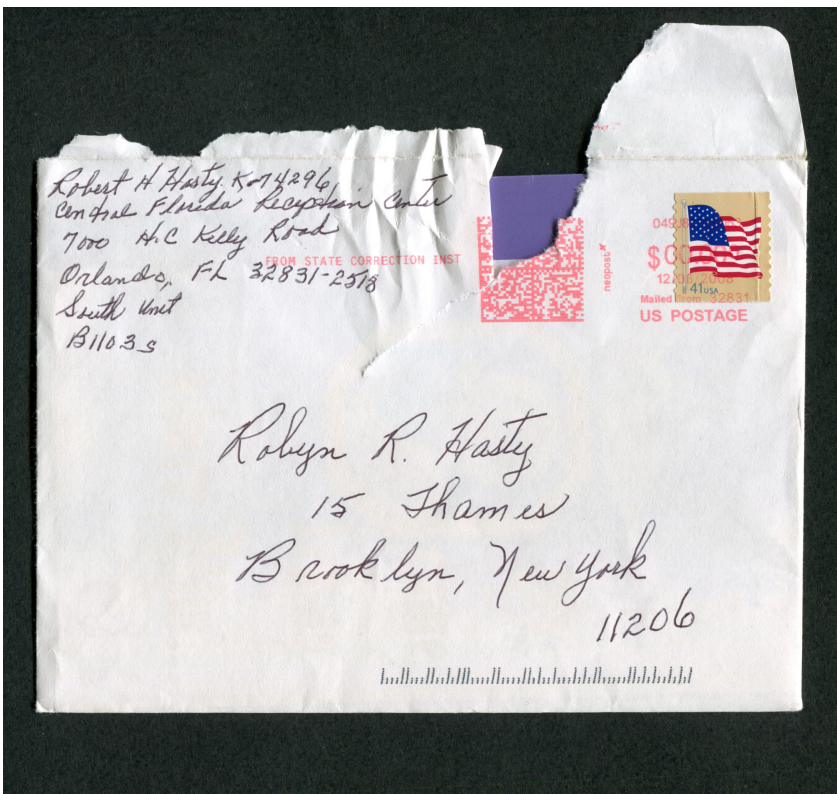
137 Fleetwood, Nicole R. "Vision & Justice Online: Nicole R. Fleetwood on Prison Portraits." *Aperture Foundation NY*. Accessed April 13, 2019. <https://aperture.org/blog/fleetwood-prison-portraits/>.



August 16, 2008

Dear Sharon,

Just in case I miss reaching you Sunday  
 My telephone I will send you the info I need.  
 The doctor was in a few min after and  
 told me that I was going to Lake Butler with in  
 the next two weeks, maybe July after the tests  
 they will return me here to South Unit. Please  
 say a prayer for me that will happen.  
 My physical level keeps dropping and I  
 course its harder + harder to breathe and to  
 take care of my self.  
 I'll try to keep you posted.  
 I enclosed the last state ment of my account.  
 Yotaid I checked all the receipts + then I show  
 them away. except the new send letter receipt.



Figures 19-20: Letters my father sent to my mother and I while incarcerated.

they supposedly are meant to affect begins to emerge.

Like Lawson, Smith, and many other relatives of incarcerated people, I too kept an archive of what my father sent me from prison. In the process of amassing the official State records, I began to consider the shoe-box that I had stuffed full of photos, letters and ephemera as a potential site for research. In doing so, I began to extend the collection of documents beyond my father's public records, using intimate documents and correspondence to reveal the gaps in the official narrative. The need to press against the State's narrative of criminality helped me recognize that I was motivated by a counter-archival impulse. The personal correspondence, letters, and photographs my father sent me before, and during, his incarceration, highlighted the intimacy of the kinship relation and how the familial bond persists through and beyond prison walls. Like the power of the vernacular portraits made by inmates, the inclusion of these personal documents provides a crucial counterpoint to the State's projection of monstrous and dehumanizing narratives. My mother and I maintained this connection in spite of the deep harm my father caused across multiple lives, including our own. This sheds light on the ways in which even aggrieved parties have the capacity to conceptualize methods of enacting justice that are radically different than the current, punitive system. This memory is infused with a sense of longing for a new world, where sexual citizenship was not the subject of strict policing driven by institutionalized homophobia, racism and misogyny. This drive to imagine something that does not yet exist, not only as an exercise of the mind, but as an act of transformative will, is an expression of what José Esteban Muñoz calls "a force field of affect and political desire that I call utopian longing."<sup>138</sup> This vision of queer utopia is not only a critique of present systemic failures, it offers a way forward into a different futurity "by casting a picture of what can and perhaps will be."<sup>139</sup>

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138 Muñoz, José Esteban. *Cruising Utopia: The Then and There of Queer Futurity*. (New York: New York University Press, 2019.) 35.

139 Ibid.



### III: Between State Power and Family

## Secret - Queer Counterpublics and the Politics of Private Life

In addition, by making these “private” documents public, I interrogate the idea of the “family secret.” This coded phrase is often used to suppress abuses within the family by pressuring its members to maintain a “normal” public appearance, even when things are falling apart within. This performance does not serve the victims of sexual abuse, and often results in a tacit tolerance or denial of harmful behavior. Rather, it is an effort to preserve and protect the institution of the heterosexual family above those who suffer within it. In this way, the counter-archive I build in my thesis exhibition is not only against the State, but also against the family, and the tactics of suppression that have made that institution a haven for abuses of power and judicial exemption. The act of moving these suppressed materials into the public gaze is not to dramatize the performance of revelation or to use the artistic process as a confessional. Instead, it underscores how much of the information was already publicly available in the first place. My father’s arrest was broadcast on television. Accounts of his court hearings were published in the local paper, often including details about my family. This created a situation where despite my mother’s efforts to keep my dad’s arrest a secret, its public circulation made it impossible to contain. In general, involvement with the criminal court system immediately alters concepts of privacy and public interest. The Florida Public Records Act protects the public’s presumptive right of access to all records in the custody of the court, including transcripts, evidence, motions, exhibits and depositions<sup>140</sup>. Those who not only pass through the court system, but are convicted of crimes, have even less distinction between

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140 “Digital Media Law Project.” *Florida State Court Records | Digital Media Law Project*. Accessed April 11, 2019. <http://www.dmlp.org/legal-guide/florida-state-court-records>.

private life and public record. Within prison walls, letters sent to and from prison inmates are screened, and sometimes censored, when the prison deems there is sufficient penological interest in the content of their correspondence.<sup>141</sup> After release, sex offenders who are subject to mandatory registration experience a dramatic shift in what details of their personal lives are suddenly searchable on internet databases as a matter of public record and safety.

In Lauren Berlant and Michael Warner's essay "Sex in Public," they describe how structural differentiation between private and public serves a specifically heterosexual project of containing intimacy to the privileged institutions of personal life. In this supposedly private sphere, the family unit propels its own reproduction through the intergenerational accumulation and transfer of capital<sup>142</sup>. Cut off from conversation with public life, inequality can be framed as a matter of simply personal difference, rather than a product of unequal social or political conditions. Berlant and Warner argue that depoliticization of the "personal" is a product of heterosexuality's hegemonic drive to reproduce itself,<sup>143</sup> perpetuating the illusion that sexual difference is not mediated by the legal – and political – public sphere.

What Berlant and Warner take on in "Sex in Public," are the queer practices of intimacy "that bear no necessary relation to domestic space, kinship, to the couple form, to property, or to nation."<sup>144</sup> Thus, my counter-archival project has an underlying queer intention: to transgress the normative distinctions between public and private life to create an intimate bond with the viewing audience, cultivating "what

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141 "In Prison - Privileged and Non-Privileged Mail." *American Civil Liberties Union*. Accessed March 25, 2019. <https://www.aclu.org/know-your-rights/prison-privileged-and-non-privileged-mail>.

142 Berlant, Lauren, and Michael Warner. "Sex in Public." *Critical Inquiry* 24, no. 2 (1998): 553.

143 Berlant, Lauren, and Michael Warner. "Sex in Public." *Critical Inquiry* 24, no. 2 (1998): 553-554.

144 *Ibid*, 558.

good folks used to call criminal intimacies.”<sup>145</sup> In my thesis exhibition, the gallery uses its public character to turn spectatorship into a kind of promiscuity, building a transient intimate exchange between artist and audience. Following what has been modelled elsewhere in queer culture, the queer counterpublic methodology offers possibilities to eroticize the artist’s relation to their viewership, while also using this relation “as a context for witnessing intense and personal affect while elaborating a public world of belonging and transformation.”<sup>146</sup>

## **IV: Pleasurable Eviscerations - Artistic**

### **Process as Transformative Labor**

In my thesis work, I saw the labor of making as a mode of processing abjection through my body. This abjection occurred at multiple levels: through the literal removal of my father from society via the Carceral system, through identifications I felt with my father across queerness and kinship, and the way those categories have been contested and stigmatized, and through grappling with my own trauma at my father’s hands that had been ignored by court systems. In excavating these documents and memories, I experienced overwhelming, and indeed painful emotions. These moments existed alongside a more affirming feeling that doing this research was integral to my own self-realization: as an artist, as a queer person, as a child seeking to understand one’s own history.

As an artist, I saw the artistic process as the method to process these overwhelming emotions materially. I took the court documents, the transcripts, the letters and the photographs and I did not throw them aside with disgust or bury them deeply in denial. These documents were a record of myself, a record that was difficult to assimilate into a sense of wholeness and unconflicted selfhood, and perhaps would

145 Ibid.

146 Ibid.

never be. And yet these abject records fascinated me and pulled me into their thrall, demanding my attention, my labor. It was not enough to merely read them or view them. These records demanded to be processed through my body, the site of my abjection, to become transformed into something beyond myself, a third thing. This process was abjection embodied as transformative labor. What came out of my body, what seeped out, was the abject digested into something both disturbing and engrossing. The labor to do this was not easy. The processes I chose were known for being time-consuming and technically fussy, bordering on the obsessive. The labor to make each component of my thesis - the hanging files of court documents, the reproductions of the evidence photos, the armatures and architecture of the evidence room - all demanded my complete dedication and focus. These crafts, some of which I had never used before, pushed the limits of my dexterity. The intense emotional, physical and intellectual demands of this work, framed my choices as expressions of obsession, endurance, and - this cannot to be understated - pleasure. Part of what makes the radical acts of love in David Halperin's theory of gay abjection is the process by which the abject, and the threat it poses to one's very fabric of being, ceases to be a source of revulsion or shame. The matter of that revulsion is not overcome or fully eradicated, *per se*, but becomes the very substance for an alchemical transfiguration, one that can become a source of care, affirmation, pleasure. This transformative process does not necessarily produce a neat, unified or cohesive whole. Part of its style and aesthetic is to allow points of disjuncture and painful dissonance to lose their "self-shattering" power, and to blend together in disquieting embrace. There is an undeniable pleasure in this work, and in the labor of making it, that could be described as perverse because it does not attempt to resolve the messy intersections that put trauma, sexuality and fetish in conversation with one another, while simultaneously refusing to reduce them to causation or medical pathology. This work is queer because it is fundamental to the argument for how the artistic process can produce transformative meaning from experiences

of abjection for queer people.

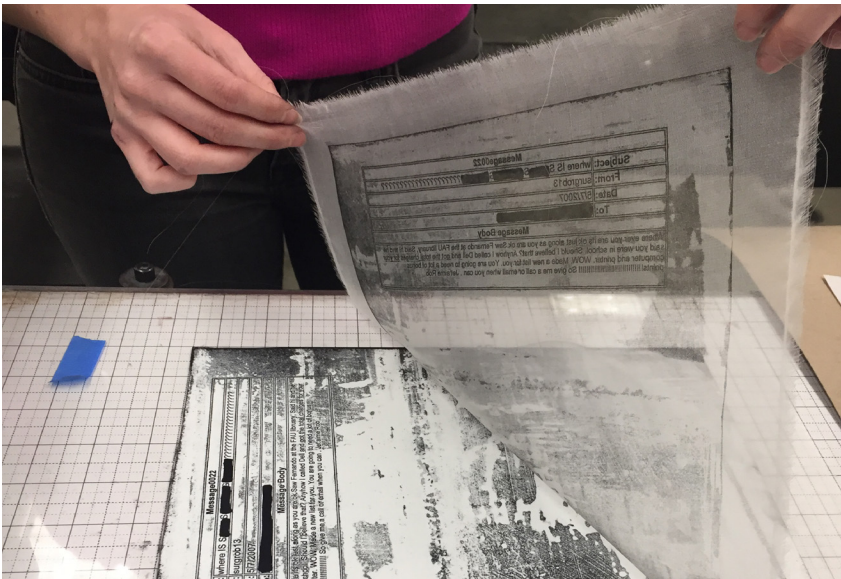
## **IV-A: Ritual Choreographies of**

### **Appropriation at The Printing Press**

Over the course of three months, I worked to translate two hundred pages of court documents, along with dozens of newspaper clippings and personal correspondence, onto fabric panels that allowed the text to remain legible, as well as recognizable as “pages” from a hanging file. I used lithographic proofing plates, printed one at a time through an etching press. Each of the two hundred original pages was printed three times, making a total of over six hundred pages.

The lithography process allowed me to reproduce the aesthetic of the source material – high-contrast xerox copies with some areas of redaction – while also subtly inserting my hand as the agent of transformation. The plastic proofing plates work through the principle that oil and water repel each other. The oil based ink sticks to xerox toner that is printed on them through a laser copier, while the ink is repelled from the plastic substrate as it is sponged down with water between each print. When rolling ink onto each plate, the oil from my fingers would leave deposits that attract ink, making my own fingerprints visible in the final print. How I let ink build up around the edges of the plates, the amount of ink I deposit, whether or not I attempt to print it cleanly or allow blotchy areas to build up, are all technical decisions that allowed me to subtly amplify the visibility of my hand.

The labor of printing took many long days of repetitive labor. The days I spent in the print shop were ritualized into a choreography of motions. The lull created by the mechanical repetition of steps made the technical process recede into the background, freeing my mind to absorb the material in front of me. Through and during the act of inking, I was able to read each document. Details that I had overlooked or forgotten the



Figures 21-22: The lithography process I used to translate 200 pages of legal documents onto silk chiffon.

first time I read them I had time to consider again. Certain moments shifted in perspective as I assimilated them with other information I had learned. Thus, the labor of printing, provided a space to interrogate the motivations and manipulation of each actor in the narrative. It became a site for me to consider what was present in the official record, and what was absent. The material process of transforming the documents gave me a place to interject my hand, and my voice, into the record that should have included me, but didn't.

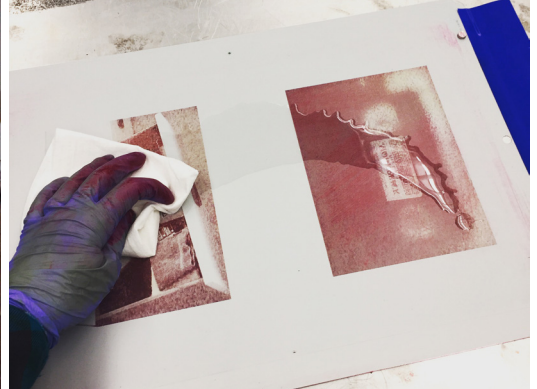
I used this process not only to approach the written documents, but also the archive of police evidence. The disk from the State Attorney contained a file with several dozen digital images originally taken by police detectives. These images were of the objects seized from my father's home when it was searched. The objects included two cameras, a bottle of lube, condoms, a porn tape on VHS, a computer and printer, a notepad with scribbles, and several folders of documents. These images were significant because their seeming ordinariness stood in contrast to the police narrative of perversion that grew around them. Secondly, because they framed objects and sites that I recognized from my father's home, where I had lived for several years before my parents divorced. The recontextualization of these recognizable scenes from my childhood as evidence created a jarring dissonance with my memory. It made me wonder if I looked hard enough at all of my childhood memories, if I would unearth more evidence of such violent sub-text. I decided to work with these photos as they were, to appropriate them directly, and transform them through my labor into photo-lithographs.

Photo-lithography is a printmaking process that allows photographic images to be reproduced as a series of fine halftone dots printed with four ink colors that optically mix creating the illusion of the full color spectrum. The process of translating the detective photos into photo-lithographs involved color-correcting the digital photos in Photoshop, then producing four color separations for each of ten images. These separations were printed on clear mylar film, then punched with





*Figure 22: Original source image taken by police detectives, from my father's case file.*



*Figure 23: Printing magenta separation of CMYK photo-lithographs, appropriated from archive of evidence photos.*

registration pins. The registered film was then exposed onto photo-lithographic plates, then developed, fixed and sealed. After the plates were ready, the press could be set up for printing, and I could run a set of color proofs, adjust the ink, and prepare for the full print edition. Each separation was inked one at a time and printed separately, waiting at least 8 hours between each color so the ink did not blend together on the print. Like the process of inking the Pronto plates, the labor of producing these prints was intensely ritualistic, the motions becoming so familiar that eventually I was no longer conscious of them. In total, it took about six weeks to produce all ten detective photos as photo-lithographs. The final pieces were legible in relation to the photographic archive, but simultaneously were removed and materially transformed from it. The dot grain of the color separations, the color shift of the ink-based process, the transparency of the low-gsm rice paper all spoke to the labor of their transformation, subtly injecting my presence into the evidence that elided me.





*Figure 24: One of ten final photo-lithographic images on gampi paper.*

## IV-B: Materializing Absence: Abjected Bodies, Redaction and Weaving as “Women’s Work”

Like printmaking, the process of weaving involves a choreography of repetitive motions that demand focus, endurance and dexterity to produce. The work is tedious, and involves numerous time-consuming steps that are nearly invisible in the final product. These steps include winding the warp -- a process that involves meticulously counting the number of threads that will be necessary to make a textile the desired width, while winding them up a spinning armature that looks like a tiny skyscraper. I needed 336 threads, and because my warp was so long, I repeated this process five or six times.

Once the warp is wound, it can be threaded on the loom, or, in my case, dyed in an immersion bath to become jet black. After the warp comes



Figures 25-26: Winding, dying and untangling the warp and weft. This extensive labor is ultimately invisible in the final tapestry.

out of the bath, it looks like a rat's nest, threatening the impossibility of untangling it. But, by picking, pulling and stretching, the warp slowly becomes untangled. After being pulled taut on a door handle and neatly coiled, it is ready to be threaded through 336 heddles. Most of the labor of threading is done sitting on the floor, hunched over the loom, being careful not to suddenly jerk one's hands and undo all the threads that are precariously dangling, waiting to be tied off. After perhaps two or three days of slow progress, the fully-threaded warp can be wound on and tensioned, a process that evokes the same movements as lacing a corset. Only then is the loom ready to weave. Progress is not swift. At my best, I could weave about four linear inches an hour. Over the course of a full calendar year of weaving, I produced nearly seventy-five linear feet of panelling that would become three hanging "cabinet" sculptures and 48 "pages" of redacted text.

While the process of lithography demanded I confront the text, the labor of weaving gave me a site to reflect on what was absent from it. I used the weaving room as a meditative space, getting lost in the motions and the focus that the process demanded. As the threads spun out beneath me, I imagined the mythology of Arachne, and the way the silk spins out from the spider's belly, evoking the abject. As the textile grew longer, I felt that this fabric was seeping out of the innermost parts of me; that I was eviscerating myself on the loom. This sensation is a stark contrast to what these textiles actually look like. They are delicate, made with thin webs of rayon punctuated by thick, dense areas of hand-spun wool. They look like fishnet stockings, or lace, criss-crossed by expressive impenetrable marks. I developed the pattern of the textiles by abstracting the forms of redaction into alternating areas of loosely woven and denser weaves, aiming to mimic the marks of black marker on paper. I let myself weave loosely, not stopping to correct mistakes or undo irregularities. I wanted my fluid mark-making to embody the affects of discovery and loss that permeated my experience of reading these documents.

The labor of weaving is significant not only because of the amount of





Figures 27-28: "Hanging Cabinets" and "Pages" as they came off the loom.

work, but also because that labor is gendered as feminine. Weaving, in artistic discourse, is often relegated to craft.<sup>147</sup> When museums collect fiber art, it is often separated from work perceived to be of greater intellectual rigor, such as painting or sculpture.<sup>148</sup> Vernacular methods of weaving that produce items to be worn, connects this medium directly to the body, and to the histories that have exploited the labor of women's bodies. My decision to work with materials that evoke the sensuality of textures and physical touch is another layer that brings this work into dialogue with the abject, channelling simultaneous attraction and revulsion through how the elegance of the form creates friction against the discomfort of the content.

## **IV-C: Hard Labor - Metalwork and Material Culture of Incarceration**

The delicacy of the silk chiffon “pages” and the woven “cabinets” could not sit alone. They needed armatures to elevate them, to give form to the shapeless, slumping, fabric. To build the language of these armatures, I worked with steel. I wanted these “hanging files” to exist within a highly structured, repetitive grid system in order to evoke the architecture of an imagined police evidence room populated with modular industrial shelving. I also needed the strength of steel, in order to make the armatures as small and delicate as possible, so that they would almost disappear, heightening the feeling that they were floating in space.

The process of making the armatures was as labor-driven as the weaving, although it existed within a different register of affects, histories and materiality of labor. The way the welder moves their hands to melt wire into a tiny pool of molten metal is often compared to weaving.

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147 “Women’s Work.” *Brooklyn Museum: Women’s Work*. Accessed March 28, 2019. [https://www.brooklynmuseum.org/eascfa/dinner\\_party/womens\\_work](https://www.brooklynmuseum.org/eascfa/dinner_party/womens_work).

148 Ibid.



Figures 29-30: Welding steel armatures and painting aluminum chain.

However, welding, with its history of industrialized labor and blue-collar trade, is not “women’s work.” The ability to move across these technical processes, from the historically feminine space of the weaving room, to the industrial and historically masculine space of the metal shop, gave my body different ways move in relation to the materials I was processing. It also amplified the feeling of queerness that followed me across these spaces, making it clear that in both of these gendered histories, I was a body that didn’t quite fit.

Over the course of several months, I welded nearly fifty steel armatures, ten steel frames, three hanging steel “cabinets” and one large, steel floor sculpture. Each of these involved days of standing on my feet, alternating between the welder, the grinder, the cut-disk and the sander. The work was repetitive and hard on my body. At the end of each session, my hands would be covered with grease and fine steel dust. The burning embers from the cut-wheel would explode around my hands, leaving tiny red welts. The leather gloves, sized for men’s hands, were too large and difficult to wear, so I often worked without them. I covered my ears to protect from the droning sound, and to protect my eyes from flying particles and dangerous UV rays, I alternated between clear goggles and a welding mask. The physical strain of metal work was important to the production of the work. It was another method to filter the discomfort of the content through the labor I used to transform it. In the metal shop, I could combine the endurance of physical labor with the pleasure of being able to shape and command a material as intractable as steel. In the process, I was able to create a dissonance between what steel in this exhibition was meant to signify, and the feelings it evoked through working with it.

I chose steel -- specifically, square bars, expanded mesh and chain -- because they referenced the material culture of incarceration and confinement. They also evoked another, *queerer* arena, where pleasure and pain blended into *jouissance*. Perversely, I associated these materials as much with prison as with sex dungeons from BDSM. The cross-as-



sociations between sexual transgression, abjection and punishment with how these spheres have been mined in some sexual subcultures for their capacity for pleasure, are confusions that I explicitly intend. Moreover, they are necessary for formulating my argument for how the artistic process can create transformative meaning from experiences of sexual abjection.



*Figure 31: Steel, specifically expanded mesh, allowed me to reference the material culture of incarceration through sculptural forms.*





## ***No Spirit For Me* - Artistic Process as Transformative Justice**

My thesis exhibition, *No Spirit For Me*, takes place in a fictitious police evidence room. The first thing the viewer sees approaching the installation is a 4 foot wide rectangular plexiglass window, a shape and size that recalls the viewing glass of a police interrogation room. The win-



dow frames the interior space of the installation, allowing the viewer to scan the room from a distance, gazing at the objects within it, as well as the figures moving through it. The window, a portal into the space that both connects and separates, introduces the viewer to some of the overarching concepts that will unfold within the installation: the interplay of surveillance, voyeurism, transparency and redaction. Twelve feet to the left of the window, nearly out of view, is an opening the size of a standard door. This is the entrance.

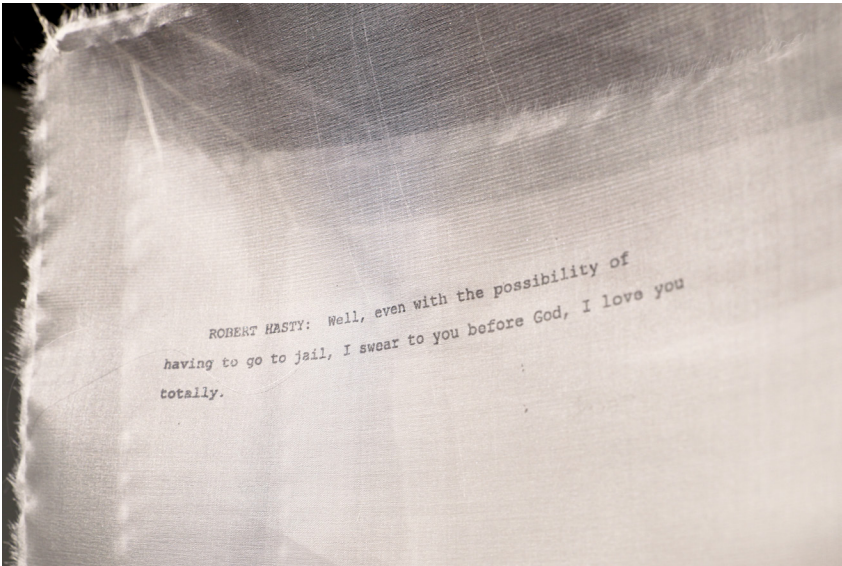




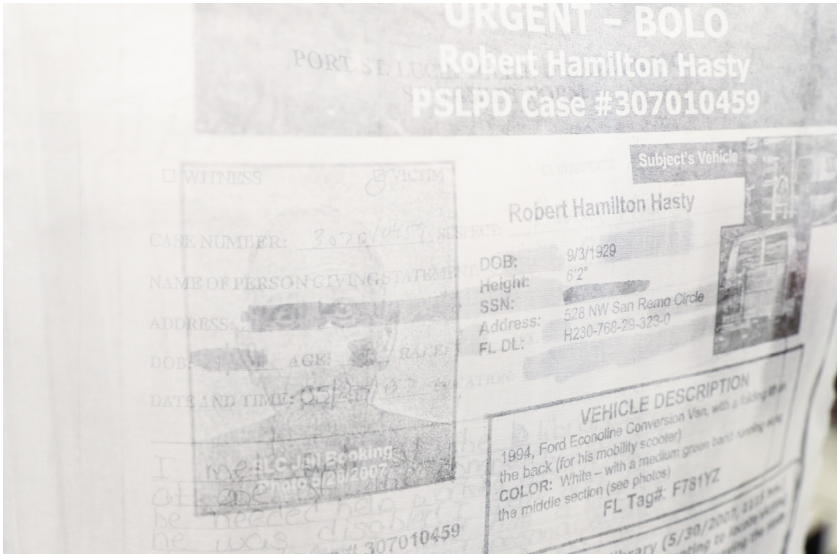
Figure 32: The audience first encounters the installation through a 24in x 48in plexiglas window into a fictitious police evidence room.

The installation is organized in a grid of aisles marked by the suspended shapes of the “hanging files” and “cabinets.” This grid system replicates the physical architecture of shelving that typically organizes archival storage rooms. It also speaks to a more abstract, overarching sense of order and control that characterizes how the law structurally enforces how bodies move through space, and how we access information. If the viewer wishes to read the letter-sized text they must crane their necks or lift onto their toes to reach the top rows. To read those in the middle or bottom rows they might hunch their bodies or squat on the floor. In this way, the audience is subtly guided through the installation by how the grid structure alters their movements, as well how they access information.

The very first piece of text visible upon entering the room is an excerpt from the controlled call between my father and the boy. This fragment is suspended on its own row, hung at eye level just beyond the entrance. It records my father’s words: *Well, even with the possibility of having to go to jail, I swear to you before God, I love you totally.* Immediately behind it are several blank pages of silk chiffon allowing this quote to stand alone. I chose to start the exhibition here because it



Figures 33-34: The grid of hanging files alters the audience's movement through the space. The organization of text structures how they access information.



Figures 35-36: Detail images of my father's mugshot and the transcripts from the controlled call dipped in black wax.

pierced to the core of my research: themes of queer desire, criminality, and stigma. It also was a quote I found personally affecting, because it conveyed my father's own self-awareness about the impossibility of his desire, and his resignation to its consequences. Stacked behind the first set of blank pages is another quote from my father, written in his own handwriting from the journals confiscated by police detectives: *Say Nothing*. This I repeat this page a dozen times, filling up the remaining space on the "shelf." This piece of text sets his desire in the context of repression and shame, which no doubt helped to shape it. Each hanging shelf is 12 inches by 48 inches long, and consists of 24 "pages" hung at even intervals, about two inches apart. The density of this arrangement makes the interior difficult to read, often layering multiple fragments of text over each other as the viewer looks through several pieces of translucent chiffon fabric. I use the layering possibilities of the translucent material as a way to put fragments of text and image in relation to one another, controlling how the narrative unfolds.

In one area at the back of the first row, my father's mugshot flutters over the page that records the boys handwritten account of what happened the day they met. My father's eyes align perfectly with a block of redacted text, turning his face into a bizarre, haunting, mask. The placement of these pages on the ends of the "hanging file" makes them more legible and significant. Throughout the installation, I utilize these more visible areas to highlight documents that I want the viewer to read in full, while others, placed in the middle of the hanging file, will only be legible in fragments. This transparency of text is a reminder of how each document is not a singular entity in isolation from the others, but always in relation to the information around it. The boy's inquiry *Is it ok to be gay?* -- a vulnerable moment that highlights how, in a homophobic culture, queer youth sometimes turn to intergenerational relationships to seek affirmation for their identity and guidance they cannot access elsewhere -- is arranged adjacent to the detailed log of how much my father would pay for each sex act, highlighting how my father manipulated the boy's vulnerability. Through how I organize



pages together, I begin to build a narrative, treating the organization of the documents much like the chapters of an immersive, walk-in book. The single-sentence fragments at the entrance of the installation build towards a file dedicated to the full transcript of the controlled call. Later in the installation, this transcript is repeated, this time dipped in black wax that slowly consumes and occludes the content of the pages. Towards the back of the installation, the narrative content of the 2008 court documents shifts towards older archival material. Newspaper clippings from the *Orlando Sentinel* and *The Orlando Evening*



Figure 37: Installation view from the back, where the colors are weight are denser and more visually impenetrable.



*Star*, published around the dates of my father's 1957 incarceration, are screen printed with bleach on to dyed black chiffon. *Homosexuality Problem Cited. Morals Charges Bring Stiff Terms. Bryant Pushes Task of Locating Perverts. Human Menaces.* This archival documentation puts the individual details of my father's case into context with how homosexuality in general, and sex crimes in particular, have been historically represented.

The legibility of content is not the only organizing principle. I also consider color, material and weight when building the rhythm of how the documents reveal or obscure themselves throughout the installation. The hanging files used to present the court documents have a limited palette of whites, blacks and shades of grey. The beginning of the room starts with single-sentence fragments on white silk pages. These are the lightest, and the most ephemeral. The delicacy of the fiber and the way each page layers over one another reads like lingerie, or a woman's wardrobe. Behind the first set of white hanging files, there is a white silk chiffon cabinet -- a six foot tall rectangle with the same proportions as the hanging shelves. It visually cuts through the room with a ghostly white haze, gently vibrating as air circulates around it. The black zipper, bisecting its largest face from top to bottom is open, and the cabinet is empty. As it slumps from its armature, it evokes a sense of haunted absence, a structure that should contain something, but has been mysteriously gutted. These lighter arrangements are close to the front of the room, easing the viewer into the content. Moving deeper into the room, the hanging files get gradually darker in color and heavier in weight. I introduce several "shelves" of black pages that have been dipped in black wax. They strain against the twine suspending them, sagging towards the floor. Towards the back there is another rectangular "cabinet" structure, this one made of black latex. The zipper down the center remains closed. It is an impenetrable shape, simultaneously evoking the redaction of information that cannot be accessed, and also referencing the shape and material of body bags and fetish wear. This structure emphasizes the role of access in relation

to legal documents, and how memory works imperfectly to fill in the gaps left out of the State's narrative. It hovers somewhere between the semiotics of death and grief, as well as pleasure. This gradual darkening of space signifies the struggle to access these documents and the reality that many pieces of information have been destroyed, discarded, lost to time, or withheld as confidential. The manipulation of materials to introduce ideas of pleasure, touch, fetish and sensuality puts these topics in direct conversation with the body, and the complicated connections that unfold across experiences of sexual abjection.

Near the back of the installation, the rhythm of the grid breaks. In the gap spanning two aisles is a floor-standing steel sculpture, six feet high and ten feet long. Ten rectangular mirrors glint and refract through the room, suspended from the sculpture from steel chain. Elsewhere in the installation, the "hanging files" are suspended from the ceiling from fishing line, creating the illusion that they are floating in space. Their weightlessness evokes feelings of elevation, of uplift, of transcendence that is important to my argument of how the artistic process can be a vehicle for transformative meaning. In this moment, however, I wanted to ground the installation to the floor, forefronting the feeling of weight and burden. When the viewer approaches the sculpture, text becomes legible across the face of the ten hanging mirrors. *Port St Lucie Police Department Property List. Evidence. Paper with Victim's Numbers. Polaroid Camera. 2 Condoms Unwrapped.* Pages from the inventory of police evidence are laser-engraved onto the reflective surface of two-way glass.

The placement of the mirrors in relation to one another, hanging about 10 inches apart, means that they do not reflect much of what is in the room, although from a certain angle the viewer may catch a glimpse of themselves. These moments when the viewer catches their own act of looking subtly interject the underlying voyeurism of the audience having access to this material. This is not just a family story; they, too are implicated. However, what the reflections primarily reveal is what's



*Figures 38-39: Gaps in the hanging files reveal the floor-standing steel sculpture that contains the police evidence.*



Figures 40-41: Hanging steel frames with two-way mirror, engraved with the police evidence inventory, encase the photolithographs.



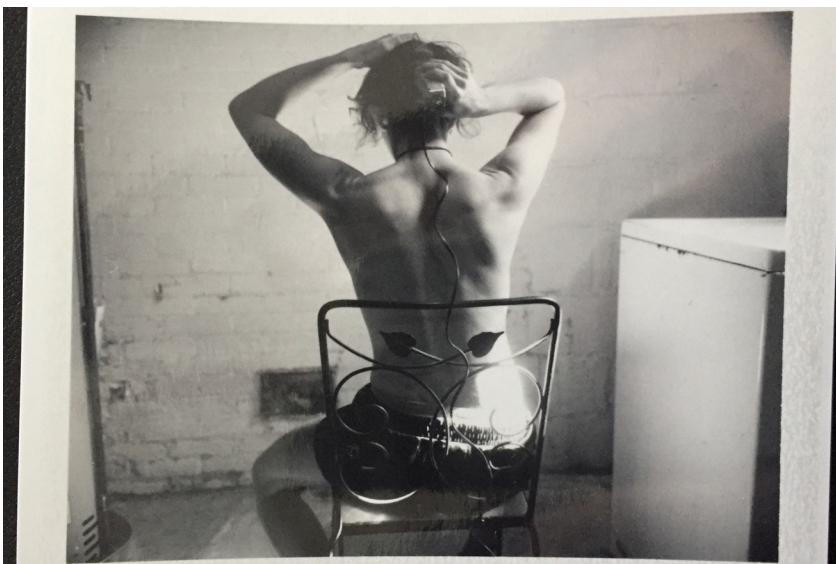


Figures 42-43: Cement plinth containing ten polaroid self-portraits projecting myself into the images that remain confidential.

on the other side of the mirror, tucked out of view. Fragments of photographs layer over the police inventory list. A corner of a VHS Tape titled "Moby Prick." A open drawer with a camera and a bottle of KY lubricant. A desk with papers. A notepad with handwritten scribbles. These were the photographs taken by police detectives of the evidence that was confiscated from my father's home. The appropriated reproductions, printed as CMYK photolithographs, allow them to read as photographs while also subtly transforming them through the process of printing. My hand, and transformative influence, is present. These images, the only place in the installation where color is used, make it clear that this sculpture is a destination, the thing we have traversed the monochrome landscape to see revealed.

Underneath the suspended frames, at the base of the sculpture, is a 5 foot long cement plinth. It appears to weigh the entire sculpture down, holding it to the floor. At the very end of the plinth, jutting just beyond the last mirror, is a cavity the same size as the hanging frames. Encased within it, under a ½ inch thick pane of plexiglas, is another block of color. To see what's inside, the viewer must drop to their knees. This action demands a kind of commitment, marking both their curiosity and their submission to how the form of the installation alters their movements. From this angle they begin to see the figure of a body, turned away from the camera. The body is in various stages of undress. In one, their back is dappled with shadows as their arms are elevated above their head. In another, they are hunched over the back of a chair, ass in the air, their thighs marked by the lines of a jockstrap. In a third are colorful pillows bisected by a headless figure. The body's legibility crosses multiple categories. At moments they appear masculine, back muscles jutting, the semiotics of the jockstrap overtaking. In others, the curve of the hip appears distinctly feminine. The age of the figure is equally ambiguous, appearing more boyish than manly. The images are polaroid self-portraits.

This is the moment in the exhibition that I allow the complex inter-



Figures 42-43: Detail view of polaroid self-portraits.



sections of identification to collide by simultaneously performing the boy, my father and myself. Using the same instant film my father used to photograph the boy, I project myself into the case file, into the confidential photographs that remain in State custody. This projection serves to highlight what is absent from the State's narrative of justice, namely my own presence as a victim. However, this decision is ethically complicated. The boy's victimization is distinct and separate from my own; I cannot take his place. To inhabit the role of my father to create my own self-portraiture, thus restaging one of the acts that brought felony charges against him, is to perversely collapse the distance between perpetrator and victim. This act destabilizes the moral righteousness that usually polices this boundary. Additionally, it brings to the forefront the Oedipal fantasy, and permits a kind of pleasure to come forward from within the pain of what I endured, the stigma of pollution that I continue to carry. This act is, perhaps, the closest I come to expressing the transformative potential of abjection. I strive for Lacan's "pleasure principle" by transgressing its limits towards where the erotic borders death and subjectivity risks extinction. Halperin reminds us that the road to this particular kind of transfiguration cannot be achieved by upholding the moral standards of those who condemn us. Rather, it's through the radical embrace of our own debasement. In these photographs, I do not take the moral high-ground; nor do I remain fixed to the self that was victimized. What I do instead is shift the abjection of myself, my father, my family, and the boy into *jouissance* through an erotic submission to the act of making. In doing so, I begin to de-dramatize the rhetoric of monstrosity, seeing a kernel of it in myself, and thus arguing that it is something we all have the capacity to become. Removed from the position of dangerous "other," monstrosity comes into the realm the recognizable, the everyday, the banal, the human.





# CONCLUSION

## **Beyond Research - Art Towards an Erotics of the Unspeakable**

*None of us can ever retrieve that innocence before all theory when art knew no need to justify itself, when one did not ask of a work of art what it said because one knew (or thought one knew) what it did. From now to the end of consciousness, we are stuck with the task of defending art. We can only quarrel with one or another means of defense.*

- Susan Sontag, "Against Interpretation"



Through my thesis exhibition, *No Spirit For Me*, I pose an answer to my research questions: how can abjection, as a concept, provide an opportunity for transformative meaning for queer subjects? And, how can the process of making object art be a source of empowerment within conditions of social condemnation or persecution?

That answer took form as the transformation of the archive used by

the State to condemn my father, including court documents, newspaper clippings, police evidence photographs, and personal correspondence. The inclusion of these documents was the result of over a year of research across multiple state agencies. Conducting this research as a non-specialist in either the law, or the criminal justice system, I had to learn a great deal not only to navigate the acquisition of documents, but to understand what the content of those materials actually meant. As a result, my research expanded to include the law itself. In researching sex law, I read the current legal code for sex crimes in the State of Florida, and numerous historical codes dating back to 1881. But, to read the law was still not enough to understand it. I had to know what the law meant in historical context; how it changed and evolved over time; how Florida law differed from Federal law and how it reflected the culture and values of the South. To answer these questions required another line of inquiry; this time to learn how sex has been policed in the United States over the course of the last century, to be able to place the laws in historical context. This, still, was not enough. It is impossible to read the law, presently or historically, without invoking registers of morality, or how the law was intended to reflect the values and ideologies of lawmakers. And thus my research led me to study how morality is theorized, complicated and reimagined in the emergent field of queer theory, where I currently situate myself and my work. All of these areas constitute the sum total of research I undertook to shape, inform and provide material for *No Spirit For Me*. This list is far from comprehensive; I was only able to scratch into the surface of each respective field of scholarship. But what becomes clear from enumerating the research behind my thesis exhibition, is that it cannot be reduced to merely an illustration of its content. The work itself is doing something more.

*What more?* This question could be answered in terms of process, or methodology. The research *as content* was transformed into something else, something that exceeded what was found on the pages of the source material. This transformation took place through the act of making; the transformative labor of weaving, printmaking and metal-



work that provided an embodied means of processing the content of my research. This labor was both a personal process of grappling with my own intimate relationship to the content, but it also spoke to how both the content, and its transformation responded to larger social issues affecting sexually stigmatized groups – specifically gay men, men of color and young girls. This transformative labor was necessary because the content, and my relationship to it, evoked overwhelming emotions. Since these emotions dealt with experiences of sexual abjection that remain deeply taboo, my work identified an area where our existing cultural forms for processing pain and suffering are inadequate. In my thesis, I pose a problem where the artistic process provides a solution: a vehicle for the transformation of sexual abjection. This kind of transformative labor is novel, because it not reducible to catharsis. The transformative labor evoked in my thesis exhibition argues for a kind of processing that doesn't result in a neatly unified whole, or drive toward resolution. It instead gives shape to a complexity of affect that allows disjunctions, dissonance, and discomfort to co-mingle with feelings of pleasure, desire, and longing; an affect called *jouissance*. Allowing these contradictions to sit together without resolution is consistent with contemporary art made by queer people or addressing queer themes. In other words, my thesis exhibition argues for the value of transformative labor for queer artists and audiences through how it expands contemporary discourse about queer aesthetics. Additionally, it makes space for the treatment of sexual abjection as a distinctly queer arena for the production of transformative meaning, through making visible the history of sex law that criminalized and stigmatized queer subjects.

But, focusing on the process of transformative labor to argue for what my thesis exhibition does *beyond the illustration of content* resorts to framing the value of artistic process in terms of social impact; either therapeutically, by providing a means to process overwhelming emotions related to traumatic experience; or culturally, by contributing to the emergent field of queer art and aesthetics. This formulation

privileges the social value of art; gauging success by how it contributes to social progress. This defense equates the social with the “good,” devaluing work that is either socially indifferent, or overtly anti-social. In the context of a thesis exhibition that interrogates the role of morality in the construction of the “monstrous other” through the policing and punishing of sexual difference, there would be great irony in defending my process in terms of its capacity to produce social good. In *No Spirit For Me*, I shift my own position, and the perspective of the viewer, into ethically ambiguous territory, asking my viewer and myself to explore one’s own voyeuristic drives, perverse curiosities, and capacity to identify with people who have not only committed harmful acts, but who have been labelled as monstrous. This projection into various challenging identifications is accomplished through the inseparable treatment of content, process and form do something that exceeds mere communication of research or process alone. Put another way, over the course of fashioning an argument that answered my research question, I became aware that no matter how much I wrote about content, process or even the work itself, that there was something *more* to how art produced transformative meaning, something that evaded words. Through writing, I collided with the inherent limitations of language. This brought me to a deeper, underlying question about why it was necessary for my thesis project to *be art*. What does art specifically do that exceeds beyond what can be achieved in other fields of academic research or scholarship, and why was this *essential* to my work?

This question could be answered in terms of *form*. What art does differently than other fields of knowledge is that it manifests materially, as object, or in the case of non-material work, through dialogue with objecthood through its absence. These manifestations arouse associations and affects in response to sensory stimulation. Unlike the already abstracted process of language, art is known phenomenologically, through an embodied process of consciousness. What art brings to consciousness first as affect, then shifts into a semiotic field of signs and signifiers that can be interpreted - arranged into meanings



by those who view it. As such, its interpretation is deeply subjective, shifting in meaning across individual viewers, across communities, and epochs. But, through the processes of converting these non-linguistic impressions into language, a complicated awareness arises of what art accesses within us that goes beyond its translation into words.

Early in the process of producing *No Spirit For Me*, I had a visit from a friend who knew what the work was about, and asked to see it. As we entered the crit room together, I watched her expression change as she walked the narrow rows between banks of hanging files. Her eyes glossed over and her cheeks reddened. We had to take a break, leaving the room, where she mentioned how the work touched on some issues she had been dealing with in her own family. At the end of that meeting, she reached out to me and said she wanted to write about the work – it had been a long time since a work of art had moved her so powerfully. A few weeks later, at the close of *No Spirit For Me* at the Stamps Gallery, an acquaintance from my Queer Love class with David Halperin came to see the show. Late that night I received an unexpected e-mail, something clearly written in the heat of churning thought, long and impassioned. An ekphrasis. She disclosed she had never written about art before, and that something in the work moved her, inspired her to write. This swell of emotion was not just about the feelings the work evoked; it was how those feelings were focused towards a specific action: creative expression. To heed its call is to surrender to a drive, an obsession, something that exceeds and defies reason. Put another way, the creative drive is erotic.

This forefronting of the sensuous underbelly of art is not a new idea. Susan Sontag declares at the end of her 1966 essay *Against Interpretation*, “in place of a hermeneutics we need an erotics of art.”<sup>149</sup> If we are to pin down what art can do differently than other modes of scholarship and academic research, it is that it can summon eros. And that admission makes some academics uncomfortable, giving rise to the

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149 Sontag, Susan. *Against Interpretation and Other Essays*. (London: Penguin, 2009), 10.

practice of piecing apart art through deductive reasoning, defending it with terms foreign to it. As such, the sensory mode of artistic expression is endangered by the kind of interpretation that operates through affixing it, like a scientific specimen, to meaning. "The modern style of interpretation excavates, and as it excavates, destroys; it digs 'behind' the text, to find a sub-text which is the true one."<sup>150</sup> If we heed Sontag's erotics of art, we don't have to go much further to return the the question of love. Could the transformation of sexual abjection through the artistic process constitute an act of queer love?

How *No Spirit For Me*, answers that question is complicated. Certainly the labor, both in terms of content and process, reflects submission to an obsessive drive to know, to produce, to transform. The drive to transform the shame of the Oedipal narrative, or the inward draw to find self-acceptance through empathy with a "monstrous figure" bound to me through kinship, and also through violation, is both compassionate and perverse. To find pleasure, and even a kind of ecstasy, through the substance of one's own debasement is not reducible to "healing," and as such cannot be generalized as a therapeutic model. In other words, what my research question earnestly asks about how the making of abject art can be a source of empowerment for queer people is not a question my thesis exhibition is equipped to answer. How abjection fits within larger narratives of queer desire, and whether or not it would be appropriate, useful or even possible to mobilize the artistic process to buck sexual oppression and persecution, is perhaps a question that should be explored in depth within a theoretical, historical, or scientific framework. The usefulness of art as a tool for social change is an urgent question, but it is too broad to take on through one work of art. Queer people are not a homogenous group. Neither are victims of sex crimes, or incarcerated people, and the variety and specificity of difference between them is something that should be carefully articulated in work that attempts to make broad social claims. While I do believe *No Spirit For Me* argues for much needed change to the carceral

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150 Ibid, 4.

system, and as such it could be positioned as activist art, ultimately this is a conversation that would happen around the work. The work itself is doing something more, something stranger and harder to express.

The transformative claim *No Spirit For Me* ultimately makes about the artistic process is an erotic one. It is driven primarily by my own personal need to settle with my past, my family, and my own queerness. As an artist – a person who makes things – the settling happened in material form, in public. Blurring the line between public and private, I created a space to view, to sense, to feel my struggle with this material. I welcomed the audience into an intimate sphere of violation and pleasure, asking them to be voyeurs in my process of unpacking an archive of family secrets intersecting with State power. My desire as an artist, was that through my own erotic drive to make, I may be able to summon eros in another. Frustrated by the distance between artist and audience, this desire is difficult to consummate. The impossibility of this erotic exchange, and the persistence of longing for it across that impossibility, is perhaps, an expression of queer love.

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