A PREFACE TO PERVERSION:
FOUCAULT, ARCHIVES, EVIDENCE

by

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Abstract

This dissertation assembles four previously published articles on the subject of queer archives and evidence. Published over a period of almost thirty years, the articles reflect the author's changing approach to archival evidence, changes related to his shifting response to queer politics and theory over this same period. The introduction situates the articles within the author's ongoing work on the history of perversion as well as on queer relationality and temporality. It adopts Foucault and his ideas on the "insurrection of subjugated knowledge" to conceptualize archives and evidence as material and embodied; as non-identitarian; and as activist-oriented in order to critically intervene in state practices of liberal governance. The conclusion places the thesis in the context of the 'new queer archive studies.' It offers a critique of the over-aestheticizing and depoliticizing of archives and evidence within recent queer theory and assesses the prospects for the continued insurrection of archival evidence.

Acknowledgements

Or why they don't call them disciplines for nothing.

In *Discipline and Punish*, Michel Foucault summarized the essential techniques of discipline:

> It refers individual actions to a whole that is at once a field of comparison, a space of differentiation and the principle of a rule to be followed. It differentiates individuals from one another, in terms of the following overall rule: that the rule be made to function as a minimal threshold, as an average to be respected or as an optimum towards which one must move. It measures in quantitative terms and hierarchizes in terms of value the abilities, the level, the 'nature' of individuals. It introduces, through this 'value-giving' measure, the constraint of a conformity that must be achieved. Lastly, it traces the limit that will define difference in relation to all other differences, the external frontier of the abnormal.

In a thesis that takes Foucault as one of its primary inspirations and principle preoccupations, it would be remiss of me not to fess up to my own failure to conform to certain of the minimal thresholds of my own discipline, namely, History, and that of my recently adopted home: Cultural Studies. I'm not certain what the current rule is for the average completion time for a PhD dissertation, only that it is something less than the thirty years it has taken me. If this says something about my nature, if it means that I, like some intellectual delinquent, have strayed beyond the limit into the frontier of the abnormal, so be it. I wish I could say this represented a conscious refusal on my part to respect my discipline's hierarchies, a chafing against its constraints and conformities. We historians of the subaltern spend years searching for signs of such refusal in our historical subjects. But for me to claim this would be to drain resistance of any real meaning. The reasons for my failure to internalize our profession's means of correct training are too many and too complicated to get into here, and no doubt there are some I remain insufficiently conscious of myself.

What I do know is that despite my delinquency the people in my life have disavowed discipline, eschewing even the gentle way in punishment. They have declined to differentiate or

devalue, instead sticking by me as I follow what has turned into, through no particular plan, “a non-traditional career path.” Three decades down that path, there are many, many people to thank. I must beg for a little more of their patience; most will have to wait for the acknowledgements to the book, which I still plan to finish. For now, my thanks to Bill for tending to the domestic realm by keeping me fed and watered over the past several months. I also want to express my deep gratitude to the group that came together to make this dissertation a reality, long after I stopped thinking it was an optimum towards which I could still move: Mary Louise Adams, Karen Dubinsky, Margaret Little, Susan Lord, and Marc Stein.

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Introduction

We begin, as we must in a dissertation focused on archives and evidence, with the proverbial dusty document. It is an early twentieth-century Toronto Police Court record, part of a dossier contained in a brittle, yellowed legal folder and arranged haphazardly among dozens of others in a box of York County Court Judge's Criminal Court indictment case files, housed at the Archives of Ontario. This police court record, from October 1923, concerns Thomas and Leo.

Of Perverts, Piss, and Pig's Blood

Toronto, 24 October 1923, just before midnight. The car was parked on the southside of Wellington Street, near Stafford. The sprawling Massey Harris works were quiet, the surrounding streets deserted. Leo got out of the car to take a piss. With his back to Thomas, Leo looked out over the train tracks that transported cattle, sheep, and especially pigs (they called it Hogtown for a reason) to the nearby slaughterhouses. With the Toronto Municipal Abattoir and the Canadian Packing Company immediately to the east, the smell of manure and fresh blood hung in the night air. Leo got back in the car. The two sat side by side, facing forward, their bodies outlining the space between them, a physical separation but also a separation of age and ethnicity. Despite sharing a status as immigrants in a mean Anglo-Celtic city, Thomas was a single, twenty-nine-year-old, Italian-born labourer, and Leo, a seventeen-year-old, Polish-born student, who lived at home with his father, a barber. Across these bodily and social separations, Thomas reached over with his hand and …

On the beat that night, Police Constable Hornshaw's suspicions had been aroused. When he approached the automobile, Hornshaw discovered Leo and Thomas "sitting in the rear seat … They both had their pants open and had an erection on, and this man Thomas had hold of Leo's person." Hornshaw arrested the pair and brought them to the station. On the way, Thomas told the constable there was "nothing doing." No matter, both Thomas and Leo were charged with the same offence and locked up until their court appearance. In Police Court, a defence lawyer wanted to know whether Leo had explained how he'd come to be in Thomas's car. "He did not tell me that," Hornshaw replied. But we can speculate. With Stanley Park at the corner of Wellington and Stafford, maybe Thomas and Leo met in the park and then returned to Thomas's car in search of some privacy. Or perhaps they recognized each other from their neighbourhood. They both lived on Dundas Street West, just a few blocks apart, at the southern end of the College-Grace District, the city's second Little Italy. Maybe they'd driven to the meatpacking district, "down in the lower part of the city," as it was characterized in court, to escape the busy, familiar streets of their immigrant neighbourhood. Hornshaw wasn't particularly interested in how Thomas and Leo hooked up – "They both got their pants open, it was all prepared before I got there," Hornshaw stated. The constable was more interested in who had done what to whom. "I asked him [Leo] what that man was doing to him and he said that he was working him up and down."[1]

[1] Archives of Ontario, RG-22, Series 5870, York County Court Judge's Criminal Court indictment case files, Box 2739, 1923, Case 69. Thomas and Leo's residential locations and my description of the meatpacking district are based on Might's *Toronto City Directory* (Toronto, 1923) and Goad's *Atlas of the City of Toronto* (Toronto, 1924). The smell of the slaughterhouses was a longstanding characteristic and complaint of the Wellington-Niagara Street neighbourhood until only very recently. On the College-Grace neighbourhood, see John E. Zucchi, *Italians in Toronto: Development of a National Identity, 1875-1935* (Montreal/Kingston: McGill-Queen's University Press, 1988).

With the intrusion of the police and the law, Thomas and Leo's coming together turned into a scene of betrayal. To save himself, Leo had to cooperate with the law, how willingly or reluctantly we can't say. Leo, or at least Leo's lawyer, put it all on Thomas; Leo had done nothing other than to have foolishly let something be done to him. As Hornshaw related his questioning of Leo to the court, "I said 'did you do anything to him?' and he said no. I said 'did he want you to?' and he said yes." Leo's lawyer underscored the point in his cross-examination of the constable: "You asked him [Leo] if he had done anything and he told you no," a statement Hornshaw affirmed. Leo was found guilty but given a suspended sentence. As for Thomas, Judge Coatsworth said, "I sentence you to one month in jail and whipping with ten strokes of a strap." Thomas is said to have "shuddered" upon hearing his sentence and "consulted nervously" with his lawyer, who asked the judge to give Thomas an extra month in jail in lieu of the strap. The judge declined and, as Thomas was led out of the courtroom, the prosecuting crown attorney chimed in, "whipping is much the best sentence in these kind of cases."[2] And just exactly what kind of case was it? The Toronto *Evening Telegram* noted that Thomas had been "convicted with an act of gross indecency with a boy," as seventeen-year-old Leo was referred to in court and in the press. For readers not up on their criminal code categories, the paper's headline spelled it out in more popular terms: "Whipping for Pervert."[3]

Thomas and Leo's is just one of 396 cases, involving over 800 men and male youth, that turned up in my research on sex between men in court records, prison registers, and newspapers for Toronto and other Ontario cities between 1880 and 1940. Their tale, as I tell it here, features in my long-gestating, still-uncompleted book *The Perverts and the Police*. But before historical

[2] "Shudders at whipping, rather get extra month," Toronto *Star* (9 January 1924), 1.
[3] "Whipping for Pervert," Toronto *Evening Telegram* (9 January 1924), 16.

evidence can be narrativized as I've done with Thomas and Leo's case, it must first be retrieved from archives and some thought given to that process, to the nature and status of evidence *qua* evidence and to its political uses even prior to the book for which it will serve as an evidentiary base. It is in this sense that this dissertation – a series of previously published essays on archives and evidence – can be viewed as "A Preface to Perversion."

Rather than simply re-describe the articles assembled here, this introduction will do three things: it will outline a Foucauldian approach to archival evidence as the "insurrection of subjugated knowledge"; it will situate the articles (which appear here exactly as originally published) in the context of my ongoing work on the history of perversion and queer theorizing on relationality and temporality; and, finally, it will introduce the following four chapters/articles – the first from 1991, the last from 2017 – by looking at what they reveal about my changing thinking about archives and evidence over the past three decades, changes that reflect my involvement in and responses to queer politics and theory as these have evolved over this same period. In the conclusion, I will characterize the current conjuncture, one I describe as marked by the over-aestheticizing and depoliticizing of archives and evidence in queer theory, and I will assess the possibilities for the continued insurrection of subjugated knowledge as I see it from one battle over archival evidence in which I'm currently involved.

My 'Feverish Laziness'

I've been engaged in the research reported on in the following chapters for nearly three decades now, most intensively for several uninterrupted years during the early 1990s and then periodically in shorter stints ever since, in institutions ranging from the Archives of Ontario to

Library and Archives Canada, from the City of Toronto Archives to the Toronto Police Museum. It is, by any measure, a long time to spend on the research for one project. One of the unplanned benefits of my protracted archival adolescence has been the parallel time to immerse myself in the life and work of Michel Foucault. My immersion, which is more like an obsession ("your other boyfriend," as my partner refers to Foucault), calls to mind Foucault's relationship to the writer Raymond Roussel: The "obsessional side of me was seduced ... Slowly and systematically I began to buy all of his works. I developed an affection for his work ... it [was] my secret affair." Asked to account for his obsession, Foucault said it stemmed from the same thing that led him to study the history of madness: "my perverseness," Foucault laughed, and "my own psychopathological makeup."[4] I suspect my own obsession is at least partly a function of the phenomenon, indicatively male, of the academic fanboy and his intellectual idol. Whatever the case, what I'm pointing to is how over this period of three decades my project, which began as a garden-variety gay history, many aspects of which I wish to preserve, transformed into something more akin to a contribution to Foucault studies.

Contemplating my completion anxiety, to stick with the psychopathological language, I think of that first lecture in Foucault's 1975-1976 course at the Collège de France, in which he describes the "feverish laziness" or "busy inertia" characteristic of "people who love libraries, documents, references, dusty manuscripts … and, as you well know, its external signs are found at the foot of the page." Foucault includes himself in this "great, tender, and warm freemasonry of useless erudition."[5] The signs are found, as he suggested, in the notes to his books like

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[4] "An Interview with Michel Foucault by Charles Ruas," in Foucault, *Death and the Labyrinth: The World of Raymond Roussel*, trans. Charles Ruas (London: Continuum, 2004), 174, 187, 178. Originally published as *Raymond Roussel* (Paris: Gallimard, 1963).

[5] Foucault, *"Society Must Be Defended": Lectures at the Collège de France, 1975-1976*, ed. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York: Picador, 2003), 4-5.

Discipline and Punish, the pages of which are populated with its own perverts, plucked from the Archives nationales and municipal archives from Nantes to Anjou. It is there in Foucault's invocation of the "'ignoble archives'" of prison registers and case files, "where the modern play of coercion over bodies, gestures and behaviors has its beginnings."[6] Feverish laziness and busy inertia are as good descriptors as any for my arrested development.

A decade ago, I used this same lecture in an article – chapter 3 here – to develop the notion of "police/archives." Returning to the lecture now, other parts of it stand out. It is full of advice – if only I had been prepared to heed it – on how to cure archive fever in order to get on with the business of finishing one's work. In the lecture, Foucault declared, "I'd like to bring to a close, to put an end to," the series of research projects he'd been working on for the previous four or five years, including "the history of penal procedure" and "an outline history of sexuality." He worried he was "making no progress, and it's all leading nowhere … [f]ragments of research, none of which was completed, and none of which was followed through." The question Foucault tries to think through in this lecture is what to do in the face of such a standstill. "The temptation is," Foucault admits, to say "let's continue, let's accumulate," let's just "unearth more and more genealogical fragments," something that in my case turned a long time ago from a temptation into something more like a compulsion.[7] Indeed, I continue to search for more perverts from the past right up to the present day. It's not that I'm driven by a belief in some quantitative threshold, a magical number of cases after which I can confidently claim a solid evidentiary base (although I will say that had I stopped digging at an earlier point I'm not sure I would have reached the tipping point at which I realized the perverts outnumbered the

[6] Foucault, *Discipline and Punish*, 191. For "perverts" see, for example, *Discipline and Punish*, 18.
[7] Foucault, *"Society Must Be Defended,"* 3-4, 11-12.

pansies). No, it's rooted more in a fear, the fear of missing that telling detail in someone's story. In the case of Thomas and Leo, for example, it was only in deciding to use their case to open this introduction that I realized I had failed to check one last newspaper (there were about six daily papers in Toronto for most of my time period and in which I've searched for each of my 396 cases). Had I wrapped this project up before finding the *Star* article, whose headline read "Shudders at Whipping," I would have missed Thomas's trembling and nervousness in court, details we might well have been able to imagine but for which I now have some evidence. Again, the point is not merely evidentiary exhaustiveness; it's the way even a single scrap of evidence can help to fill out often bare, cold legal records, to fill in what in chapter 2 I call "the ever-elusive realm of feelings" in queer historical experience.[8]

The foolhardy, impossible pursuit of empirical comprehensiveness is not the only reason to postpone completion and keep accumulating evidentiary fragments. What about the danger, Foucault wondered, "once we have excavated our genealogical fragments, once we begin to exploit them and to put in circulation these elements of knowledge we have been trying to dig out of the sand, isn't there a danger that they will be recoded, recolonized?" To avoid such a fate shouldn't we therefore "try to protect the fragments we have dug up?" Even though I know the ultimate goal is "to desubjugate historical knowledges, to set them free, or in other words to enable them to oppose and struggle," I feel a protective impulse toward *mes petits pervers*, a reluctance to set them free when for so long now they've been safely tucked away in a filing cabinet, if regularly released from the drawer to roam my desk as I puzzle over them. But to put

[8] Citing "Respect Your Elders, Know Your Past," Matt Cook picks up on the importance of this point in his discussion of legal records. Cook, "Law" in *The Modern History of Sexuality*, ed. H.G. Cocks and Matt Houlbrook (Basingstoke: Palgrave Macmillan, 2006), 82.

them into public circulation, to send them into battle – are they really ready? As Foucault asks, "What strength do they have in themselves?"[9]

Despite the dangers, Foucault felt it was time to wrap up. What prompted him to finally bring his genealogical researches of the early to mid-1970s to a close? Before answering that question, it will be useful to linger a little longer over how Foucault characterized his genealogical work, for it furnishes what I find to be an exemplary activist-oriented approach to archival evidence, what Foucault famously called "the insurrection of subjugated knowledges." By this, Foucault meant two things. First, "I am referring to historical contents that have been buried or masked." "Historical contents" is Foucault's somewhat awkward expression for historical evidence or knowledge unearthed during all those days lazing about in the archives. "Subjugated knowledges are," Foucault continued, "blocks of historical knowledges that were present in the functional and systematic ensembles, but which were masked, and the critique was able to reveal their existence by using, obviously enough, the tools of scholarship."[10] In my case, my 800+ perverts were present in blocks of historical knowledge, case files with their court transcripts, police depositions, medical examinations, among many other documents, that were crucial to the functioning of the police-legal ensemble and whose existence I've revealed or unmasked using, obviously enough, the tools of historical or archival research. Second, by subjugated knowledges Foucault also wanted us to understand "something else and, in a sense, something quite different":

> When I say 'subjugated knowledges' I am also referring to a whole series of knowledges that have been disqualified as nonconceptual knowledges, as insufficiently elaborated knowledges: naïve knowledges … knowledges that are below the required level of

[9] Foucault, *"Society Must Be Defended,"* 11, 10, 11.
[10] Foucault, *"Society Must Be Defended,"* 7. I am by no means alone in finding Foucault's lecture useful. See, for example, Susan Stryker, "(De)Subjugated Knowledges: An Introduction to Transgender Studies," in *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle (New York: Routledge, 2006), 1–17.

> erudition or scientificity … It is thanks to the reappearance of these knowledges from below … the knowledge of the psychiatrized, the patient, the nurse, the doctor, that is parallel to, marginal to, medical knowledge … what I would call, if you like, what people know … a particular knowledge, a knowledge that is local, regional, or differential, incapable of unanimity and which derives its power solely from the fact that it is different from all the knowledges that surround it.[11]

Certainly, the pervert's knowledge was different from the knowledges that surrounded it. The pervert's 'naïve' knowledge was one of bodies and behaviours, of gestures and acts. Thomas and Leo's grossly indecent act with their erections, their "working it up and down," is just one indication (and by no means the most evocative in the sources) of their epistemology of the penis, a knowledge of each other rooted in bodies and acts, a knowledge marginal to and different from the medical/scientific knowledge that conceptualized and elaborated those acts as identities. The resulting clash between the pervert's local knowledge of bodies and pleasures and the identity-effects of medico-legal discourse is what Foucault meant when he said, "historical contents alone allow us to see the dividing lines in the confrontations and struggles that functional arrangements or systematic organizations [such as the medico-legal apparatus] are designed to mask." So, not the unidirectional invention of homosexual identity by medical discourse, so often attributed to Foucault by queer historians, but the unearthing of subjugated knowledge to unmask a struggle and a confrontation, a battle over and between what Foucault named in the last lecture of the course the "undisciplined body" of those with a "perverted sexuality" and a regulating, normalizing force he dubbed "biopower," in anticipation of *The History of Sexuality*.[12]

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[11] Foucault, *"Society Must Be Defended,"* 7-8.
[12] Foucault, *"Society Must Be Defended,"* 7 and 252.

Struggle is in fact a notion Foucault returns to repeatedly in the 1975-76 course. In one of his characteristically brilliant moves, Foucault suggests that in all the discussion over the decades of the notion of 'class struggle,' the emphasis was always on defining class with little thought given to struggle. In the lectures, Foucault embeds class struggle in a broader historical discussion of "the race struggle" and tests the idiom of war (battles, tactics, strategies, confrontations) as a grid of intelligibility for better understanding power struggles.[13] Another way Foucault analyzes struggle is by looking at the role of history. Foucault develops in the course an extended genealogy of history itself, what he calls the "disciplinarization" of history. This includes the emergence of the discipline of history but is also something more – the emergence from the eighteenth century onward of a "historico-political field," in which history ceases to be simply power's ode to itself and becomes a terrain upon which political struggle is carried out. On the one side, sovereign power, whose objective is to transform historical knowledges into a state knowledge, something it does, not insignificantly, through "the establishment of the great repository of archives," and on the other side, "the decentered history of subjects in struggle."[14] The latter comes into view via the unearthing of historical contents or archival evidence so essential to the genealogical enterprise. Foucault was adamant that "the specialized domain of scholarship" by itself was not up to the task of critique. As Foucault put it, "It was certainly not a semiology of life in the asylum or a sociology of delinquence that made an effective critique of the asylum or the prison possible; it really was the appearance of historical contents." It was the "coupling together of scholarly erudition" with "knowledges from below"

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[13] Foucault's discussion of race in *"Society Must Be Defended,"* lectures from which circulated prior to the publication of the Collège de France series, provided the base for Ann Stoler's ground-breaking work, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham, NC: Duke University Press, 1995). For subsequent work on Foucault, archives, and colonialism, see Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive in India* (Durham, NC: Duke University Press, 2009).
[14] Foucault, *"Society Must Be Defended,"* 185-186.

that "allows us to constitute a historical knowledge of struggles and to make use of that knowledge in contemporary tactics."[15]

The idea that one might use knowledges from below to constitute a history of struggles is one that should come easily to queer historians. Using that same archival evidence in present-day political struggles, however, may not be so obvious. For Foucault, the reason to engage in archival research and to desubjugate historical knowledge was, despite his teasing about "useless erudition," precisely to press it into political service. As Foucault indicated, for a time, his genealogies had been "quite in keeping with … [the] period we have been living through for the last ten or fifteen years," by which he meant they emerged out of and were in sync with the political activism of post-'68 France. Foucault gave as examples "jamming the workings of the psychiatric institution," the "strange efficacy of the attacks that have been made on … the traditional sexual hierarchy," and "on the judiciary and penal apparatus."[16] Foucault's observations grew directly out of his own activist involvement in that distinctly French political formation, the information group, including, in Foucault's case, the Groupe d'information sur les prisons, Groupe information asiles (focused on psychiatric asylums), and the Groupe information santé (an abortion-rights group). As the "information" in the name of these groups suggests, various forms of knowledge, evidence, and testimony were all central. In fact, those, like Foucault, who established and participated in these groups regarded "information as itself a struggle," not simply as a 'source' in a historical or theoretical monograph.[17]

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[15] Foucault, *"Society Must Be Defended,"* 7-8.
[16] Foucault, *"Society Must Be Defended,"* 5.
[17] Stuart Elden, *Foucault: The Birth of Power* (Cambridge, UK: Polity, 2017), 168. On Foucault, abortion, and the Groupe information santé, see Elden, 158-68. On GIP, see, for example, Perry Zurn and Andrew Dilts, eds., *Active Intolerance: Michel Foucault, The Prisons Information Group, and the Future of Abolition* (Basingstoke, UK: Palgrave Macmillian, 2016); Marcelo Hoffman, *Foucault and Power: The Influence of Political Engagement on Theories of Power* (London: Bloomsbury, 2014); Philippe Artières, *Intolérable: Groupe d'information sur les prisons* (Paris: Editions verticales, 2013).

By the mid-1970s, Foucault began to doubt the political effectiveness of information groups and their corresponding forms of knowledge. He'd happily go on with his genealogical researches were it not for "changes in the conjuncture. What I mean is that compared to the situation we had five, ten, or even fifteen years ago, things have, perhaps, changed; perhaps the battle no longer looks quite the same." It was Foucault's sense that compared to the radical noise of '68, by '76 they were "surrounded by a wary silence … the silence of an adversary … [who] is not afraid of us at all."[18] We know that after this course, Foucault's lectures at the Collège de France would turn presciently to an exploration of neoliberalism. And so, he wanted to bring to an end his endless genealogical researches because they were no longer in keeping with, no match for, the current conjuncture. Foucault delivered his lecture on 7 January 1976, almost exactly midway between *Discipline and Punish* (February 1975) and *The History of Sexuality* (December 1976). In both of his books published during this period, Foucault's blend of scholarly erudition and historical contents was designed to break the increasingly ominous silence of power. It is what in the penultimate sentence of *Discipline and Punish* Foucault meant when he wrote, "we must hear the distant roar of battle."[19] And we know he named this enterprise "the history of the present."[20]

I go over Foucault's lecture in such detail not only because returning to it prompted me to ponder my failure to fly up, not only because it provides a powerful conception of how to

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[18] Foucault, *"Society Must Be Defended,"* 11-12.
[19] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1979), 308. In *Surveiller et punir*, this is the last line of the book. What in the French edition is the final footnote was for some reason moved up in the English edition to become the last sentence of the book, tacking the clunky text of the footnote onto Foucault's otherwise elegant closing paragraph. Foucault, *Surveiller et punir: Naissance de la prison* (Paris: Gallimard, 1975), 315.
[20] Foucault, *Discipline and Punish*, 31. See Sophie Fuggle, Yari Lanci, and Martina Tazzioli, eds., *Foucault and the History of Our Present* (Basingstoke, UK: Palgrave Macmillan, 2015); Damien Boquet, Blaise Dufal, and Pauline Labey, eds., *Une histoire au présent: Les historiens et Michel Foucault* (Paris: CNRS Éditions, 2013).

mobilize historical evidence, and not only because it furnishes a model of looking back at one's work as the product of changing political and intellectual contexts. It's also important in how its references to "perverted sexuality" hint at another of Foucault's books, in this instance, one he never finished.

How to be Perverted, Miserable, and Antisocial

Thomas and Leo's case was typical in many respects, beginning with the language of perversion. Despite their pervasiveness in the primary sources, perverts have hardly been given pride of place in queer historiography. To be sure, references to perversion can be found in gay historical writing – particularly in primary sources, where it would be impossible to ignore entirely, especially for the postwar period when the menacing discourse of perversion proliferated – but most historians treat it as a synonym for something else, say, homosexuality, and/or prefer to pass over it in favour of some other term, such as gay men and lesbians.[21] If most queer historians take a pass on perversion, then where to turn for pointers?

In the introductory volume to *The History of Sexuality* Foucault marked out the "perverse adult" as one of the four principal domains in the historical deployment of sexuality. It was also

[21] To take one example, in David Johnson's history of postwar Washington D.C., perversion, while peppered throughout the primary sources – D.C. police engaged in what they themselves named a "Pervert Elimination Campaign" and maintained a "pervert file" – doesn't merit sustained analysis or even an index entry. At one point, Johnson writes that police noted a "thirty-eight-year-old African American clerk was 'observed engaged in an act of perversion with another man,' but also felt it necessary to record that he was 'believed to be homosexual,' as if the two statements had little to do with one another." But maybe they didn't. As Johnson himself notes in the same passage, police "made distinctions between physical acts and psychic identities." It may be the case that the police had a more sophisticated understanding than the historian, for the precise relationship between acts of perversion and Johnson's preferred identity-bearing subjects – "gays and lesbians" – goes unexamined, as if the two had little to do with one another. See David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2004), 61-62.

in that volume he pointed to "the psychiatrization of perverse pleasure" and the historical dynamics of the "perverse implantation."[22] Indeed, Foucault regarded perversion as so pivotal that in his original plan for the history of sexuality an entire volume of the six-volume series was to be devoted to the subject. As Arnold Davidson notes, "Foucault's account of perversion was to have been worked out in what he originally announced as the fifth volume of his *History of Sexuality* to be titled, appropriately enough, *Perverts*. But he soon reconceived the topics for his projected history of sexuality and so never provided much historical detail to support his claims about perversion."[23] It is true, *Les pervers* never appeared, but Foucault had done considerable research before abandoning his original plan for his history of sexuality, including for the volumes on women's sexuality, children and the crusade against masturbation, and race and population, much of it worked into the Collège de France courses of the early to mid-1970s. In the case of perversion, it can be found as early as *History of Madness* (1961) and in the courses, from *The Punitive Society* (1972-73) to *Psychiatric Power* (1973-74) and, especially, in *Abnormal* (1974-75).

Having read *The History of Sexuality* for the first time exactly thirty years ago and commencing my archival research shortly thereafter, why did it take so long for me to register the perfect fit between the prevalence of perverts in the pages of Foucault's books and their preponderance in my primary sources? I can ask about my historical evidence a question similar to the one asked by Valerie Rohy: "How can a text's perversity be so elusive and so obvious?"[24]

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[22] Michel Foucault, *The History of Sexuality: An Introduction*, trans. Robert Hurley (New York: Vintage, 1980), 105 and 36-49.
[23] Arnold I. Davidson, "Sex and the Emergence of Sexuality," in Davidson, *The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts* (Cambridge, MA: Harvard University Press, 2001), pp. 56-7. For a detailed intellectual history of the many twists and turns taken by Foucault in his history of sexuality project, see Stuart Elden, *Foucault's Last Decade* (Cambridge, UK: Polity, 2016).
[24] Valerie Rohy, *Anachronism and Its Others: Sexuality, Race, Temporality* (Albany, NY: SUNY Press, 2009), 123.

The truth is, the full extent of Foucault's thinking about perversion beyond *The History of Sexuality* was not obvious until the publication of the Collège de France lecture series began (in French in 1997; in English in 2003) and the complete edition of *History of Madness* appeared in English in 2006. But the problem runs deeper. It requires thinking about perversion beyond its usual temporal framing, in which we see it emerging in nineteenth-century medicine, becoming more culturally diffuse through the early twentieth century, and reaching its zenith in the postwar period before gradually petering out as the movement successfully prises lesbians and gay men apart from perversion's pathological grip. In thinking about alternate frames, I have found queer theorizing on temporality helpful.[25] This increasingly rich literature, in which queer theorists meet us historians on our home turf, takes off from the premise that there's always been something just a little queer about the relationship between queerness and time, with the queer often figured as halting the forward march of time. We see it in theories of degeneration that posit queerness as a throwback in civilizational progress and in psychological theories of an arrested stage in 'normal' development ("It's just a phase") or as a brake on reproductive futurity ("But what about grandchildren?").

Rather than argue with straight time, theorists of queer temporality embrace the backward and sideways movements of being queer in time, including when it comes to historical time. Rohy, for example, mounts a defence of anachronism as an interpretive strategy to disrupt the "heterotemporality" (linearity, sequence, causality, etc.) of normative and even much queer historical practice. And so, rather than view perversion in my sources as obsolete, as a term now superseded by others, I embrace it and place it anachronistically in the present, at the centre of

[25] See, for example, the special issue on "queer temporalities" in *GLQ* 13, 2-3 (2007), some of whose contributors – Freeman, Muñoz, Stockton – went on to publish key monographs in the area. For one sampler, see E. L. McCallum and Mikko Tuhkanen, eds., *Queer Times, Queer Becomings* (Albany, NY: SUNY Press, 2011).

my work, in order to mine its analytical possibilities for the queer or, perhaps more appropriately, the perverse past.[26] In essence, it is to ask, what happens, what is gained, if we take the preponderance of perverts in the sources seriously and restore to perversion its historical integrity, making it the object of inquiry, rather than rubbing it out of queer historical time?[27] Here's one answer: queer temporality's emphasis on staggered articulations, uneven developments, and uncompleted transitions makes more sense of my sources than the standard periodization of perversion's past. A resistance to temporal order helps to account for the historical persistence of perverts like Thomas and their acts of gross indecency long after sexuality and its identities are said to have reset the clock of queer historical time. Here's another answer: it highlights the queer temporality in Foucault, both in his approach to the past and in the trajectory of his own thought.

When it comes to Foucault and historical time, we are most apt to think of disjuncture and what in the 1976 lecture (and in many other places) he called "a theory of discontinuity."[28] And so, we have the sodomite one day, a homosexual the next. Historians who mistake this rhetorical flourish for historical fact overlook that Foucault's approach to temporal shifts and

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[26] In embracing the anachronism of the pervert by positioning it at the centre of my work, I obviously disagree with Elizabeth Povinelli, who argues that, given queer theory's recent turn to the "posthuman," animal studies, "the wild," etc., "we perpetuate a great theoretical anachronism when we focus on the perverse adult (queer, homo, trans)." Setting aside Povinelli's dismissal of anachronism, she believes in fact that none of Foucault's four figures in the history of sexuality are relevant any longer in view of late liberalism's reliance on what she calls "geontopower" and its new cast of figures: the Desert, the Animist, and the Virus. See Povinelli, "Transgender Creeks and the Three Figures of Power in Late Liberalism," *differences: A Journal of Feminist Cultural Studies* 26, 1 (2015): 168-187. See also Povinelli, *Geontologies: A Requiem to Late Liberalism* (Durham, NC: Duke University Press, 2016), 4 and 15.

[27] For a few indications of the differing approach to perversion I'm advocating, see Anna Katharina Schaffner, *Modernism and Perversion: Sexual Deviance in Sexology and Literature, 1850-1930* (Basingstoke, UK: Palgrave Macmillan, 2012); Elisabeth Roudinesco, *Our Dark Side: A History of Perversion*, trans. David Macey (Cambridge, UK: Polity, 2009); Didier Eribon, "The Birth of Perversion" in his *Insult and the Making of the Gay Self* (Durham, NC: Duke University Press, 2004). In North American queer historiography, Margot Canaday probably comes closest with her clear interpretive distinction between early twentieth-century perversion and later forms of homosexuality. See Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, NJ: Princeton University Press, 2009).

[28] Foucault, *"Society Must Be Defended,"* 11.

historical change was more complicated, one that stressed if not continuity then certainly accretion and sedimentation. Sodomitical acts were not erased or replaced by homosexual identity, they were placed in a different relationship to it – subordinated, covered over, buried by the identity-effects of medical-legal discourse, that is, until the moment of their desubjugation by an archival researcher. Sounding not unlike queer theorists of temporality, Foucault described his whole project as one of "the transformation of history into a totally different form of time."[29]

A focus on perversion can also scramble our sense of the trajectory or temporal development of Foucault's thought. Let me give an example. This dissertation's title is a reference to Foucault's 1963 essay, "A Preface to Transgression," in which he reads the work of Georges Bataille, second only to Sade in the annals of French literary perversion, as a transgression of the "limit" that is "modern sexuality."[30] In "So Cruel a Knowledge," published the previous year, Foucault was also writing about literature but this time in relation to "modern perversity" and "the transgression of the prohibition."[31] It is striking how during the 1960s Foucault conceptualized modern sexuality and perversity in terms of the limit and prohibition. This same 'negative' framing of sexuality as prohibition continues in *The Archaeology of Knowledge* and in Foucault's inaugural lecture at the Collège de France in 1970.[32] It is not until the birth of power in Foucault's thinking and writing in the early 1970s that we begin to see the

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[29] Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Counter-Memory, Practice: Selected Essays and Interviews*, ed. Donald F. Bouchard, trans. Donald F. Bouchard and Sherry Simon (Ithaca, NY: Cornell University Press, 1977), 160.
[30] Michel Foucault, "A Preface to Transgression," in *Essential Works of Foucault, 1954-1984, Volume 2: Aesthetics, Method, and Epistemology*, ed. James D. Faubion, trans. Robert Hurley and others (New York: The New Press, 1998), 69.
[31] Foucault, "So Cruel a Knowledge," in *Essential Works of Foucault, 1954-1984, Volume 2: Aesthetics, Method, and Epistemology*, ed. James D. Faubion, trans. Robert Hurley and others (New York: The New Press, 1998), 54 and 64.
[32] Foucault, *The Archaeology of Knowledge*, trans. A. M. Sheridan Smith (London: Routledge, 2002 [1969]), 212-213. Foucault, *L'ordre du discours* (Paris: Gallimard, 1971), 63.

more familiar Foucauldian formulation of power as productive.[33] Certainly the earlier formulations contrast sharply with *The History of Sexuality* and its rejection of the repressive hypothesis, its emphasis on power's productivity, and Foucault's serious doubts about the possibilities of transgression or liberation through sexuality. In *The Perverts and the Police*, I will argue that we must go back in time and return to an earlier Foucault in which power is still punitive and its effects primarily negative. Let's not forget, Foucault called his course in 1972-73, the same time he's doing his archival research on perversion, "The Punitive Society." I will do this by demonstrating that had Foucault, who never actually denied sexuality's repressive side, proceeded with *Les pervers*, he would have laid greater stress on the punitive in perversion's past (without in any way downplaying sexuality's productive powers) and placed perverts in the history of what he called "sexual misery."[34] Just as Foucault is often said in queer theory to have been queer *avant la lettre*, I suggest he was also *misérable* long before the antisocial turn.

Misery and the punitive abound in my historical evidence. It is a past that cannot be accounted for by gay historiography's familiar fantasies of a 'gay world' populated by fun-loving fairies.[35] Rather, it is a queer past marked by what we might call "shared separation" or "shared estrangement," a decision to come together that is simultaneously a scene of separation. Think of Thomas and Leo in the backseat of the car, together but apart, or of Leo standing by the

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[33] Stuart Elden, *Foucault: The Birth of Power* (Cambridge, UK: Polity, 2017).

[34] 'Sexual misery' is an interesting notion that emerges out of the racial-sexual politics of post-Algerian and post-'68 France, in which of course Foucault played a part, and which figured prominently in the French feminist politics of prostitution and rape in the 1970s. My interest is in how Foucault linked this political issue of the day to his thinking about the history of perversion. On sexual misery in post-decolonization France, see Todd Shepard, *Sex, France, and Arab Men, 1962-1979* (Chicago: University of Chicago Press, 2017).

[35] By historiographical fantasies I mean in the sense described by Joan Scott: "Fantasy is at play in the articulation of both individual and collective identity … It enables individuals and groups to give themselves histories." Scott, *The Fantasy of Feminist History* (Durham, NC: Duke University Press, 2011), 50-51.

train tracks and relieving himself, his back to Thomas. It is a mode of relationality that vacillates between buddy one minute and betrayer the next.[36] Shared separation, as theorist John Paul Ricco explains it, in ways that might apply to both historical actor and historian, is the "inability to say who, the impossibility to testify, it is this incommensurability of identity that is the language of those without community, those who refuse to be counted."[37] Neither Thomas nor Leo testified in court. They left no trace of shared sexual identity and if either felt a connection to ethnic identity or community, their shared sexual encounter in the slaughterhouse district severed and separated them spatially from their immigrant neighbourhood. The only language left behind in the court documents is the language of sexual deeds done or denied, wanted and withheld, what Tom Roach describes as "anonymity, bodily contact, and, somewhat paradoxically, physical distance." [38] Think again of the physical space between Thomas and Leo in the backseat, or the greater distance between them as Leo walked free and Thomas went to jail. The only real 'who' in this scenario was the "pervert." This is perhaps as it should be, for as Ricco suggests, shared separation, that is at times also a "traitorous collaboration," is "so perverse" it effects "an exemption from identity," a "disappearance of any and all of the identitarian and communitarian forms of relationality."[39] Melissa Adler concurs: perversion, she suggests, tends to "resist identity work."[40] In their refusal to be counted, the pervert and the trick-turned-traitor (sometimes one in the same) suggest methodological and interpretive protocols:

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[36] On shared separation, see John Paul Ricco, *The Decision Between Us: Art and Ethics in the Time of Scenes* (Chicago: University of Chicago Press, 2014). On shared estrangement, see Tom Roach, *Friendship as a Way Life: Foucault, AIDS, and the Politics of Shared Estrangement* (Albany, NY: SUNY Press, 2012). My comment about buddies and betrayal I take from Roach, who explores betrayal in friendship and the AIDS buddy system.
[37] Ricco, *The Decision Between Us*, 46.
[38] Roach, *Friendship as a Way of Life*, 4.
[39] Ricco, *The Decision Between Us*, 44 and 46.
[40] Melissa Adler, *Cruising the Library: Perversities in the Organization of Knowledge* (New York: Fordham University Press, 2017), 158.

"This calls for a different method of calculation, one that can register the incessant and imperceptible coming of two or more men, which is neither a coming together or apart" but simply a mode of sexual relations incapable of "being reduced to the unitary oneness of identity or the collective totality of community."[41] In this way, the historian's penchant, my penchant, for adding up the perverts – over 800 and counting – can be seen not as an effort to circumvent the pervert's refusal to be enumerated but rather as a way to register the incessant coming together of two or more men outside the parameters of identity or community.

I borrow these formulations from theorizing on queer relationality. This is related to but should not be entirely conflated with the "antirelational" or "the antisocial" in queer thought, in which the 'anti' would seem to position one as already against relationality or sociality. Ditto for the emphasis on the 'negative' in much recent queer theory. Some antirelational theorists (Bersani, Edelman) so accentuate the negative they are enraptured by what José Esteban Muñoz terms "romances of the negative." For Muñoz, and for queer people of colour more generally, queerness must latch on to the affirmative. It must maintain a relation to "hope" and "an insistence on the potentiality or concrete possibility for another world." This need not entail a Pollyanna rejection of the critical power of negativity. As Muñoz writes, "I find some theories of the negative to be important resources for the thinking of a critical utopianism." Muñoz's choice of "hope" over optimism is deliberate. Not only does optimism seem to Muñoz "too close to elite homosexual evasion of politics," we all know that under existing conditions of neoliberalism optimism is cruel and happiness a promise easily broken.[42] Still, I hear in Muñoz an echo of

[41] Ricco, *The Decision Between Us*, 46-7.
[42] José Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (New York: NYU Press, 2009), 11, 1, 12, and 3. See Lauren Berlant, *Cruel Optimism* (Durham, NC: Duke University Press, 2011) and Sara Ahmed, *The Promise of Happiness* (Durham, NC: Duke University Press, 2010).

Gramsci's dictum, "pessimism of the intellect, optimism of the will." We all find our resources of hope in different places, Muñoz in the Marxist philosopher Ernst Bloch, me in Foucault.[43] Asked once, "Aren't you taking pleasure in a certain negativism,?" Foucault replied:

> Yes, and I am taking pleasure in the deepest sense: the bourgeoisie is not … a pack of stupid and sluggish fools. The bourgeoisie is intelligent, lucid, calculating. No other form of domination has ever been so efficient and subsequently so dangerous, so deeply rooted. It won't suffice to call the bourgeoisie villainous; it won't simply disappear like the flame of a blown-out candle. This justifies a certain sadness; it is thus necessary to bring into the struggle as much gaiety, lucidity and determination as possible. The only really sad thing is not to fight.[44]

Sadness of the intellect; gaiety in the struggle.

Bloch, Foucault, and Muñoz, unlike many queer theorists of negativity, view critical negativism and political hope as compatible, and this is one argument in their favour. What else is there to recommend in accentuating the negative and the antisocial? Have I merely fallen under "the seductive sway of the antirelational thesis?"[45] It wouldn't be entirely surprising; it suits my misanthropic tendencies. But, really, it's simply the case that I find this work in queer theory challenges my habits of thinking more so than most work in lesbian/gay/queer history, which can add to but tends not to shake settled ways of knowing. I don't mean to diminish the additive. As one commentator – a queer theorist, as it turns out – has explained not unsympathetically, "even orthodox historical practice shows that we are in each moment simply adding to historical *spread* – adding more documents, findings, arguments to the so-called files

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[43] In Muñoz's discussion of hope I also hear an echo of Raymond Williams, which would make sense given Muñoz's use of cultural Marxism, including Williams, if not the particular book I have in mind. See Williams, *Resources of Hope* (London: Verso, 1989). I draw frequently on Williams as a 'resource of hope' in my teaching and writing. See, for instance, chapter 2.

[44] "Interview with Michel Foucault," *History of the Present* 1 (February 1985): 14. This interview originally appeared in *Les Nouvelles littéraires* no. 2477 (17-23 March 1975), reprinted as "Sur la sellette," text #152 in *Dits et écrits, vol. 1, 1954-1975*, ed. Daniel Defert and François Ewald with the collaboration of Jacques Legrange (Paris: Quarto Gallimard, 2001), 1588-1593.

[45] Muñoz, *Cruising Utopia*, 11.

of every period … History will just keep getting fatter."[46] My ever-expanding number of files on perverts suggests Stockton is right. And this is the real point: My stress on the 'negative' – my emphasis on separation and estrangement, on traitorousness and betrayal, on coercion and violence, on the punitive and the repressive – is what I see in my historical evidence. If this sounds like a downer, it is. After all, I found this evidence in what Foucault called "the slightly dusty archives of pain," and "pain," as Heather Love reminds us, is "at the heart of lesbian and gay historiography."[47]

To admit I've gone down the queer road and taken the antisocial turn is not to say it's been a swift and always smooth ride, or that there's no turning back. This will become clear in sketching the changes in my approach to archives and evidence, changes that reflect my shifting relationship to queer politics and theory over the past three decades.

Losing My Identity

"A gay researcher using public archives to uncover something of the gay past": This is how I introduced myself in May 1991 in an invited talk to the annual meeting of the Ontario Association of Archivists. That talk was published later the same year in *Archivaria*, and it is included here as chapter 1. Even acknowledging it is nearly thirty years old doesn't entirely prevent the cringing when reading the article now. What exactly is cringe-worthy? There is the piece's easy assertion of identity, be it my own or that of the field. Referring to the title of the

[46] Kathryn Bond Stockton, *The Queer Child, or Growing Sideways in the Twentieth Century* (Durham, NC: Duke University Press, 2009), 39.
[47] Foucault, *History of Madness*, ed. Jean Khalfa, trans. Jonathan Murphy and Jean Khalfa (London: Routledge, 2006 [1961]), xxxvi. Heather Love, *Feeling Backward: Loss and the Politics of Queer History* (Cambridge, MA: Harvard University Press, 2009), 42.

article, I wrote: "I am aware of the problems associated with the use here of the terms 'gay' or 'lesbian' when referring to history, particularly for those periods that predate the emergence of contemporary lesbian and gay sexual identities. I retain their use here, however, because I believe it to be important strategically and politically at this still early stage in the development of the history of erotic experience." I can't say I even know what I meant by that second sentence, other than perhaps I felt it was still too early in the development of lesbian/gay historiography in Canada to dissolve it into the broader field of the history of sexuality. Whatever the case, it doesn't exactly amount to a searching critique of identity. On the contrary, what we get is the uncomplicated declaration of identity and community: "our history," "our past," "our existence." Who was the 'we' in this 'our'? It didn't include trans people or histories, as is apparent from the reference to the history of "cross-dressing" and "those women and men who adopted the clothes, style and sometimes life of the opposite gender," a formulation fully trapped within a strictly binary definition of gender. Race in relation to the lesbian/gay past gets only passing mention.

My theorization of archives remained equally rudimentary, reducing complicated issues of power to "stigma" and fear of anti-gay discrimination in the provision of public services at archives.[48] At my most critical, I urged scepticism about "archives that stand in a regulatory relation to lesbian and gay researchers, as the gatekeepers, if you will, of the documents of our past." I supplied a rather random listing of archival documents of potential interest to lesbian/gay

[48] Despite the rudimentary formulations, it is gratifying the article is still useful to those thinking about queer archives now. See, for example, Cheryl Avery and Shelley Sweeney, "Discombobulated Remnants?: Preserving LBGTTTIQ Histories," in *Finding Directions West: Readings that Locate and Dislocate Western Canada's Past*, ed. George Colpitts and Heather Devine (Calgary: University of Calgary Press, 2017), 46 and 52; Ashley D. Cole, "'I Wanted to be Just What I Was': Documenting Queer Voices in the South" (MA thesis in public history, Middle Tennessee State University, 2016); Cheryl Avery, "The Reticent Archives: Preserving LGBTTTIQ Histories," *Comma: International Journal on Archives* 1 (2013): 69-78.

researchers. And the goal behind detailing this disjointed list of sources apart from alerting archivists to their use by researchers? Here I fell back on the now-tired trope of "in/visibility" as a description of the distinctive challenges of doing lesbian/gay archival research – both hidden in and hidden from history – and as the problem to be surmounted. Beyond the rote elicitation of lesbian/gay history as part of a political movement and archives as the repository of the "evidence that we have and shall again survive," an allusion to the AIDS crisis, there is little sense here of the political activation, the insurrection, of archival evidence.

My approach remained thoroughly identitarian. This is somewhat surprising given that at this very same time, in my activist life, I was involved in groups – AIDS Action Now! and Queer Nation/Toronto – that emerged in the wake of the implosion of identity politics in the late 1980s and early '90s, and which were experiments in new ways of political organizing beyond identity.[49] In the case of Queer Nation, the excitement was short-lived as 'queer' quickly congealed into just another identity with its own uniform and attitude.[50] Still, the rethinking of identity, so much in the political air during this period, is absent in the article. Why? Part of it is about audience. I was certainly conscious of speaking to a group of archivists for whom lesbian/gay history was a novel archival subject (the Lesbian and Gay Archives Roundtable of the Society of American Archivists had formed only two years prior to my talk). This also explains the absence of a certain French philosopher, not someone I typically invoke in my non-academic talks and writing. That said, I can't discount or disown my own investment in gay identity during this period. Even if the pitfalls of identity were increasingly clear on the political

[49] See, for example, Mary Louise Adams, "There's No Place Like Home: On the Place of Identity in Feminist Politics," *Feminist Review* 31 (Spring 1989): 22-33. On the transformation from identity-based politics to AIDS activism, see Maxine Wolfe, "AIDS and Politics: Transformation of Our Movement," in *Women, AIDS & Activism* (Toronto: Between the Lines, 1990), 233-237.
[50] See Maynard, "When Queer Is Not Enough: Identity and Politics in Queer Nation," *Fuse Magazine* 15, 1/2 (Fall 1991): 14-18.

scene, struggled through in meetings and in the pages of the alternative press, this did not translate for me into a wholesale deconstruction or abandonment of what I still felt was a key part of my personal identity.

Le me try to put this another way. In the year prior to my talk, I had read but clearly not fully absorbed Eve Sedgwick's *Epistemology of the Closet,* one of the very first books in queer theory. Using her incredibly useful terms, we can say I adhered to a "minoritizing" view of homo / heterosexual definition as significant for only "a small, distinct, relatively fixed homosexual minority." The "universalizing" view, that homo / heterosexual definition is an issue of "continuing, determinative importance in the lives of people across the spectrum of sexualities," is not one I entertained.[51] Despite speaking to an audience presumably composed of people across the spectrum of sexualities, I did not make an argument for lesbian/gay history as important to *everyone*; rather, I invited the audience to join "those of *us*" working in lesbian/gay history, as if some of 'us' weren't already in the audience, or that some not belonging to us might still wish to make a contribution. That in my political life I was trying to imagine more universalizing forms of organizing beyond identity but at the very same time, in my thinking about history and archives, I could so easily invoke that minoritizing "we" and "our," illustrates Sedgwick's contention that sexuality is structured by contradiction, including that many of us subscribe simultaneously to minoritizing and universalizing approaches. I also think it's true that, unless you happen to be as brilliant as Sedgwick, there can be a time lag between ideas forged in activism and their uptake in intellectual work, an example of what queer scholars of time have theorized as "temporal drag."[52]

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[51] Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley, CA: University of California Press 1990), 1.
[52] Elizabeth Freeman, *Time Binds: Queer Temporalities, Queer Histories* (Durham, NC: Duke University Press, 2010).

Nearly a decade later I published "'Respect Your Elders, Know Your Past': History and the Queer Theorists," which appears here as chapter 2. Gay identity claims and disciplinary designations persist – "most days it suffices to describe my intellectual orientation as a gay social historian" – but the article does signal the impact of a decade of queer theory, if not queer politics, which by this point had pretty much fizzled out. Mine was one of several articles at the time that sought to address the gaping disciplinary divide between lesbian/gay history and queer theory.[53] If those debates seem less urgent twenty years later, it is not because the impasse has been resolved. A lingua franca between queer history and queer theory was never really established, despite efforts, mine included, to spell out some of its keywords. One of the possibilities I saw in 1999 to bring the two enterprises closer together entailed devising a distinctly queer historical practice. While in the subsequent years many works were called queer histories, this tended to be in name only, in a descriptive sense, not because they truly incorporated queer theory in any of the many different forms that now takes. But queer theory's demands of history were always about more than a simple name change. As Muñoz explained, "[I]t is important to complicate queer history and understand it as doing more than the flawed process of merely evidencing. Evidencing protocols often fail to enact real hermeneutical inquiry and instead opt to reinstate that which is known in advance." I would argue that in much queer historiography it is identity that is known in advance, which then warrants the search for the historical evidence of identity rather than a hermeneutical inquiry into or genealogy of identity itself.[54] Muñoz continues, the "practices of knowledge production that are content merely to cull

[53] I'm gratified that a few found in my article formulations useful in thinking through their own projects. See, for example, Matt Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957* (Chicago: University of Chicago Press, 2005), 6, 136, 222, 233.

[54] For a discussion of these issues see Laura Doan, *Disturbing Practices: History, Sexuality, and Women's Experience of Modern War* (Chicago: University of Chicago Press, 2013).

selectively from the past, while striking a pose of positivist undertaking or empirical knowledge retrieval, often nullify the political imagination."[55]

Muñoz's references to evidence and empiricism are two of the key sticking points between queer theory and queer history I identified in 1999.[56] In some ways, Muñoz's distinction between hermeneutical inquiry and empirical knowledge retrieval is a false one if, as for Foucault, genealogical critique proceeds by desubjugating historical evidence, which had to be retrieved from somewhere. As I pointed out in my article, the distinction to be made is one between naïve empiricism and an empirical mode of inquiry. This is what allowed Foucault to describe his work as proceeding in a "somewhat empirical" fashion while adamantly maintaining that it is not "an empiricism that runs through the genealogical project."[57] Drawing on Foucault, Gayle Rubin, close to twenty years later, at the height of the queer history/theory wars, came to the defence of the empirical. In a significant 1994 interview, a conversation between Rubin and Judith Butler I underutilized in my article, Rubin went on a Rick Mercer-worthy rant about queer theorists' "dismissive attitude toward empirical work":

> I also find preposterous the idea that empirical work is always easy, simple, or unanalytical. Unfortunately, virtuoso empirical work often goes unrecognized. Good empirical research involves as much thought and is as intellectually challenging as good conceptual analysis. In many ways, it is more challenging. I know this is a completely heretical opinion, but it is often more difficult to assemble, assimilate, understand, organize, and present original data than it is to work over a group of canonical texts

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[55] Muñoz, *Cruising Utopia*, 27.

[56] Class, Marxism, and materialism were three others. I won't review those here since I'm taking up these concerns in a separate set of essays also focussed on Foucault and located in the long-overdue reconsideration of the relationship between Foucault and Marx. The essays explore historical materialism's insistence that theoretical and historical work be linked to political work, a belief shared by Foucault. So far, one of these essays has been published. See Maynard, "'The Party with God': Michel Foucault, the Gay Left, and the Work of Theory," part of the special issue "Revisiting *The History of Sexuality*: Thinking with Foucault at 40," *Cultural History* 5, 2 (2016): 122-152. On Foucault and Marx, see Antonio Negri, *Marx and Foucault*, trans. Ed Emery (Cambridge: Polity, 2017); Jacques Bidet, *Foucault with Marx*, trans. Steven Corcoran (London: Zed Books, 2016); Christian Laval, Luca Paltrinieri, and Ferhat Taylan, eds., *Marx & Foucault: Lectures, usages, confrontations* (Paris: Éditions La Découverte, 2015).

[57] Foucault, *"Society Must Be Defended,"* 5 and 9.

> which have been, by now, cultivated for so long by so many that they are already largely digested.[58]

There are some recent signs that what in 1999 I called queer theory's "demonization of the empirical" has died down. In her more recent work, Heather Love, for instance, directly responds to Rubin's championing of the empirical and descriptive with her re-evaluation of the genre of postwar deviance studies and her re-appreciation of "description."[59]

Debates over empiricism bled into issues of evidence. In my article, I suggested this registered in the debates over whether evidence was best understood as documenting forms of social *practice* or effects of *discourse*. In this way, the article bears the stamp (scars?) of the linguistic turn within the historical profession during the 1990s. It's not a period I'm especially keen to revisit. Poststructuralism, anyone? Within queer theory, even when one did allow that historical evidence might shed light on social practices that were not entirely dependent on discourse for their enunciation, that evidence was buried. The example I used was Jennifer Terry's "Theorizing Deviant Historiography," then one of the first attempts to devise a distinct queer historical practice. Terry played up 'discourse' and relegated the evidence of subcultural 'practices' to a footnote, a rather striking instance of the theoretical-textual subjugation of evidence, precisely the opposite move to Foucault's de-subjugating or freeing of 'historical contents.'

"Queerness," Muñoz wrote, "has an especially vexed relationship to evidence":

> Historically, evidence of queerness has been used to penalize and discipline queer desires, connections, and acts. When the historian of queer experience attempts to document a queer past, there is often a gatekeeper, representing a straight present, who

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[58] "Sexual Traffic: An Interview with Gayle Rubin by Judith Butler," reprinted in Rubin, *Deviations: A Gayle Rubin Reader* (Durham, NC: Duke University Press, 2011), 304-05.
[59] Heather Love, "Doing Being Deviant: Deviance Studies, Description, and the Queer Ordinary," *differences: a Journal of Feminist Cultural Studies* 26, 1 (2015): 74-95.

> will labor to invalidate the historical fact of queer lives – present, past, and future. Queerness is rarely complemented by evidence, or at least by traditional understandings of the term.[60]

It's not hard to agree with the suggestion that evidence can penalize and discipline queer desires, connections, and acts. I've got plentiful evidence of that. But that evidence is actually quite traditional – court records and newspapers accounts of same-sex offences. In place of traditional understandings of evidence, Muñoz offers "the concept of ephemera." There is a lot to be said for this concept. For now, I will simply note that Muñoz might have been pleasantly surprised by just how much ephemera turns up in traditional forms of evidence housed in institutions maintained by the gatekeepers.

A simultaneous disavowal of and desire for evidence continues to mark queer theoretical work, especially that which traverses historical terrain. To take one example, Peter Coviello's *Tomorrow's Parties,* a book brimming with insights on the history of sexuality, queer theory, and Foucault, begins by relating the difficulties in talking with people about the question "was Walt Whitman gay?," complicated because "[i]nevitably, we would talk about what was described to me as 'evidence.'" The scare quotes say it all. The "strict deference to languages of evidence and proof, vestigially prosecutorial as they are," makes Coviello "uneasy."[61] True, there is a long historical relationship between judge and historian, but why this alone should occasion such unease is not clear.[62] In any event, he's pretty much over it a few pages later when, less uneasy and more apologetic, he warns his readers that "the explicitly theoretical and critical

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[60] Muñoz, *Cruising Utopia*, 65.
[61] Peter Coviello, *Tomorrow's Parties: Sex and the Untimely in Nineteenth-Century America* (New York: New York University Press, 2013), 6.
[62] See Carlo Ginzburg, "Checking the Evidence: The Judge and the Historian," in *Questions of Evidence: Proof, Practice, and Persuasion across the Disciplines*, ed. James Chandler, Arnold I. Davidson, and Harry Harootunian (Chicago: University of Chicago Press, 1994), 290-303.

contestation in what follows is embedded in chapters that themselves attend quite often to larger uninterrupted swaths of primary materials than is perhaps now customary. Not everyone likes this, I know."[63] (Who exactly doesn't like this? Literary scholars? Queer theorists? Historians eat it up.) What is the connection between the explicitly theoretical and Coviello's primary materials? It's not entirely clear. He doesn't seem as interested as Muñoz in "[m]aking a case for queer evidence in theory" and weighing what counts and what doesn't as "proofs."[64] But what is the purpose of the extravagant (to use one of Coviello's key terms) amount of primary material or evidence if not to back up the book's theoretical claims and lavishly illustrate literature's capacity to illuminate "historical experience?"[65]

Curious that the same critical pressure Coviello exerts against "evidence" is not applied to "experience." Muñoz also easily evokes "the historian of queer experience." This would seem to have been a lesson sufficiently learned during the linguistic turn such that it no longer requires elaboration. This was not always the case. Foucault maintained that another reason his genealogies resisted empiricism and positivism was that they did not "invoke or celebrate some immediate experience that has yet to be captured by knowledge."[66] The idea that knowledge, its varied forms and multiple power-effects, shaped experience rather than simply reflected it was for many of us, certainly those of us working with archival case files during 1990s, one of the enduring breakthroughs of the linguistic turn in history, even if it took a couple decades (another temporal drag) to get us back, via Hayden White and others, to Foucault.[67] It was precisely Foucault's contention that experience did not pre-exist its representation in forms of knowledge

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[63] Coviello, *Tomorrow's Parties*, 19.
[64] Muñoz, *Cruising Utopia*, 70.
[65] Coviello, *Tomorrow's Parties*, 19.
[66] Foucault, *"Society Must Be Defended,"* 9.
[67] See Franca Iacovetta and Wendy Mitchinson, eds. *On the Case: Explorations in Social History* (Toronto: University of Toronto Press, 1998).

or evidence that Joan Scott drew on for her influential essay "The Evidence of Experience," which I discussed in my article. In its subsequent career, Scott's essay seems not to have produced more robust theorizations of experience as much as it has stood in for them, a footnote to "The Evidence of Experience" sufficing to indicate theoretical sophistication. I will not be offering a theorization of experience here either.[68] Instead, in the conclusion I want to focus on something else: not on the evidence of experience but on the experience of evidence. This will return us to the archives, which, apart from a reference to those of "us who deal in dusty archival documents," did not figure explicitly in "Respect Your Elders, Know Your Past." In the next chapter, they do.

Chapter 3, "Police/Archives," appeared in *Archivaria* in 2009. To my mind, it accomplished four things. First, I aimed to rescue Foucault from those who'd align him with "the Archive" as a Derridean conceit, widespread in several different literatures, and to put him back where in fact he spent almost every day of his working life: in the archives. One goal, then, was to recast archival research as embodied, sensual practice via what for some was the unlikely figure of Foucault. Second, the article was also a detailed recounting of my experience trying to access historical documents at the Toronto Police Museum. This years-long process allowed me to see in some very literal ways the policing function of archives. This dovetailed nicely with the police half of *The Perverts and the Police*, providing me with a present-day problem of policing while I was, at the same time, researching the history of the Toronto police. The past and present

[68] In *The Perverts and the Police*, I draw on what in *The Use of Pleasure* Foucault describes as his tripartite theorization of "how an 'experience' came to be constituted … an experience that caused individuals to recognize themselves as subjects of a 'sexuality." In the same volume, he also refers to "the experience of sexuality" and "'sexuality' as a historically singular experience." In the recently released fourth volume of his history of sexuality, it is called "la formation d'une expérience nouvelle." Foucault, *The Use of Pleasure: Volume 2 of The History of Sexuality*, trans. Robert Hurley (New York: Vintage, 1986), 4-5; Foucault, *Histoire de la sexualité, 4: Les aveux de la chair*, ed. Frédéric Gros (Paris: Gallimard, 2018).

were not separate problems; the documents I needed to round out my critical account of sexual policing in the past were being held hostage by the very institution I aimed to critique, and the Toronto Police Museum was not keen to hand them over. Using the tools of liberal governance – freedom of information requests; the discourse of accountability, transparency, and accessibility; the idea that police operations should be subject to public scrutiny – I was eventually successful in gaining access to the Police Museum's collections. Four floors down in the dank, dark sub-basement of police headquarters, not only did I discover volumes upon volumes of historical evidence related to my research, I also had my first taste of the power of the insurrection of archival evidence. Requesting and unearthing those historical contents, mobilizing a small army of historical perverts from the pages of old police registers and records of convictions, allowed me to critique and create cracks in the police institution. What I consider the ultimate goal – the transfer of records from the police to the City of Toronto Archives – has not yet been achieved, but I know from subsequent visits that in the years since my efforts with the Police Museum and the publication of my article, changes to police policy have resulted in more open research access at the Police Museum.[69]

A third advance, certainly over "'The Burning, Wilful Evidence,'" concerns my theorization of archives. The article's title is something of a misnomer, for the theorization of archives I arrived at was not primarily one of "power/knowledge." Instead, everything about my research experience suggested a different, somewhat later Foucauldian formulation: the archives as an institution and technique of liberal governmentality. Here I found the work of Patrick Joyce

[69] A different option is to allow historical evidence to remain in police custody. For example, in his note on sources, George Chauncey indicates, "The New York Police Department, like most police departments, has refused to open its records to scholars," and with that, Chauncey let sleeping police dogs lie. I hope my experience demonstrates that if one is prepared to be more like a dog with a bone, police refusal can be resisted and historical evidence sprung. Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994), 365.

on "the historical and political functions of archives" in the liberal state and his belief, derived directly from Foucault, that freedom is just another word for governing to be particularly helpful.[70] If my use of the techniques of liberal governance, such as freedom of information legislation, meant that I became all the more entangled in the 'rule of freedom,' my experience also showed, as Foucault maintained, that those same techniques could be effectively used to modulate and moderate forms of liberal governance such as we find in police/archives.

Fourth, and finally, the article, after some twenty years of sustained critique of identity from queer theory and related quarters, finally registers my more decisive break with gay identity and the fuller adoption of a universalizing approach. As I put it at the time:

> I have tried to avoid an appeal to identity. I have not argued for the greater inclusion of queer history in archives. Neither have I tried to make the case for queer archives as a specialized subfield of archival practice or theory. These may be worthwhile endeavours, but they are not mine. Rather, following Foucault, I have tried to address the notion of police/archives, not queer archives. Beginning but not ending with my experience as a queer researcher in archives, my goal has been to raise more universal issues of public access and accountability.

It was, I like to think, the combination of "scholarly erudition" (thinking through Foucault about metaphor and materiality in the archive), the insurrection of archival evidence at the local level (in the Toronto Police Museum), the theorization of archives as liberal governance, and the deployment of a universalizing rather than minoritizing perspective that contributed to the Association of Canadian Archivists' decision to award the article its W. Kaye Lamb Prize for the article "that most advances archival thinking in Canada."

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[70] Patrick Joyce, *The State of Freedom: A Social History of the British State since 1800* (Cambridge, UK: Cambridge University Press, 2013), 180. Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London: Verso, 2003).

Chapter 4, "To Forgive and Forget? Homonationalism, Hegemony, and History in the Gay Apology," brings us up to the present. As soon as it became clear in 2017 that the federal government's plan to apologize to LGBTQ Canadians for past discrimination would extend beyond those dismissed from the civil service during the Cold War purges to include expunging the records of all historical same-sex offences, I knew I had to do something. These were, after all, the very historical records I'd been working with for thirty years, the same documents I've been describing in these pages. In the government and public commentary on the records, it became clear very quickly that next to no one had ever looked at an actual archival court record. What officials imagined could be found in them and how they could be used bore little relation to reality. I set out, then, to assess the role of archival evidence and 'history' more generally in the apology campaign and to answer the historical question, why an apology now? The answer I came up locates the gay apology in the relatively recent rise of homonational/normative politics and its confluence with the project of liberal hegemony.

The paper was written initially for a workshop on the ethics of apologies, sponsored by the Centre for Ethics at the University of Toronto in October 2017. I was drawn to the workshop because it placed the gay apology not in the minoritizing context of queer politics but in the broader framework of work being done on other forms of apology, from corporate apologies to the apologies already given to Japanese Canadians and to Indigenous survivors of residential schools. My paper appeared jointly in *C4E*, the Centre for Ethics e-journal, and on the blog activehistory.ca.[71] I decided to go this route rather than an academic journal so that the piece would appear in time enough to intervene in the process of the federal government's apology.

[71] https://c4ejournal.net/2017/11/19/steven-maynard-to-forgive-and-forget-homonationalism-hegemony-and-history-in-the-gay-apology-2017-c4ej-11/ (accessed 26 April 2018) and http://activehistory.ca/2017/11/to-forgive-and-forget-homonationalism-hegemony-and-history-in-the-gay-apology/ (accessed 26 April 2018).

The workshop also provided a springboard to organize around the apology, for two other historians – Gary Kinsman and Tom Hooper – were in the audience. A few weeks later we were joined by Patrizia Gentile, and our group subsequently became known on Parliament Hill as "the four historians" (the t-shirts are on order).

Prime Minister Justin Trudeau delivered the apology in the House of Commons on 28 November 2017. A key component of the apology is Bill C-66, the "Expungement of Historically Unjust Convictions Act," announced the same day. The bill, quickly slapped together to lend the apology some teeth, has many flaws. So, the four historians combined our archive-based knowledge on the historical criminalization of queer sexualities – me on the late nineteenth and first half of the twentieth centuries, Gary and Pat on the postwar purge of the civil service, and Tom on the 1981 Toronto bath raids – to produce a critique of Bill C-66. We pointed to the bill's overly narrow definition of historically unjust offences, restricted to gross indecency and buggery, and demonstrated that an array of other offences, from the indecency provision of bawdy house laws (used in bath and bar raids, and against sex workers) to vagrancy (used against trans and other gender-nonconforming people) have been used historically to criminalize queer genders and sexualities. We pointed out the bill's differential and discriminatory age of consent (set at 16 when, for the vast majority of the time covered by the bill, it was 14 for heterosexuals), and we indicated the serious problems with retrieving, interpreting, and preserving the archival documents. The bill calls for the destruction of expunged records, a serious threat to the archival evidence upon which we depend to write queer histories. The government, however, had already decided to ram the legislation through the House of Commons in a matter of a couple weeks. Our request to appear before the Commons committee studying the bill was denied; it spent all of forty-five minutes considering the legislation. In view

of the government's refusal to hear us, at the same time it claimed to have consulted queer historians (it didn't), we decided to go public with a concerted media campaign, writing editorials, being interviewed by journalists, and appearing on radio and television news.[72]

Our media blitz did not prevent the bill from passing the House of Commons as presented by the government, flaws and all.[73] It did, however, alert a number of MPs to the bill's problems, which were then raised during final reading. This included one MP who explained how much she learned from the four historians and whose names she read into *Hansard*. As I said to my colleagues at the time, I would never have guessed that after all my years of reading and writing about the 1890 and 1892 House of Commons debates over gross indecency that my name would be mentioned in the same House in relation to the same thing well over a century later. Ironic, too, that there was more substantive parliamentary debate and more probing questions asked about queer law in the late nineteenth century than in 2017. If we met with limited success in the House, our media campaign does seem to have served notice to the Senate. As of this writing, the Senate invited the four historians to appear before their committee, and there seems to be some interest in amending the bill. But my own interest in this campaign has never been simply about legislative change. In the conclusion, I will return to Bill C-66 to outline how the insurrection of

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[72] See, for example, Steven Maynard, "Bill C-66: Political expediency is producing a flawed bill," *Globe and Mail*, 12 December 2017, (https://www.theglobeandmail.com/opinion/bill-c-66-political-expediency-is-producing-a-flawed-bill/article37303098/ accessed 26 April 2018); Monique Scotti, "'A slap in the face': Historians highlight major gaps in LGBTQ legislation," *Global News*, 11 December 2017 (https://globalnews.ca/news/3908846/lgbtq-trudeau-apology-legislation/ accessed 26 April 2018); "Academics urge federal government to preserve same-sex criminal records as part of 'historical record'," *National Post* (11 December 2017); Jim Bronskill, "Don't destroy gay-sex records, historians urge as feds move bill through Commons," *National Observer*, 11 December 2017 (https://www.nationalobserver.com/2017/12/11/news/dont-destroy-gay-sex-records-historians-urge-feds-move-bill-through-commons, accessed 26 April 2018).

[73] See John Ibbitson, "House passes bill to expunge records of people convicted for sexuality," *Globe and Mail*, 13 December 2017 (https://www.theglobeandmail.com/news/politics/house-passes-bill-to-expunge-records-of-people-convicted-for sexuality/article37323646/?utm_source=facebook.com&utm_medium=Referrer%3A+Social+Network+%2F+Media&utm_campaign=Shared+Web+Article+Links, accessed 26 April 2018).

archival evidence – the revenge of the perverts – might also be used to disrupt the collusion between homonationalism and liberal hegemony.

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The following chapters, then, chart my movement from gay/lesbian politics to queer politics and the politics of shared separation or estrangement. They also chart my parallel intellectual movement from lesbian/gay history to queer history/theory and the critique of neoliberal or homonormative versions of the queer past. Through all of it, there's been my changing orientation to archives and evidence. But it is too soon to characterize that change. We must start at the beginning, over twenty-five years ago, back in a moment when gay/lesbian identity and community seemed sufficiently exciting to propel an archival and historical project.

Chapter 1

"The Burning, Wilful Evidence": Lesbian/Gay History and Archival Research

When first asked to address this topic, I must admit I was quite excited by the possibilities. A captive group of archivists, I thought. I had often dreamed of such an opportunity and, now, here it was. Here was my chance to declaim about the problems I have faced as a gay researcher using public archives to uncover something of the gay past in Canada.[1] But when I sat down to determine exactly what I wanted to say, I became less excited and more overwhelmed by the task before me.

I knew that one of the main things I wanted to do was provide some idea of the kinds of archival sources used by lesbian and gay historians. I quickly realized, however, that in order for this to make sense, archivists would have to have some idea of what researchers might be looking for in these sources. I would therefore have to say something about the central research concerns and intellectual debates that have emerged within lesbian/gay history over the past decade or so. This, naturally, would lead me into a discussion of the development of lesbian/gay historiography within the context of the emergence of the general history of sexuality. I was then reminded that not everyone in an audience of archivists would necessarily understand that

[1] This chapter was previously published as "'The Burning, Wilful Evidence': Lesbian/Gay History and Archival Research," *Archivaria: The Journal of the Association of Canadian Archivists* 33 (Winter 1991-92): 195-201. Reprinted here with permission of the copyright holder, the Association of Canadian Archivists. The article was based on a presentation made to the annual meeting of the Ontario Association of Archivists in St. Catharines, Ontario, May 1991. The first part of the title – "the burning, wilful evidence – comes from the poem "History" by Brenda Brooks, *Somebody Should Kiss You* (Charlottetown, 1990). I am aware of the problems associated with the use here of the terms "gay" or "lesbian" when referring to history, particularly for those periods that predate the emergence of contemporary lesbian and gay sexual identities. I retain their use here, however, because I believe it to be important strategically and politically at this still early stage in the development of the history of erotic experience.

sexuality has a history, and so I would have to spend some time sketching out the ways in which human sexuality is the product of complex historical forces.[2]

In my experience of giving talks on lesbian/gay history, I have found that before there can be any discussion of basic issues, we often must begin by confronting some of our own deep-seated ideas about sexuality. One of the most important of these is the notion that sex and sexuality are biological or natural. Of course, there is a physical dimension to sex - which appendages get inserted into which orifices - but such things as the different meanings we attach to sex (is it for reproduction, personal intimacy, physical pleasure or power?); the range of erotic preferences (heterosexual, lesbian, gay or bisexual); the various forms of sexual regulation (what is deemed "normal" and acceptable; what is defined as criminal, sinful or sick); and the ways in which sex is politicized (witness the anti-homosexual campaigns of the 1950s, for example, or the rise of the lesbian and gay liberation movement) - all of these things are *social* processes, processes connected to broader relations of gender, race and class, all of which vary and change over time. To understand sexuality in this way brings us back not to biology, but to history. Competing ideas about sexuality, particularly notions that it is something personal and private, have conspired to determine that there has been very little *public* record of sexuality. As American gay historian Martin Duberman has written,

> Sexuality itself [has] been treated as such a shameful part of our history - diaries bowdlerized, relationships concealed, photographs and letters burned - that any straying from mainstream mores, any permutation at all, [has], through time, been ignored, denied, hidden, and, ultimately forgotten.

[2] While l will be focusing primarily on lesbian and gay history, it should be noted that all sexual identities are the product of historical forces and so we must remember that *heterosexuality* is also a historical invention. On this see, Jonathan Katz, "The Invention of Heterosexuality," *Socialist Review* 20 (Jan./Mar. 1990), pp. 7-34.

Duberman goes on to say that for many years "all scholarship on sexuality was suspect – curtailed or suspended by archival custodians, by foundations which allocate research funding and by academic institutions which control student degrees and faculty promotions."[3]

Political and intellectual developments over the past twenty years or so have done much to alter the situation described by Duberman. On the political front, perhaps most significant has been the rise of the lesbian and gay liberation movement. In Canada, the gay liberation movement began in the early 1970s and quickly spawned the grass-roots lesbian and gay history movement.[4] This includes the establishment in 1973 of the Canadian Gay Archives, which in many ways marked the beginning of a self-conscious gay history movement in Canada.[5] Working in and alongside the Canadian Gay Archives were numerous individual researchers and archivists, busy uncovering fragments of the lesbian and gay past in Canada. Reports of their research were often communicated to the lesbian and gay communities through the lesbian and gay press, particularly *The Body Politic*, a gay liberation magazine published in Toronto. Over the years, conferences have provided a focal point for lesbian and gay historical research in Canada and abroad; between 1980 and 1985, Canada hosted three international lesbian/gay history conferences. What is important to note about this activity is the fact that it has been

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[3] Martin Duberman, "Introduction," *About Time: Exploring; the Gay Past* (New York, 1986), p. xiii.

[4] This is not the place to go over the early history of the lesbian and gay liberation movement in Canada. For a more detailed discussion see, "Victories and Defeats: a gay and lesbian chronology, 1964-1982," in Ed Jackson and Stan Persky, eds., *Flaunting It!: a decade of gay journalism from* The Body Politic (Vancouver, 1982), pp. 224-242, and Gary Kinsman, *The Regulation of Desire: Sexuality in Canada* (Montreal, 1987), pp. 181-182.

[5] For more information on the Canadian Gay Archives, see Rick Bebout, "Stashing the Evidence," *The Body Politic* (August 1979), pp. 21-22, 26; Stephen MacDonald, "Diggers," *The Body Politic* (November 1984), pp. 35-36; James Fraser and Harold Averill, *Organizing an Archives: The Canadian Gay Archives experience* (Toronto, l 980): as well as the *Gay Archivist,* the newsletter of the Canadian Gay Archives. It should also be noted that, in addition to the Canadian Gay Archives, there are other independent archives that play an important role in lesbian and gay history. I would point, for example, to the Canadian Women's Movement Archives/Archives canadiennes du movement des femmes, particularly their publication *Lesbian and Gay Holdings at the Canadian Women's Movement Archives* (Toronto, 1987). On the CWMA see, Karen Dubinsky. "Looking Forward, Reaching Backward: The Canadian Women's Movement Archives," *Fireweed: A Feminist Quarterly* 29(Summer 1989), pp. 117-120.

community-based. Given the exclusion of lesbian and gay history from universities and academic journals, and the conscious and unconscious suppression of lesbian/gay materials in mainstream archives, the sources and locations of gay history have, by necessity, emerged outside of these institutions.

Such political change in the broader society has done much to transform things inside the university. Before the emergence of the lesbian/gay movement, the black civil rights movement, the women's liberation movement, and the New Left provided the political background for the rise of social history in the 1960s and 1970s and its emphasis on ordinary people in everyday life. Within social history, the development of women's history was particularly important in sensitizing historians to issues of gender and sexuality, and the impact of the feminist movement made it clear that the "personal" and "private" were also political and historical.

These changes, both inside and outside the university, have gradually created a place for the history of sexuality and, to a lesser but increasing degree, lesbian and gay history as well.[6] After twenty years of groundwork, I believe the 1990s will be the decade in which lesbian/gay history really comes into its own. Certainly, we see many signs of this. I would point to such indicators as new academic journals *(Genders, Gender and History,* and, most recently, the *Journal of the History of Sexuality);* the increasingly frequent appearance of book-length studies

[6] For overviews of work in lesbian and gay history see, for example, Joe Interrante, "From Homosexual to Gay to?: Recent Work in Gay History," *Radical America* 15 (Nov/Dec 1981), pp. 79-86; Martha Vicinus, "Sexuality and Power: A Review of Current Work in the History of Sexuality," *Feminist Studies* 8 (Spring 1982), pp. 147-151; Lisa Duggan, "History's Gay Ghetto: The Contradictions of Growth in Lesbian and Gay History," in S.P. Benson, S. Brier, R. Rosenzweig, eds., *Presenting the Past: Essays on History and the Public* (Philadelphia, 1986), pp. 281-290; Randolph Trumbach, "Sodomitical Subcultures, Sodomitical Roles, and the Gender Revolution of the Eighteenth Century: The Recent Historiography," in Robert Maccubbin, ed., *'Tis Nature's Fault: Unauthorized Sexuality During the Enlightenment* (New York, 1987), pp. 109-121; Martin Duberman, "Reclaiming the Gay Past," *Reviews in American History* 16 (Dec. 1989), pp. 515-525; John D'Emilio, "Not a Simple Matter: Gay History and Gay Historians," *Journal of American History* 76 (Sept l 989), pp. 435-442; "Introduction," Martin Duberman, Martha Vicinus, George Chauncey, Jr., eds., *Hidden From History: Reclaiming the Gay and Lesbian Past* (New York, 1989), pp. 1-13; Jeffrey Escoffier, "Inside the Ivory Closet: The Challenges Facing Lesbian and Gay Studies," *Out/look: national lesbian and gay quarterly* IO (Fall 1990), pp. 40-48.

(such as Allan Berube's history of gay men and women during World War II or *Hidden From History* - a showcase of some of the best lesbian and gay history written over the past decade[7]); and the increasing number of international conferences devoted to lesbian and gay studies (the Fifth Annual Lesbian/Gay Studies Conference sponsored by Rutgers and Princeton Universities took place in the autumn of 1991; the 1990 conference, held at Harvard, attracted over 1500 lesbian and gay scholars). In Canada, I would point to such signs as the establishment of accredited lesbian and gay studies courses at Concordia University and Ryerson Polytechnical Institute; the half-dozen lesbian and gay graduate students currently doing lesbian/gay historical work; the founding of the Toronto Centre for Lesbian and Gay Studies and, through the Centre, the establishment of the Michael Lynch grant in lesbian and gay history[8]; the continuing growth of community-based history[9]; the lesbian and gay sessions at the Learned Societies meetings in Kingston in May 1991; and an international lesbian/gay history conference scheduled for Montreal in 1992.

I recite all these developments because I think they are evidence of what will be one of the most exciting and important trends within historical research in the 1990s. These are the reasons why I think archives and archivists should be interested in, and begin to prepare for, the research needs of those of us working in this rapidly expanding field of history. I propose, then, for the balance of my paper, to go over some of the archival sources for and problems of doing lesbian and gay historical research.

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[7] Allan Berube, *Coming Out Under Fire: The History of Gay Men and Women in World War Two (*New York, 1990) and *Hidden From History,* op.cit..

[8] See, *CENTRE/FOLD: The Newsletter of the Toronto Centre and Lesbian and Gay Studies,* 2 Bloor Street West, Suite 100-129, Toronto, Ontario, M4W 3E2.

[9] See, for example, the *Canadian Lesbian and Gay History Network Newsletter, in* care of the Canadian Gay Archives, Box 639, Station A, Toronto, ON, MSW 102.

Let me begin by describing for you a situation in the archives. In my own research, I have been using nineteenth-century criminal court case files housed in the Archives of Ontario. Occasionally, I come upon a document that I need to photocopy. It is at this point that my trepidation begins. I fill out the copy request form, carefully gather up the dusty, fragile deposition and, mustering my friendliest smile, I give the tell-tale document to the reference archivist for approval. As I stand there with knees shaking and hands trembling, I look for the smallest trace of reaction on the archivist's face as she or he looks over the document and reads "sodomy" - "buggery" - "gross indecency" - or some such crime. So far, I have not received any shrieks of horror or looks of disgust, but I relate this story so that archivists will appreciate that for the lesbian or gay researcher even the simplest of archival routines can be layered with tension; when simply requesting a photocopy (never mind explaining your research project) might serve as some kind of admission of one's sexual identity. Now whether these tensions and fears are well-founded is not really important. The point to understand is that the pervasive discrimination experienced by lesbians and gay men in the larger world - particularly, for our purposes, in the provision of so-called public services - does not somehow magically disappear as they walk through the doors of an archives. Never knowing what reaction one might get from an archivist confronted with a lesbian or gay research topic, the gay researcher must always weigh the potential costs of being candid about their subject and/or sexual identity. What this also means is that the recovery of lesbian and gay history depends almost entirely on those of us who are able to be publicly "out" and open with our sexuality.

One of the other problems unique to lesbian and gay history is the relative invisibility of the lesbian and gay experience. During the 1960s and 1970s, social historians discovered ways to uncover the history of what was referred to at the time as "anonymous" people - women, blacks,

the working class, those who had been ignored by a history preoccupied by great white men. Based on the discovery of the usefulness of such sources as the manuscript census, historians recovered the experience of those who did not leave behind written records such as letters or diaries, or whose voices were not recorded in the documents of political and intellectual history. While immensely important in their own right, and while they have served as inspiration for much lesbian and gay historical research, the innovations of social history during the 1960s and 1970s do not necessarily lend themselves directly to uncovering the lesbian/gay past. This is so for two reasons. First, because lesbians and gays have been not just anonymous but even invisible, we are not easily found in the traditional sources of social history. To illustrate this point, let me put it in rather ahistorical terms: while the manuscript censuses of 1871 and 1881 recorded an individual's occupation, gender and sometimes race, nineteenth-century census-takers did not think to ask people about their sexual preferences. Secondly, due to the stigma attached to such lives both historically and in the present, when sources or evidence of lesbian and gay experience do exist, they have often been hidden or suppressed. This is captured in the title of the book, *Hidden from History* - which is to say, lesbian and gay experience is not simply hidden *in* history, waiting for the interested party to come along and find it; it is actively hidden *from* history, posing many problems for those of us who know that it is there, but encounter difficulties trying to rescue it. As Lisa Duggan, a lesbian historian, has stated, "Though historians have often neglected or distorted the experiences of minority groups and deprived classes, only lesbians and gay men have had their existence systematically denied and rendered invisible."[10]

Given some of the problems stemming from the invisibility and suppression of sources, where then do we look for evidence of the lesbian and gay past? It needs to be said that given the

[10] Lisa Duggan, "History's Gay Ghetto," op.cit., p. 284.

problems of archival or documentary sources, and the necessity of recording memories before they fade, oral history has been crucial to lesbian and gay history. This includes the many oral history projects undertaken over the years by community-based history groups as well as more "formal" oral history archives developed by such groups as the Hall/Carpenter Archives in London, England.[11] Currently in Canada, I know of at least five or six history projects underway which make extensive use of oral history techniques. It also needs to be noted that given the significance of oral tradition in black and other "visible minority" communities, oral history has been especially important to lesbians and gays of colour in their efforts to reclaim their own history.[12]

But what about the more remote lesbian and gay past? For historians of sexuality, court records have proven to be particularly important. Again in Canada, I know of at least two recently completed Ph.D. theses on aspects of women's sexuality in nineteenth- and early twentieth-century Ontario which make extensive use of criminal court records.[13] In my own search through Ontario criminal court records of the same period, I am looking for men charged with "crimes" involving sex with other men. By tracking these men from the court room or jail cell into their neighbourhoods, workplaces, and households, I hope to be able to say something about the social organization of same-gender sexuality.

One of the main problems I have faced in this research is the current state of these records in various archives. Once one has finished with the records of the higher courts and

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[11] See Hall, Carpenter Archives, *Walking After Midnight: Gay Men's Life Stories* (London, 1989) and *Inventing Ourselves: Lesbian Life Stories* (London, 1989).
[12] See, for example, Joseph Beam, ed., *In the Life: A Black Gay Anthology* (Boston, 1986) and Makeda Silvera, "Man Royals and Sodomites: Some Thoughts on the Invisibility of Afro-Caribbean Lesbians," *Fireweed* (Spring 1989), pp. 8-18.
[13] See, for example, Karen Dubinsky, "Improper Advances: Sexual Danger and Pleasure in Rural and Northern Ontario, 1880-1929," (Ph.D. Thesis, Queen's University, Kingston, 1990).

moves into district or county courts, one encounters a set of records that is often stored off-site and remains unprocessed. The task of sifting through these unorganized court documents in search of a relatively few cases is daunting and time-consuming, to say the least. As I understand it, archivists, swamped by the amount of current incoming material, are left with little time to process the existing backlog. But, from the perspective of the history of sexuality, it is imperative that these court records be processed and that finding aids be revised and updated. And while I am obviously speaking with a degree of self-interest, it is not only that. I believe that court records are to the history of sexuality what the census was to social history in the 1970s. As the history of sexuality expands in the 1990s, therefore, research needs and user demand for court records will increase dramatically.[14]

Much of what I have said about court records could also be said about other records important for gay history, such as those of prisons and jails. To this list I would add judges' notebooks, bench books, police magistrates' diaries and ledgers, etc. The reason, of course, why I am focusing on crime-related records and institutions is that homosexual activity has most often been illegal, and so it is in these types of records that "homosexuals" usually appear. This is perhaps not so much the case for lesbian history, where there have been fewer formal legal restrictions against lesbian activity, though the historical links, for example, between prostitution and lesbians need to be more fully explored in Canada. This is probably also a good point at which to indicate that gay history is not simply about seeking in the past what today we would call lesbians and gay men, but it is also about locating and analyzing those institutions, such as

[14] For a report on court records in at least one archive see, C.J. Shepard, "Court and Legal Records at the Archives of Ontario," *Archivaria* 24 (Summer 1987), pp. 117-120.

the legal arm of the state, which have criminalized or otherwise regulated homosexual lives in many different ways over time.

Some of the other sources I want to bring to the attention of archivists include newspapers, particularly the satirical broadsheets of the early nineteenth-century, the police court scandal papers of the late nineteenth-century, and the tabloid press of the 1950s and 1960s.[15] It is, for example, in newspapers that I believe we shall discover an important part of the lesbian and gay past, the history of cross-dressing - those women and men who adopted the clothes, style and sometimes life of the opposite gender for various sexual and economic reasons. In addition to being described as criminals, criminal, lesbians and gays have also been defined at different times as mentally ill, and so we need a search of the existing records of hospitals and asylums. In the United States, the records of reformatories for girls and women have provided some evidence of the particularly difficult task of identifying lesbians in history. Within lesbian history, the topic of nineteenth-century romantic friendships between girls and women has loomed large and thus so have the records of women's colleges and boarding schools. This is by no means an exhaustive list. Other potentially important sources include the records of urban boarding-houses for single, wage-earning women; settlement houses for immigrants; sexual advice and sexological literature; social surveys and the moral tracts of reform movements; and the records of the Canadian military and state security apparatus.

Much more needs to be said. I have not addressed, for example, the difficult issues of confidentiality and archival restrictions. On the one hand, probably no one understands the need to respect confidentiality more than lesbian and gay researchers. This is particularly the case for

[15] For the possibilities of the tabloid press from the 1950s and 1960s, for example, see Robert Champagne, ed., *Jim Egan: Canada's Pioneer Gay Activist* (Toronto, 1987).

more recent historical periods. On the other hand, archival practice has sometimes used restrictions and the designation "restricted access" in arbitrary, often discriminatory ways, serving to impede or obstruct research into the lesbian and gay past.[16] All of this points to the need to devise some code of ethics addressing confidentiality and the use of restrictions, geared specifically to lesbian and gay research.[17] I would also add that in my opinion any such undertaking should be a combined effort of professional archivists and those of academic researchers working in the field of lesbian and gay history.

I have also said very little about the politics involved in writing lesbian and gay history and doing archival research. Those of us, for example, using court or other government records need to be critical of documents generated by a system designed to regulate the very lives we are trying to uncover. As well, lesbian and gay researchers need to remain skeptical of archives in the same way as we are of many public institutions. One need not adopt a theory of archivists or archives as conspiratorial to recognize, nevertheless, that archives stand in a regulatory relation to lesbian and gay researchers, as the gatekeepers, if you will, of the documents of our past.

Within these strictures, there is, I think, much room for us as individual archivists and researchers to move. To alleviate some of the tension experienced by lesbian and gay researchers, those of you who desire to help might become more proactive in creating a climate of sensitivity, where one might be the first to make a gesture which indicates to a researcher that

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[16] For one discussion see, Martin Duberman. "'Writhing Bedfellows' in Antebellum South Carolina: Historical Interpretation and the Politics of Evidence," in *Hidden From History,* op.cit., pp. 153-168. Another area that needs to be explored is the impact of the Access to Information Act on lesbian and gay archival research. Is it now more difficult to get access to lesbian/gay-related materials since the passing of the Act? For a discussion along these lines from the perspective of labour history see, Gregory *S.* Kealey, "The Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Public Archives of Canada, and Access to Information: A Curious Tale," *Labour/Le Travail* 21 (Spring 1988), pp. 199-226.

[17] For more on confidentiality and restrictions from the perspective of lesbian and gay archives see, Harold Averill, "The Church, Gays, and Archives," *Archivaria* 30 (Summer 1990), pp. 85-90.

you are comfortable with and/or interested in lesbian and gay history. Those responsible for library acquisitions could facilitate research by increasing holdings in lesbian and gay history. Martin Duberman, the historian I mentioned at the outset, suggests that researchers and archivists should no longer continue "to accept and abide by anachronistic definitions of what constitutes 'sensitive material'," and he hopes that a "new generation of archivists continues to cultivate its sympathy toward [lesbian and gay] scholarship, declassifying 'sensitive' data at an accelerated pace."[18] We all need to press the appropriate agencies for increased funding and support for more archival storage space, staff positions and other material resources with which to arrange and describe backlog, and to open up and expand in such areas as multicultural issues and gender and, perhaps therein, a commitment to issues of sexuality.

I want to conclude by saying something about the "why" of lesbian and gay history. Lesbian and gay history was born of a political movement; those of us working in it have long recognized how important a knowledge of our history is to building strong communities and effective politics. In these days when our existence is increasingly under attack, further exacerbated by AIDS, a knowledge of our history is vital not only for the parallels or lessons, but also because it is evidence that we have and shall again survive. These are only a few of the reasons for reclaiming lesbian and gay history. I hope I have provided some indication of what is being done. I shall end by suggesting that for anyone interested in joining in or helping out, there is - out of both need and excitement - much more to be done.

[18] Martin Duberman, "'Writhing Bedfellows'," op.cit., pp. 168 and 161.

Chapter 2

"Respect Your Elders, Know Your Past": History and the Queer Theorists

In the summer of 1991, the streets of Toronto's gay ghetto were plastered with posters urging queers to "Respect Your Elders" and to "Know Your Past." The posters advertised a series of talks organized by Queer Nation-Toronto. Held at a local gay bar, the talks were given by activists who had been involved in the early lesbian/gay liberation movement. They had been invited to tell Queer Nationals stories about "the old days." The "Respect Your Elders, Know Your Past" campaign arose out of criticism that in all the excitement that accompanied the emergence of Queer Nation as a new form of political activism, Queer Nationals had neglected history and often times were busy reinventing the wheel. A disregard for history was not unique to Queer Nation-Toronto. One queer active in a U.S. chapter of Queer Nation put it this way: "The strength here is in acting out of the present ... People are tired of groups with egos, processes, personality cults, and politicking ... We do not want a budget, charter, or a history."[1]

The easy dismissal of history on the scene of queer activism has been paralleled at the intellectual level by the ongoing contestation between lesbian/gay social history and queer

[1] This chapter was previously published as "'Respect Your Elders, Know Your Past': History and the Queer Theorists," *Radical History Review* 75 (Fall 1999): 56-78. Copyright, 1999, MARHO: The Radical Historians' Organization, Inc. All rights reserved. Reprinted by permission of the copyright holder and the present publisher, Duke University Press. I would like to acknowledge one of my elders, Michael Lynch (1941-1991), who once encouraged me to not apologize for my insistence on the empirical. He also made a mean cranberry vinaigrette. Thanks as well to *Radical History Review's* anonymous readers for some very helpful suggestions. Alexander S. Chee, "A Queer Nationalism," *OUT/LOOK: A National Lesbian & Gay Quarterly* 11 (Winter 1991): 15.

theory.[2] Let me try to illustrate this with reference to my own situation. Most days it suffices to describe my intellectual orientation as a gay social historian. I am currently finishing a study of the gay history of early twentieth-century Toronto. I started my archival research before the advent of queer theory but became increasingly engaged by the work of queer theorists as I began to conceptualize and write my study. Queer theory has been immensely productive for me in opening up new areas of research and in prompting a critical consideration of my historical evidence. For example, Lee Edelman's provocative work on sexual surveillance and the "epistemology of the water closet" helped to train my gaze upon the operations of policing in the history of Toronto's (homo)sexual underground.[3] But straddling the divide between lesbian/gay history and queer theory has not always been easy. As Lisa Duggan has pointed out, "strained relations" and a distinct "lack of engagement" have characterized the encounter between lesbian/gay social history and queer theory. Similar sentiments were expressed by the editors of the "Queer Issue" of *Radical History Review:* "There seems to be a sense among practitioners of both lesbian/gay history and queer studies that their methods exist in sometimes uncomfortable tension. However, to date, there has been remarkably little dialogue between these two presumably related projects."[4]

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[2] On the origins and development of the divide between lesbian/ gay history and queer theory see Jeffrey Escoffier, *American Homo: Community and Perversity* (Berkeley: University of California Press, 1998), especially the essays in Part Two, "Intellectuals and Cultural Politics."

[3] "Seeing Things: Representation, the Scene of Surveillance, and the Spectacle of Gay Male Sex" and "Tearooms and Sympathy; Or, the Epistemology of the Water Closet" both in Lee Edelman, *Homographesis: Essays in Gay Literary and Cultural Theory* (New York: Routledge, 1994). Steven Maynard, "Through a Hole in the Lavatory Wall: Homosexual Subcultures, Police Surveillance, and the Dialectics of Discovery, Toronto, 1890-1930," *Journal of the History of Sexuality* 5 (October 1994): 207-242.

[4] Lisa Duggan, "The Discipline Problem: Queer Theory Meets Lesbian and Gay History," *GLQ: A Journal of Lesbian and Gay Studies* 2:3 (1995): 181; Jeffrey Escoffier, Regina Kunzel, Molly McGarry, "The Queer Issue: New Visions of America's Lesbian and Gay Past," *Radical History Review* 62 (Spring 1995): 3.

While I cannot claim to have resolved the impasse between lesbian/ gay social history and queer theory, I want to help further open the lines of communication between the fields, to contribute to the conversation already commenced by Duggan and the queer contributors to *RHR*, by suggesting some of the keywords through which a dialogue might begin to emerge. (The terms I have chosen do not represent an exhaustive list, nor are they meant to constitute a coherent theoretical statement. Thus, my use of "keywords" should be viewed only as a respectful, stylistic echo of Raymond Williams.) The keywords I discuss in the following pages spring from my own efforts to bring gay social history and queer theory into a productive dialogue in my research and writing. Rather than an in-depth discussion of any one term, what I will do is indicate what strike me as some of the central questions and contradictions posed by each term.

My discussion of some keywords will retrace the concerns expressed by the editors of *RHR* as they thought about the "possibilities for examining the relationship between lesbian/ gay historical investigations and projects in queer studies": "Is queer theory useful for historical work? Can 'queer' be a historical, historicized category? What might a queer historical practice look like? ... What is the place of empirical historical research in queer studies? What is the relationship between studies of queer reading strategies and representations and those that seek to explore the meaning and texture of people's lives?"[5] I will also devote attention to questions not covered in *RHR's* queer issue, questions of class, Marxism and materialism. My desire to foreground these three particular keywords stems partly from personal history. Before I embarked upon lesbian/ gay social history, I spent (and continue to spend) time reading,

[5] Escoffier, Kunzel, McGarry, "The Queer Issue": 3.

researching and writing working-class history. I gravitated toward labor history because it helped me to make sense of my own working-class background and history. There are also compelling political and intellectual reasons to highlight class, Marxism and the material, particularly the fact that until very recently these keywords have been elided from queer theory and neglected in past conversations about the relationship between queer theory and lesbian/ gay history.

Jargon

In his book *Stonewall,* historian Martin Duberman, someone who has done so much to foster lesbian/ gay/ queer studies, is critical of scholars who employ a "specialized jargon that claims to provide greater cognitive precision but serves more often to seal off and silence familiar human sounds." Against this tendency Duberman offers "the ancient, essential enterprise of telling human stories ... And gay men and lesbians – so long denied any history – have a special claim on historical writing that is at once accurate and accessible."[6] Historian Allan Berube, in a profile of his work on the inspiring Marine Cooks and Stewards Union, has explained that while he is "excited" by some queer scholarship, he also complains "it's so abstract, text-based, career-oriented, concerned with developing an insider jargon that it just doesn't hold my attention." Berube relates his frustration with queer theory to his identity as a "working-class intellectual." "In terms of class and credentials," Berube feels he is "an outsider in the academic world of gay and lesbian studies."[7]

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[6] Martin Duberman, *Stonewall* (New York: Dutton, 1993), xviii-xix.

[7] Sara Miles, "All in a Gay's Work," *Out* (October 1996): 78-81. I find myself somewhat troubled by several aspects of Berube's stance here. First, while it is easy for me to appreciate Berube's experience of alienation in the university, I worry about the way (however unintentionally) he overlooks the existence of academics from working-class backgrounds who have chosen to occupy the ivory tower. Second, Berube's position is bound up with what is often euphemistically referred to as "independent scholars." Personally, I don't think lesbian/ gay working-class

"Jargon" is a word that comes quickly to the lips of social historians when faced with queer theory. It is used in a pejorative way, to dismiss queer theory by suggesting it is too esoteric and elitist. That queer theorists have responded to the charge of theoretical elitism is an indication that it is a critique that carries some force. That historians continue to bandy about the accusation of theoreticism without seriously responding to queer theorists' defense of "jargon" is an example of the lack of exchange between the two groups.[8]

Historians only re-energize the discipline of history's reputation for resistance to theory and run the risk of an unfortunate anti-intellectualism with their dismissals of theory as jargon. Reading the interview with Berube and thinking about labor history reminded me of historical moments when working-class projects and intellectual, even theoretical pursuits were not cast as so mutually exclusive. I am thinking of the Knights of Labor, the late nineteenth-century working-class movement that supported organic intellectuals they called "brainworkers" and whose local assemblies were known as "schools of instruction." I'm thinking of the "worker-historians" of the 1920s and the many other workers' educational associations of the same period. I am also reminded of the activists, non-professional historians, and academics involved in the Communist Party Historians' Group in England during the 1940s and 1950s. And I am thinking of individuals like Raymond Williams, a

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intellectuals should participate in holding up or romanticizing "independent scholars." Perhaps for a few, the position of independent scholar represents a positive choice to eschew the university; for others, the designation is not freely chosen, but reflects the denial to some of the university's material support to pursue intellectual work. I, for one, refuse to give up my claim on what some disparagingly refer to as a university "career" as it is one of the few ways to get paid for what I want to do – teach, research and write gay/lesbian and working-class history. While I have much respect for those who pursue similar work outside academic institutions, I think it would be a mistake for all working-class intellectuals to concede the university to the middle class. To do so would be to fail working-class students in the university. In my still short teaching career I have been struck by how important it has been for a few working-class students – usually just one or two per course, queer and straight – to have a teacher who is "out" as working-class.

[8] A good queer defense of theoretical "jargon" can be found in the "Preface" to Lee Edelman's *Homographesis: Essays in Gay Literary and Cultural Theory,* xvi-xviii.

theoretician who never forgot the significance of his working-class background and how it shaped his intellectual life.[9] This history suggests to me that one of our goals, especially for those of us who identify as lesbian/gay working-class intellectuals, both in and outside the university, should be to challenge rather than reconstitute unhelpful distinctions between the academic world and the world beyond the academy, between theory's abstract thinking and history's human stories. The question of jargon, or more neutrally of language, is usually also one of audience. When I report the results of my historical research it looks very different depending on whether I'm writing for an academic journal or the local lesbian/ gay press. Why must we choose between history's accessible stories and queer theory's abstract languages? Surely it is worthwhile fostering a field of study that nourishes a range of modes of thought and styles of presentation.

History

If social historians reject queer theory as jargon, queer theorists often have little patience for History. In an interesting reflection on the changing nature of university students' sexual identities and their relation to historical scholarship, Henry Abelove has noted that over the past few years his queer-identified students have become more than a little impatient with the

[9] See Russell Hann, "Brainworkers and the Knights of Labor: E.E. Sheppard, Phillips Thompson, and the Toronto News, 1883-87," in eds., Gregory S. Kealey and Peter Warrian, *Essays in Canadian Working Class History* (Toronto: McClelland and Stewart, 1976), 35-57; Gregory S. Kealey and Bryan D. Palmer, *Dreaming of What Might Be: The Knights of Labor in Ontario, 1880-1900* (New York: Cambridge University Press, 1982), especially "Labor's Intellectuals," 301-310; Ruskin History Workshop Students Collective, "Worker-Historians in the 1920s," in ed., Raphael Samuel, *People's History and Socialist Theory* (London: Routledge & Kegan Paul, 1981), 15-20; Ian Radforth and Joan Sangster, "' A Link Between Labour and Learning: The Workers Educational Association in Ontario, 1917-1951," *Labour/Le Travail* 8/9 (Autumn 1981/ 82): 41-78; Bill Schwarz, '"The People' in History: The Communist Party Historians' Group, 1946-56," in eds., Richard Johnson et al., *Making Histories: Studies in History- Writing and Politics* (Minneapolis: University of Minnesota Press, 1982), 44-95; Raymond Williams, *Politics and Letters* (London: Verso, 1979), esp. Part I, "Biography,"19-84; Raymond Williams, "Culture Is Ordinary," in Williams, *Resources of Hope* (London: Verso, 1989), 3-18.

classic texts of lesbian and gay history. Abelove is careful to note that these queer undergrads do not entirely dismiss or reject these texts, they simply do not own them as their own histories.[10] Other queers have been less generous in their assessments of lesbian/ gay social history. For instance, according to Scott Bravmann, the early work of historian John D'Emilio is now hopelessly outdated, deeply flawed by its universalizing, modernist narrative framework. It "does not meet the level of complexity necessary to understand or write a heterogeneous and multicultural reflection on 'our' past," claims Bravmann. For Jonathan Goldberg, Allan Berube's history of gay women and men during World War II "makes for painful reading, not only when it details gay oppression, but when it reproduces that phenomenon." Queer theorists routinely accuse lesbian and gay historians of the most abominable crimes. *Coming Out Under Fire,* Goldberg continues, is "complicit with the forces of definitional oppression the book seeks to oppose."[11]

My point is not to suggest that lesbian/ gay historical writing is without flaws or is somehow above criticism. What I want to draw attention to is the way queer theory lacks historical perspective and appreciation. Queer critique often proceeds without so much as pausing to acknowledge the crucial roles played by pioneering lesbian and gay historians – including those who toiled in community-based history projects and archives – in establishing some of the conditions for the later emergence of queer theory. Reflecting on the years before "the academy [made] queer studies a thriving concern," Joan Nestle has urged "that we continue to appreciate and support the grassroots researchers and institutions

[10] Henry Abelove, "The Queering of Lesbian/Gay History," *Radical History Review* 62 (Spring 1995): 44-57.
[11] Scott Bravmann, "Telling (Hi)stories: Rethinking the Lesbian and Gay Historical Imagination," *OUT/LOOK: a National Lesbian & Gay Quarterly* 8 (Spring 1990): 71, and Jonathan Goldberg, "Dog Tags, Identity Cards: PC Narratives," *LGSN: Lesbian and Gay Studies Newsletter* 18 (November 1991): 38-40.

who pioneered the way, who out of passion and politics showed what was possible when a despised people took history into their own hands."[12]

Given its ahistorical bent, much queer critique also fails to situate the work of early lesbian and gay historians in its own historical/ intellectual context. It may be easy today to critique and find omissions in D'Emilio's early work, but we must remember that when he began "Capitalism and Gay Identity" nearly twenty years ago, essentialist notions of lesbian/ gay identity were fully in the saddle. The suggestion that gay identity and community formation might be related to historical processes, such as the rise of capitalism and the spread of wage labor, was, for its time, a remarkably "complex" intellectual challenge. Working within a materialist framework, D'Emilio's lectures on capitalism and gay identity also represented an important political intervention in mainstream, minoritarian lesbian/ gay politics from what at the time was a vibrant gay left alternative. That subsequent political, social and economic change has diminished the viability of (although not the need for) a lesbian/ gay socialist left should not obscure its significant historical contributions.[13] As Bravmann correctly claims, "new theoretical and political emergences lead us to rethink the frame through which we view our histories." This is as it should be; we all write our own histories and rewrite previous histories based on our differing positions in the present. But when it comes to critique, if it is to be truly historical and judicious, it must seek to place and understand lesbian/ gay historical writing in the context of its own theoretical and political moments rather than through "new theoretical and political emergences," many of

[12] Joan Nestle, "Afterword," in ed., Brent Beemyn, *Creating a Place for Ourselves: Lesbian, Gay, and Bisexual Community Histories* (New York: Routledge, 1997), 291.
[13] John D'Emilio, "Capitalism and Gay Identity," in eds., Ann Snitow, Christine Stansell, Sharon Thompson, *Powers of Desire: The Politics of Sexuality* (New York: Monthly Review Press, 1983), 107.

which had not yet emerged when these historians undertook their early work.

Empiricism

Closely related to queer theorists' denigration of the discipline of history is a demonization of the empirical. Queer theorists use the term empirical in ways very similar to historians who use "jargon." In the unflattering review of *Coming Out Under Fire* cited above, Goldberg makes certain it is understood that Berube's book follows "an empiricist model." To give another example, in his introduction to the "Series Q" reprint of Guy Hocquenghem's *Homosexual Desire,* Michael Moon claims Hocquenghem for queer theory. "I was excited to find my first model of the gay appropriation of poststructuralist theory," Moon writes about Hocquenghem's text. For Moon, *Homosexual Desire* "served as a powerful counter- model to much work by gay scholars and researchers in the United States and England that was primarily empiricist and historicist in its assumptions."[14] But Moon's effort to distill a pure poststructuralist and Parisian intellectual genealogy for queer theory becomes somewhat muddied when we recall that Hocquenghem had been claimed once before, claimed by an historicist and occasional empiricist from England. It was Jeffrey Weeks who wrote the preface to the first English translation of *Homosexual Desire* in 1978, and Weeks worked Hocquenghem's (and, of course, Foucault's) theory into the gay history he wrote. Still, queer theorists routinely equate all gay historical writing with empiricism, seemingly unaware or unwilling to allow that historical work can be theoretically charged, and that there are

[14] Michael Moon, "New Introduction," Guy Hocquenghem, *Homosexual Desire* (first French edition, 1972; this edition, Durham: Duke University Press, 1993), 9. It also strikes me as curious that Moon should claim that *"Homosexual Desire* was our first working example of theoretical discourse strongly inflected by gay activism" when he admits that for a number of years prior to discovering Hocquenghem he had been reading publications such as *Gay Left* which was nothing if not a theoretical discourse strongly inflected by gay activism.

important distinctions to be made between naive empiricism and an empirical idiom of historical investigation.[15]

Just as historians must stop using "jargon" as a shorthand dismissal of queer theory and begin to spell out the substance of disagreement, queer theorists must cease using the epithet of "empiricism" without bothering to appreciate its divergent definitions and uses by historians. We would do well to recall Stuart Hall's intervention in an older dispute between theorists and historians in which he warned of the dangers of adopting "absurd positions about the necessarily empiricist character of all historical writing" and "the conflation of the (genuine) problem of 'empiricism' with an attack on any and every piece of empirical, concrete analysis."[16]

After several years of queer theory's critique, there are signs that lesbian/gay historians are coming to the defence of the empirical. Elizabeth Kennedy performs a critical recuperation of the empirical in view of the fact that "today in gay and lesbian studies it is 'empirical' work that is on the defensive." As Kennedy writes: "Having devoted my whole intellectual career to a critique of empiricism – first as an admirer of C. Wright Mills, and later as a marxist-feminist – I find it awkward to affirm or validate an 'empirical' tradition. But as a feminist scholar and a lesbian historian I think it is necessary to do this." Similarly, Lisa Duggan recommends that "queer studies must recognize the importance of empirically grounded work in history, anthropology, and social and political theory."[17]

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[15] This distinction belongs, of course, to E.P. Thompson. See his *The Poverty of Theory* & *Other Essays* (London: Merlin, 1978).
[16] Stuart Hall, "In Defence of Theory," in ed., Raphael Samuel, *People's History and Socialist Theory* (London: Routledge & Kegan Paul, 1981), 380.
[17] Elizabeth Lapovsky Kennedy, "Telling Tales: Oral History and the Construction of Pre-Stonewall Lesbian History," *Radical History Review* 62 (Spring 1995): 60 and 76. Duggan, "The Discipline Problem," 188.

Evidence

Although I believe queer theorists are often too hard on empirical work, one of queer theory's most productive proddings of lesbian/ gay history concerns the nature and status of historical evidence. By now it should be nearly impossible for lesbian and gay historians to treat their historical documents – to choose one of the metaphors frequently employed by historians – as "windows" that somehow provide a transparent medium through which to glimpse the past. Rather, historical evidence or documents are better treated as active texts, texts that operate within discursive systems and have a determining role in shaping subjectivities and social relations. That said, uncertainty continues to hover over the status of historical evidence, including within much queer theoretical work.

Consider Lee Edelman's essay "Seeing Things: Representation, the Scene of Surveillance, and the Spectacle of Gay Male Sex." Edelman opens his essay with a device familiar to many historians, a brief historical anecdote, "In 1810 an angry London mob attacked a group of men who were being taken to the pillory after having been convicted of assault with the intent to commit sodomy in the back room of a Vere Street pub." What follows is not a history of the legal and extra-legal regulation of sodomites nor an account of the emergence of sodomitical subcultures in early nineteenth-century England. Rather, in a recognizable mode of queer analysis, Edelman quickly moves from historical event to the textual representations of the event. Through an analysis of these and several other, unrelated texts, Edelman furnishes a fascinating discussion of the constitutive role played by the surveillance of sexual relations between men within the psychoanalytic paradigm. But Edelman's use of these texts to reveal how sodomitical relations constituted "an assault upon the logic of social discourse" sits rather awkwardly next to his opening move, the use

of the same documents confidently to fix a particular historical event – "an assault upon the flesh" – in time and place. For his description of the mob scene Edelman relies on Louis Crompton's account of the same event, one that is derived from what even the most traditional historian would describe as a rather naked reading of newspapers as an historical source. In view of the fact that queer theorists, among many other poststructuralists, have insisted that it is impossible to know history with this degree of certainty given the mediating and muddying epistemological relations between the past and textual representations of the past, a number of questions arise. How is it possible for Edelman, Crompton or anyone else to pin down so precisely historical events and social relations, such as those described in the mob scene? Or, how do we imagine we can recapture historical moods, such as the "anger" of the mob, by relying on journalistic accounts and diary entries? And what happens to the poststructuralist integrity of queer theory when it imports into its analyses some fairly traditional historical methodologies? I would guess that for Edelman, not an historian but a theoretician primarily interested in deconstruction and psychoanalytic theory, these questions are non-starters. I suspect he would argue his opening device was just that, a literary technique not an affirmation that it is possible to know the past. But for those of us who deal in dusty archival documents and dwell on days gone by, epistemological and ontological questions relating to the status and use of historical evidence are of more than passing interest.[18]

An understanding of the fundamentally ambiguous nature of historical evidence can be traced back at least to Foucault. While he did much to draw our attention to historical

[18] Lee Edelman, "Seeing Things: Representation, the Scene of Surveillance, and the Spectacle of Gay Male Sex," in his *Homographesis,* 173-174.

documents as active texts within discourse, Foucault also occasionally allowed that *il y a quelque chose d'hors-texte.* In the second volume of *The History of Sexuality,* discussing several ancient Greek texts on the conceptual thematics of marital austerity, Foucault reminds us "how far removed they are from real social practice and from the actual behavior of individuals." Further on in *The Use of Pleasure,* this time analysing texts on courtship practices and erotics between boys and men, Foucault comments that "the reality" of these practices "has been amply documented by K.J. Dover." While Foucault's interest in historical documents was always as textual elements in discursive systems, this did not prevent him, relying on the methods and findings of traditional historians, from allowing that historical evidence could be used to "document" the "reality" of "social practices" and the "actual behavior of individuals" so long as one also analyzed how texts themselves helped to shape reality, social practice, and behavior.[19]

There is, of course, debate over whether Foucault intended any such separation of practice from discourse. Some argue he did not while others suggest that social practice represents a domain intimately connected to but distinct from discourse. Stuart Hall notes that in *The Archaeology of Knowledge* Foucault maintained that discursive relations, "must be distinguished from what we might call primary relations ... which, independently of all discourse ... may be described between institutions, techniques, social forms, etc." Hall chastises other interpreters of Foucault who ignore the distinction between discourse and practice, commenting that Foucault's earlier texts, such as *The Archaeology of Knowledge,* have "been banished into a symptomatic silence by later 'true' Foucaultians."[20] My own view

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[19] Michel Foucault, *The History of Sexuality, Vol. 2: The Use of Pleasure,* trans. Robert Hurley (New York: Random House, 1985), 148 and 196.

[20] Stuart Hall, "The Toad in the Garden: Thatcherism Among the Theorists," in eds., Cary Nelson and Lawrence Grossberg, *Marxism and the Interpretation of Culture* (Urbana: University of Illinois Press, 1988), 51. Some time ago, Stuart Hall drew attention to the ambiguous relationship in Foucault's work between discourse and what Foucault himself termed the "extra-discursive." See Hall, "Cultural Studies and the Centre: some problematics and

is that with his repeated references to discourse versus "concrete arrangements" and his insistence on the "local centres" and "anchors" of power /knowledge, Foucault did intend something unique by practices. The view that discourses are not free- floating but rooted and expressed in concrete practice is perhaps the view most amenable to social historians with a materialist bent. Whatever the case, continued debate on this important subject could be one terrain upon which queer theory with its interest in discourse and social history with its emphasis on the material find a meeting place.

Experience

Evidence, as Joan Scott has shown us, is often used by social historians to write about what we like to call experience. Experience has been the subject of much discussion, especially since the positioning of Joan Scott's "The Evidence of Experience" within queer theory, and I want only to register a couple of concerns. The injunction to give up the search for the evidence of homosexual experience in favor of deconstructing the tropes through which it is represented is, I believe, marked by an unacknowledged white race privilege. White queer theorists can now call for an end to the recuperation of homosexual experience after more than twenty years into the project of reclaiming the white lesbian/ gay past. For lesbians and gays of color who have not yet enjoyed such extensive historical reclamation and the affirmation it can bring, it may be far too premature to put aside reading for what Essex Hemphill called "the evidence of being."[21]

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problems," in eds., Hall et al., *Culture, Media, Language* (London: Unwin Hyman, 1980), 37. In the same volume see Chris Weedon, Andrew Tolson, and Frank Mort who explore the "question of the relationship be- tween a Foucauldian understanding of the discursive and the 'non-discursive"' in "Theories of Language and Subjectivity," 214.

[21] Essex Hemphill, "Introduction" to Hemphill, ed., *Brother to Brother: New Writings by Black Gay Men* (Boston: Alyson Publications, 1991), xxi.

Scott's call to become more conscious and critical about how the concept of experience is deployed in lesbian/ gay history can only be welcomed. But, in spite of Scott's interesting detection of the way experience is constituted through tropes of visibility in Samuel Delaney's memoirs, the article falls short of one of its important goals: to "articulate a definition of 'experience' that might work for historians." After pages of the sustained deconstruction of experience, just when experience seems beyond redemption, Scott circles back around in the conclusion of her article to claim equivocally that "experience is so much a part of everyday language, so imbricated in our narratives that it seems futile to argue for its expulsion." Scott concludes that "experience is not a word we can do without ... It serves as a way of talking about what happened."[22]

Scott is by no means the first to vacillate between deconstructing experience and invoking it as a way to talk about what happened. In his own critical assessment of the project of lesbian/ gay history, David Halperin took to task those "attempting to trace the history of 'homosexuality' as if it were a thing." What historians should attend to is "the task of demonstrating the historicity, conditions of emergence, modes of construction, and ideological contingencies of the very categories of analysis" that lesbian/ gay historians employ. This is, by now, a familiar analytical maneuvre, one that moves historical inquiry forward by asking historians to interrogate rather than to take as self-evident our objects and categories of analysis. Halperin's strategy, however, still leaves unanswered how we are to write the history of what in the same essay he ably named "conventions of feeling" and "the intricate texture of personal life," both of which sound suspiciously similar to what used to

[22] Joan W. Scott, "The Evidence of Experience," in eds., Henry Abelove, Michele Aina Barale, David M. Halperin, *The Lesbian and Gay Studies Reader* (New York: Routledge, 1993), 412.

be called "experience" in the vocabulary of social history.[23]

In his more recent work, Halperin has retreated even further from the possibility of writing the history of sexuality as "the intricate texture of personal life." Forget sexuality as experience, Halperin has even grown weary of what he describes as "the banal preoccupation with the representation of sexuality in discourse." For Halperin, any attempt to write the history of sexuality as experience, any effort to write about the "collective and individual expressions of some determinate entity called sexuality" is a move destined to de-radicalize Foucault. Instead, Halperin insists we must "use the history of sexuality as a means of inquiry into the modalities of human subjectivation – as an exercise in historicizing the subject of desire." It is meek and right that disciple Halperin should follow Saint Foucault's reworking of *The History of Sexuality* in the second and third volumes.[24] I just wish Halperin would tum his considerable talents at making precise and useful historical and conceptual distinctions among, for instance, sexual acts, identities, preferences, and orientations, toward the interpretive challenges of the history of sexuality as conventions of feeling and personal life.[25]

It would appear that after numerous studies inspired by Foucault that analyzed sexuality as a discursive formation, sexuality as experience was not so much forever

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[23] From the title essay in David Halperin, *One Hundred Years of Homosexuality and Other Essays on Greek Love* (New York: Routledge, 1990), 40.

[24] David Halperin, "Historicizing the Subject of Desire: Sexual Preferences and Erotic Identities in the Pseudo-Lucianic Erotes," in ed., Jan Goldstein, *Foucault and the Writing of History* (Cambridge: Blackwell, 1994), 22. What I would describe as Halperin's overly strict admonitions in "Historicizing the Subject of Desire" contrast sharply with his compelling argument elsewhere for the political and intellectual expansiveness of Foucault's enduring example. See Halperin, *Saint Foucault: Towards a Gay Hagiography* (New York: Oxford University Press, 1995).

[25] For a recent example of Halperin's always insightful reading of Foucault and its implications for historical writing on sexuality see Halperin, "Forgetting Foucault: Acts, Identities, and the History of Sexuality," *Representations* 63 (Summer 1998): 93-120.

silenced as it was temporarily sublimated. Functioning like queer theory's repressed, there are signs that experience has returned. As Ed Cohen has written: "Unfortunately, following Foucault, many of us working on 'queer' topics in the Victorian period have focused our analyses at the level of what we might call 'governmental' discourses (in the broadest possible sense) such as law, medicine, education, religion, literature, and the arts ... As a consequence, while we have begun to develop a relatively comprehensive sense of the ways in which a privileged range of sexualized meanings and practices systematically coalesced within these discourses, ... we have a much more rudimentary notion of how what I would call sexually 'ec-centric' subjects lived out their dis-positions."[26] To those with a background in social history with its long-standing emphasis on lived experience, Cohen's discovery of the necessity to understand how people lived out their discursively constructed identities will undoubtedly seem rather obvious and late in coming. But it is a reminder that we have not finally finished with experience. If anything, the recent work of Cohen and other queer theorists suggests a renewed effort to come to terms with the ever-elusive realm of feelings and personal life.

Materialism

The focus of so much queer theory on sexuality as a discursive formation has meant not only a neglect of experience but also a disappearing of the material. In troping on the material as ghost, I mean to reference Derrida's *Specters of Marx,* as well as the ways Marx

[26] Ed Cohen, "The Double Lives of Man: Narration and Identification in the Late Nineteenth-Century Representation of Ec-centric Masculinities," *Victorian Studies* 36 (Spring 1993): 354.

and the material continue to haunt queer theory. Given that Derrida conjures up Marx through something akin to a seance, and if Diana Fuss is right about queer theory's "preoccupation with the homosexual as specter and phantom," the prospects for a queer encounter with the material seem propitious.[27]

A queer elaboration of the material is emerging from those studies focused on the commodification of queer identities and politics. Beginning with Marx's insight that the commodity is "a very queer thing," Danae Clark was one of the first to take up the task, tracing the commodification of lesbian sexuality in the pages of women's fashion magazines.[28] As for the boys, Michael Warner has noted the "close connection between consumer culture and the most visible spaces of gay culture: bars, discos, advertising, fashion, brand-name identification." Warner evocatively suggested that "gay culture in this most visible mode is anything but external to advanced capitalism ... Post-Stonewall urban gay men reek of the commodity. We give off the smell of capitalism in rut, and therefore demand of theory a more dialectical view of capitalism than many people have imagination for."[29]

The material also surfaces in particularly concrete forms in recent work on queer space. Scholars have mapped the ways architectural forms and public sites – bathhouses, washrooms, parks, etc. – become associated with queer sex and, similarly, how some sexual

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[27] Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International,* trans. Peggy Kamuf (New York: Routledge, 1994), and Diana Fuss, "Inside/Out," in ed., Fuss, *Inside/Out: Lesbian Theories, Gay Theories* (New York: Routledge, 1991), 3.

[28] Karl Marx, *Capital,* Vol. 1 (London: Lawrence and Wishart, 1970), 71. Danae Clark, "Commodity Lesbianism," in eds., Henry Abelove, Michele Aina Barale, and David M. Halperin, *The Lesbian and Gay Studies Reader* (New York: Routledge, 1993), 186-201. See also, Gregory Woods, "We're Here, We're Queer and We're Not Going Catalogue Shopping," in eds., Paul Burston and Colin Richardson, *A Queer Romance: Lesbians, Gay Men and Popular Culture* (London: Routledge, 1995), 147-163.

[29] Michael Warner, "Introduction: Fear of a Queer Planet," *Social Text* 29 (1991):17.

practices and desires depend heavily on particular spatial settings or material bases.[30]

One of the more sustained queer theoretical efforts to address the material is found in the important exchange between Judith Butler and Nancy Fraser. Butler offers up her own ideas on the material and situates her comments in the context of what she characterizes as a "renewed sexual and social conservatism on the Left." For Butler, one reflection of this sexual conservatism is the insistence of some Marxists to relegate the sexual or the queer to the "merely cultural," thus failing to grasp the "material dimension" of sexuality. Fraser applauds Butler's efforts to retrieve "the genuinely valuable aspects of Marxism," but takes Butler to task for, among other things, an insufficient understanding of the "historically specific character of contemporary capitalist society." Discussions like the one between Butler and Fraser on Marxism and the material, however, are still the exception within queer studies.[31]

Marxism

In an interview conducted by Judith Butler, Gayle Rubin laments queer theory's disregard for Marxism, "I find the current neglect of Marx a tragedy, and I hope to see a revival of interest in his work. Marx was a brilliant social thinker, and the failure to engage important and vital issues of Marxist thought has weakened social and political analysis."[32] There is a pressing need for those with an interest in Marx and the material to make our voices heard within queer theory for there exists a present danger that this ground will be occupied by,

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[30] See, for example, Gordon Brent Ingram, Anne-Marie Bouthillette, Yolanda Retter, eds., *Queers in Space: Communities/Public Places/Sites of Resistance* (Seattle: Bay Press, 1997).
[31] Judith Butler, "Merely Cultural," *Social Text* 15 (Fall/Winter 1997): 270, 275. Nancy Fraser, "Heterosexism, Misrecognition, and Capitalism: A Response to Judith Butler," *Social Text* 15 (Fall/Winter 1997): 287.
[32] "Sexual Traffic: An Interview with Gayle Rubin by Judith Butler," in "More Gender Trouble: Feminism Meets Queer Theory," *differences* 6 (Summer/Fall 1994): 90.

Butler warns us, a rather sex-negative and economistic Marxism. A small but vocal group of Marxist critics view queer theory as nothing more than "an advanced form of bourgeois social theory" and they seek to replace it with "a rigorous, determinate" analysis based on "economics, class, and the social division of labor."[33] But such a Marxism leads to rather reductionist analyses. Teresa Ebert, for example, suggests that "the very emergence of the 'queer' itself is the effect of the development of forces of production and shifts in the organic composition of capital."[34] Not that elements of this are untrue. Certainly one must include the commodification and capitalist containment of gay and lesbian sexualities over the past two decades in order fully to understand the subsequent emergence of queer identities and politics, and the challenge they were supposed to represent. But such a view ignores the non-economic, such as the way queer was offered up as an inclusive (although largely unsuccessful) alternative to the gender and race conflicts of mainstream lesbian and gay politics.

The orthodox Marxist critique of queer theory has been most fully developed by Donald Morton. In his article, "The Politics of Queer Theory in the (Post)Modern Moment," everything Morton critiques and rejects he does simply by dismissing it as "ludic," as if the mind-numbing repetition of this rarefied concept could alone perform such work. To give but one example, rather than spell out what he regards as the problems with Jonathan Dollimore's notion of "sexual dissidence," Morton simply claims that like Judith Butler's "trouble" and Nancy Fraser's "unruliness," "the notion of 'dissidence' is basically ludic."

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[33] From an invitation to contribute to a special issue of the journal *Transformation: Marxist Boundary Work in Theory, Economics, Politics and Culture* on "The 'Invention' of the Queer: Marxism, Lesbian and Gay Theory, Capitalism" dated 17 October 1994.

[34] Teresa L. Ebert, *Ludic Feminism and After: Postmodernism, Desire, and Labor in Late Capitalism* (Ann Arbor: University of Michigan Press, 1996), 65.

Such a rhetorical strategy erases the many philosophical differences between these theorists and conveniently glosses over their very different politics. In addition to the not insignificant problems with his rhetorical techniques, Morton fails to provide an alternative theory and politics. He claims his refusal to describe an alternative is rooted in the belief that to do so "amounts to an invitation to the utopian gesture," an invitation that must be refused because to dabble in any such exercise "is to distract attention from the factual world of the daily struggle for existence." What is required is a "scientific analysis and critique of existing conditions." It is not difficult to detect here the by now tired denigration of utopian socialist thought in favor of a supposedly more rigorous, scientific Marxism. There is also a not-so-subtle suggestion that queer theory with its emphasis on the playful and the performative is a form of bourgeois decadence, a not-to-be-tolerated distraction from the struggle, this after more than two decades of the Left attempting to get with the 'New Times' by incorporating into its analyses serious consideration of the formations of pleasure. But perhaps most importantly, Morton's refusal to offer an alternative amounts to – and in this he is not unlike some of the queer theorists he criticizes – a Derridean deferral of the political in the postmodern moment. While I appreciate efforts to center issues of class and economics in relation to things queer, I worry that Morton's brand of unreconstructed Marxism and his reductive rhetorics will only further license or make easy the dismissal of historical materialism by those already inclined to do so.[35]

A more productive encounter between Marxism and queer theory is to be found elsewhere. Although Morton finds nothing redeeming about Dollimore's sexual dissidence,

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[35] Donald Morton, "The Politics of Queer Theory in the (Post)Modem Moment," *Genders* 17 (Fall 1993): 121-150. See also Morton, ed., *The Material Queer: A LesBiGay Cultural Studies Reader* (Boulder, CO: Westview Press, 1996).

I find in his work, and in British queer cultural materialism generally, numerous resources of hope. In *Cultural Politics-Queer Reading,* Alan Sinfield offers a materialist history of the queer moment; in *The Wilde Century* he devotes a chapter to "class relations." I admire the way queer cultural materialists know their past and pay respect to Marxist thinkers such as Raymond Williams. I also admire the way queer cultural materialists link their intellectual project with a politics that includes class politics. As Dollimore maintains, without lapsing into a naive "faith in Man, the individual ... we need a spirited reiteration of Marxist humanism."[36] In addition to queer cultural materialism, a reinvigorated materialist feminism – as practised by someone like Rosemary Hennessy – also promises to bring Marxism and queer theory closer together.[37]

Class

Related to queer theory's relative silence on Marxism and materialism is its neglect of class. The reasons for this neglect are not difficult to discern. Within queer theory, as in so many other poststructuralist projects, class was guilty by association, association with a supposedly discredited Marxism. Nevertheless, one might have expected to find some consideration of class in the queer issues of *Socialist Review* or *Radical History Review*. But, on the whole, this did not turn out to be so. Perhaps in the case of *Socialist Review* this was related to the fact that, as David Trend writes in his "Editor's Note" to the "Queer

[36] Alan Sinfield, *Cultural Politics-Queer Reading* (Philadelphia: University of Pennsylvania Press, 1994); Sinfield, *The Wilde Century: Effeminacy, Oscar Wilde and the Queer Moment* (London: Cassell, 1994); Jonathan Dollimore, "Shakespeare, Cultural Materialism, Feminism and Marxist Humanism," *New Literary History* 21 (Spring 1990): 479-481.

[37] See Rosemary Hennessy, "Queer Theory, Left Politics," *Rethinking Marxism* 7 (Fall 1994): 85-111; Hennessy, "Queer Visibility in Commodity Culture," *Cultural Critique* 29 (Winter 1994-95): 31-76. See also Hennessy, *Materialist Feminism and the Politics of Discourse* (New York: Routledge, 1993).

Subjects" issue (which was also the 25th anniversary issue), in the mid-1970s the journal "began seriously questioning the efficacy of social class as a dominant analytical category." While it is not difficult to endorse the journal's dislodging of class as the dominant analytical category, class does remain one of the determinants of experience, including queer experience, although one would never know it by reading the "Queer Subjects" issue. Trend goes on to explain that the journal has maintained an "effort to balance analyses of capitalism with a consideration of the many groups and interests that now comprise the 'left'." Such a pluralism, however, effaces the specificity of lesbian/ gay/ queer activists and intellectuals who also identify as socialists. While this latter group is itself a diverse lot, in its identification and active engagement with the intellectual traditions and political aims of socialism – including the socialist transformation of capitalist economic systems – it is distinctly different from many other lesbian/ gay/queer political organizations and individuals on "the left" who lack class politics and/or remain indifferent toward the past, present and future of socialism.[38]

Moving from class politics to the intellectual handling of class, there was a moment very early on in the development of queer theory when class had a chance to secure a

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[38] David Trend, "Editor's Note," the "Queer Subjects" issue of *Socialist Review* 25, 1(1995): 1-2. The past and present of a distinctly socialist and/or working-class lesbian/ gay left is a rich, international story that remains to be written. It would include stories of the lesbians and gay men active in socialist politics during the 1970s and early 1980s, as well as the ongoing organizing efforts of lesbian/gay trade unionists in the labor movement. For a sampling of this history see Philip Derbyshire, "Sects and Sexuality: Trotskyism and the Politics of Homosexuality," in ed., Gay Left Collective, *Homosexuality: Power and Politics* (London: Allison & Busby, 1980), 104-115; Bob Cant and Nigel Young, "New Politics, Old Struggles," in *Homosexuality: Power and Politics*, 116-127; Brian Flynn, Larry Goldsmith and Bob Sutcliffe, "We Danced in the Miners' Hall: An Interview with 'Lesbians and Gays Support the Miners'," *Radical America* 19 (March-June 1985); Bob Cant, "Normal Channels," in eds., Cant and Susan Hemmings, *Radical Records: Thirty Years of Lesbian and Gay History* (London: Routledge, 1988), 206-221; Bill Marshall, "Gays and Marxism," in eds., Simon Shepherd and Mick Wallis, *Coming On Strong: Gay Politics and Culture* (London: Unwin Hyman, 1989), 258-274; Trades Unionists Against Section 28, *Out at Work: Campaigning for Lesbian and Gay Rights* (London: Trojan Press, 1989). Also vital to this history is the lesbian/ gay socialist press. See, for example, back issues of *Gay Left, Lesbian and Gay Socialist* and *Rouge.*

foothold in the fledgling field. I am thinking, for example, of Sedgwick's early work on male homosocial desire, her sensitivity to its specific class configurations and its relation to capital, as well as her own engagement with Marxist-feminism.[39] Sedgwick's male homosocial desire was also a stepping stone to studies on men's literary collaboration. In his study of collaboration between the founding fathers of Marxism, Andrew Parker noted that "more and more historical research ... is currently being compiled on the myriad ways class position affects the formation of sexual practices and identities ... Thus, while we have begun to appreciate how class impinges upon sexual formations, we still have nothing resembling a sex-inflected analysis of class formations."[40] But the early promise of sex-inflected analyses of capitalism and class formations have failed to materialize within queer scholarship.[41]

Given that class appears not to be on the queer intellectual agenda, there is a pressing need to think of ways to bring class into view. But, first, it should be noted that given the ways in which class and racial hierarchies often overlap, lesbians and gays or queers of color have never really lost sight of the salience of class. It is no coincidence, for instance, that when Gloria Anzaldua spells out her identities she includes her class background: "Chicana, tijana, working-class, dyke-feminist poet, writer-theorist." Anzaldua takes great care to draw out the class and racial differences embedded in queer experience: "If I have to pick an identity label in the English language I pick 'dyke' or' queer,' though these working-class

[39] Eve Kosofsky Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1985).
[40] Andrew Parker, "Unthinking Sex: Marx, Engels and the Scene of Writing" *Social Text* 29 (1991): 30-31.
[41] A notable exception is Arny Gluckman and Betsy Reed, eds., *Homo Economics: Capitalism, Community, and Lesbian and Gay Life* (New York: Routledge, 1996), although I'm not certain I'd characterize this volume as particularly 'queer'. Its origin is to be found – tellingly – not within queer theory, but in the collective that produces the progressive economics magazine *Dollars and Sense.*

words ... have been taken over by white middle-class lesbian theorists in the academy. Queer is used as a false unifying umbrella which all 'queers' of all races, ethnicities, and classes are shoved under. At times we need this umbrella to solidify our ranks against outsiders. But even when we seek shelter under it we must not forget that it homogenizes, erases our differences."[42]

What understandably remains beyond this is the experience of white, working-class queers. White, working-class queers have been slow to articulate and claim a space for our identities, but it seems to me to be a necessary step even at this late date in the critique of identity politics as one way to push the issue of class onto the queer intellectual agenda. This would seem to make some strategic sense. One reason why white queer theorists take the issue of race seriously (at least when compared to class) is related to the effectiveness with which lesbians and gays of color have claimed and asserted their racial identities, and have insisted on the importance of racism and racial difference within queer worlds. One of the ways lesbians and gays of color have accomplished this is through particularly powerful autobiographical writings which have had an immensely productive impact on queer theory. Similar resources exist for white, working-class queers. I continue to be inspired, for instance, by the personal/political writings of Amber Hollibaugh whose queer life has been shaped in profound ways by her working-class background and involvement with the labor movement.[43] Unlike work by lesbians and gays of color, however, there have been few attempts to anthologize writings by white, working-class queers, a necessary precondition, it

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[42] Gloria Anzaldua, "To(o) Queer the Writer-Loca, escritora y chicana," in ed., Betsy Warland, *Inversions: Writing by Dykes, Queers & Lesbians* (Vancouver: Press Gang, 1991), 250.

[43] "Sexuality and the State: The Defeat of the Briggs Initiative and Beyond-Inter- view with Amber Hollibaugh," *Socialist Review* 9 (1979): 55-72; Hollibaugh, "Right to Rebel," in Gay Left Collective, *Homosexuality: Power and Politics*, 205-215; "The Gap She Fostered," in eds., Christine McEwen and Sue O'Sullivan, *Out the Other Side* (London: Virago, 1988), 1-4; "Writers as Activists: Moving Working-Class Oral Protest onto the Printed Page," *OUT/LOOK* 10 (Fall 1990): 69-72.

would seem, to being heard and making a mark within the academy.[44]

There are many class issues related just to speaking and writing, two central tools of the intellectual trade. Henry Abelove notes about his queer university students that in terms of "class origins" they "tend to be mostly well-off and bourgeois." Abelove goes on to comment insightfully: "I doubt these students' queerness is a class-determined phenomenon ... What I do think likely is that their class position may help them to be confident in the expression of their queerness in the classroom."[45] Indeed, I would suggest that the confidence to express at all is shaped in class ways in which middle-class queers, like their straight, middle-class counterparts, have been socialized with a sense of entitlement to express themselves and with the belief that what they say is worth hearing, while working-class queers and straights struggle more with self-doubt and lack of confidence in speaking and writing in the bourgeois world of the university.[46] While it is well beyond the scope of this paper to present them in any detail, there are countless ways in which class intersects

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[44] A recent move in this direction is Susan Raffo, ed., *Queerly Classed* (Boston: South End Press, 1997). Given the scarcity of books on working-class lesbian/ gay experience, we should not forget the articles and supplements on working-class life that appeared in the pages of a once thriving progressive, community-based lesbian/ gay press. See, for example, "Some Working-Class Perspectives," *Rites: for lesbian and gay liberation* (Toronto, September 1985): 12-13 and "Call it Class," *Gay Community News* (Boston, January 1990): 7-11.

[45] Abelove, "The Queering of Lesbian/Gay History," 49. It should not be surprising that Abelove is one of the very few contributors to the many special queer issues of academic journals to mention class. His own intellectual genealogy – from his days in the working-class history/socialist milieu of "MARHO: The Radical Historians' Organization" to one of the editors of the very queer *The Lesbian and Gay Studies Reader* – encompasses the particular combination of left social history and queer theory I am arguing for here. See "Critically Queer: Interview with Henry Abelove," *Critical inQueeries* l (September 1995): 7-14.

[46] Consider these working-class voices: "I can't write about class because I'm scared. I think I'll be criticized. I think I'll be laughed at. I don't write properly ... I'm not supposed to write at all" (Nym Hughes, "Why I Can't Write About Class") or "Speaking and writing do not come easily for me. I cannot call myself a writer without hesitating ... To get up and speak before people, to make a public statement of any kind, sometimes to even state my name became unbearable, impossible, terrifying. I asked not one question, spoke not one classroom word in four years of university" (Cy-Thea Sand, "A Question of Identity"). Both essays appear in "Class is the Issue," a special issue of *Fireweed: A Feminist Quarterly* 25 (Fall 1987). Or, consider Allan Berube's experience: "Growing up working-class in Massachusetts and New Jersey, Berube recalls, 'I always wanted to figure things out. I loved ideas. So school was going to be the way I escaped. But once I got to college I felt disoriented and torn apart'," *Out* (October 1996): 80.

with and shapes queer lives in and outside the academic world, and I flag them here to highlight the need for queer theory to begin to address class issues.

Queer

Thus far I have maintained a separation between queer theory and lesbian/ gay history. But what happens when we take one term from each of the opposing sides and bring them together, as in queer /history? It seems to me that there are at least four relatively different ways in which queer and history can come together. To a historian, perhaps the most obvious way would be to trace the history of" queer" as an identity category and to write the histories of the individuals and groups who, in different times and places and in divergent ways, adopted and lived out a queer identity. George Chauncey has contributed to this in *Gay New York* by examining the history of those "straight-looking, straight-acting" middle-class men who identified in the early twentieth century as "queer" as a way to differentiate and distance themselves from the working-class and effeminate fairy.[47]

A second approach would be to use lesbian/ gay social history as the basis for a critique of queer theory. To use the example of *Gay New York* again, Chauncey calls into question Eve Sedgwick's claim that the primary trope through which gay men and most others have understood homosexuality for the last century has been the closet. Chauncey does this by demonstrating that for many gay men in the early twentieth century the metaphor of choice was not the closet but the more expansive notion of the "gay world," and the preferred epistemology was camp and the double life. While living a double life necessitated some of the secrecy and hiding we associate with the closet, for many men it

[47] Chauncey, *Gay New York*, 99-127.

did not mean the isolation and invisibility with which we also think of the closet. As Chauncey indicates, it was not until the 1960s that the closet came into common parlance. In this way, lesbian/ gay social history discourages theoretical projections onto the past and asks that we begin with an attempt to understand the conceptual categories and ways of knowing actually used by actors in the past.[48]

Borrowing elements of queer theory and using them to modify a more or less recognizable lesbian/ gay social history constitutes a third possible approach. We can see something of this in Marc Stein's work on Philadelphia. Stein's project takes the form of a community study, a model developed in social history and anthropology. Stein also draws on Sedgwick's suggestion to reposition studies away from relations between women or between men toward the diacritical axis between men and women within lesbian/ gay formations. Stein accomplishes this through a lesbian and gay history of Philadelphia, examining what he terms "lesbian-gay heterosociality."[49]

Finally, a fourth way would be to develop a distinctly queer historical practice. Although she called her approach "deviant history," Jennifer Terry was one of the first to mark out a queer historical practice. Her article, "Theorizing Deviant Historiography," returns us to one of the central tensions between history and queer theory, the tension between the material and the discursive. Terry employs a form of discourse analysis to investigate a familiar text within the history of sexuality, the medico-scientific study *Sex Variants*. Terry's analysis of how subjects resisted doctors, however, proceeds without any

[48] Chauncey, *Gay New York*, 375 and 381. Martha Vicinus makes similar points in "Lesbian History: All Theory and No Facts or All Fact and No Theory?," *Radical History Review* 60 (Fall 1994): 57-75.
[49] Marc Stein, "Sex Politics in the City of Sisterly and Brotherly Loves," *Radical History Review* 59 (Spring 1994): 60-92.

reference to the broader material/historical context of the 1941 study. She does acknowledge that "the deviants' clash with medicine is not entirely dependent on the medical discourse for its enunciation. Much of this conflict comes from lesbian and gay subcultural practices which may overlap with the pathologizing discourse but whose origins, implications, and effects are locatable partially outside the hegemonic formations of science and medicine in a homosexual 'underworld'." But, in an article that aims to suggest new historiographic practices, this crucial point is relegated to a footnote.[50]

Since Terry there have been several other attempts to outline a queer historical practice. In an engaging article, "The Trouble with Harry Thaw," Martha Umphrey contends that Terry's approach is not really queer enough because even while Terry offers "the deviant" as a more expansive category than lesbian and gay, she "veers back to a politics of identity and resistance that still requires homosexual subjectivity to be imagined as stable and coherent." Rather than attempt to constitute queer history's proper object of study, Umphrey suggests it might be better to talk about "queered history" which would refer to the historian's critical stance rather than to the historian's object of study. Umphrey, however, cannot entirely resist the issue of what/who might constitute queered history's object of study. She suggests it may be all those who existed as "sexual outlaws" in a history of the "refusal of compulsory heterosexuality." But this creates a number of problems. First, Umphrey's "outlaws" seem to require for their existence something she repeatedly refers to as "compulsory heterosexuality" – that thing against which outlawry is measured. Even though Umphrey suggests that "the ultimate in queered historical projects" would be "critical histories of heterosexuality," a rather stable and coherent "compulsory heterosexuality"

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[50] Jennifer Terry, "Theorizing Deviant Historiography," *differences* 3 (Summer 1991): 55-74.

continues to lurk in Umphrey's own historical practice. Second, while a focus on "outlaws" may move us beyond the restrictive identity categories of lesbian, gay or even queer, and while Umphrey is wary of any historiographic practice that rests upon resistant homosexual subjectivities, her own practice does not resolve the riddle of sexual identity and subjectivity in history. As queer historians we can claim Harry Thaw as our own because his sexual practices appear not to have entirely conformed with "heterosexuality," but this does not answer the elusive historical question of whether Harry Thaw thought of himself as an outlaw against heterosexuality. Umphrey dispenses all too quickly with what she admits was Thaw's "own insistence on a particularly normative heterosexuality." Third, the trouble Harry Thaw poses for Umphrey is that he had (sometimes "sadistic") sex with both women and men. For Umphrey this makes it impossible to label him simply a homosexual or a heterosexual, leaving him available to fill other positions, such as "sadist, libertine, pervert, madman" or, better yet, outlaw." But why not simply "normal?" Thaw lived during the early twentieth century, a period, as Chauncey has argued, prior to the consolidation of the homo/heterosexual binarism. As Chauncey demonstrates, many "normal" men had (often phallocentric, sometimes violent) sex interchangeably with women, adult homosexual men (fairies, sissies, queers), and boys. In this way perhaps Thaw was much like many other men, not an outlaw against heterosexuality at all, but firmly located within the bounds of what at the time was considered "normal manhood." In indicating some of the trouble with Martha Umphrey, I am suggesting that any effort to devise a queer history must historicize the "normal" against which the potentially expansive categories of "outlaw" and "deviant" are defined, and it must recognize if not resolve the messy historical issues of subjects' self-

consciousness and self-identities.[51]

Conclusion

Jargon. History. Empiricism. Evidence. Experience. Materialism. Marxism. Class. Queer. My purpose has been to suggest some of the keywords through which a dialogue might begin to emerge between queer theorists and lesbian/gay social historians. It is imperative that we find a way to communicate in order to rescue lesbian/gay history from the enormous condescension of queer theory and to calm lesbian/gay historians' fear of a queer intellectual planet. Much is at stake. As one commentator on the state of lesbian/ gay/queer studies put it: "I very much worry about presentism. We need to think about what way we can have of holding onto histories." The words belong not to a historian but to a queer theorist. Sedgwick went on to ask: "Is there a way we can have access to these rich and varied histories?"[52] I suggest the answer to that question will be found only when we discover a way to start talking to each other. There are encouraging signs that a productive dialogue is possible. Within Renaissance studies, for example, queer theorists not only critique but also include Alan Bray, a pioneering gay social historian, in the project of queering the Renaissance, and Bray is one gay historian who engages rather than dismisses queer theory.[53] Renaissance scholars show it is possible to respect your "elders" and know your past. It remains for the rest of us to find further ways – I will choose a word resonant with queer and materialist meanings – to fabricate queer history and queer theory.

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[51] Martha M. Umphrey, "The Trouble with Harry Thaw," *Radical History Review* 62 (Spring 1995): 8-23.
[52] Sedgwick quoted in Deb Schwartz, "Titillating Titles and Tasty Treats at Rutgers Confab," *NYQ* (17 November 1991): 20-21.
[53] See, for example, Jonathan Goldberg, ed., *Queering the Renaissance* (Durham, NC: Duke University Press, 1994).

Chapter 3

Police / Archives

"A new optics, first of all: an organ of generalized and constant surveillance; everything must be observed, seen, transmitted: organization of a police; institution of a system of archives (with individual files), establishment of a panopticism."

Michel Foucault, "The Punitive Society"[1]

In his lectures on the theme of punitive society at the Collège de France in 1972–1973, Michel Foucault prompted his audience to consider the relationship between the police and a system of archives. It is a relationship – which I will call "police/archives" – that has received remarkably little attention in the archival literature. The reason for this may be that when Foucault and archives are invoked in archival writing, it is done in a very specific way. As Joan Schwartz and Terry Cook explain, "Cultural theorists, most notably Michel Foucault and Jacques Derrida, see 'the archive' as a central metaphorical construct upon which to fashion their perspectives on human knowledge, memory, and power."[2] Within queer studies, which are heavily influenced by

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[1] This chapter was previously published as "Police/Archives," *Archivaria: The Journal of the Association of Canadian Archivists* 68 (Fall 2009): 159-182. Reprinted here with permission of the copyright holder, the Association of Canadian Archivists. I would like to thank Rebecka Sheffield and Marcel Barriault for their work on this issue and for the opportunity to contribute to it. Thank you to one of the journal's reviewers for supplying a sharp, stimulating critique. Thanks, too, to Karen Teeple and Lawrence Lee at the City of Toronto Archives for their always prompt and professional responses to my many queries, as well as for making available the accession and other administrative records relating to the Archives' holdings of historical police documents. Michel Foucault, "The Punitive Society," in *Essential Works of Foucault, 1954–1984, Volume 1: Ethics: Subjectivity and Truth*, ed. Paul Rabinow, trans. Robert Hurley and others (New York, 1997), p. 55. I have amended the English translation of Foucault's course summary in several places based on my reading of the original French text. In *Essential Works*, "*surveillance"* is translated as "oversight," an odd choice given the explicit and frequent reference to surveillance in Foucault's work. "*Une police*" is rendered as "a police force," a much too limited idea of what Foucault intended by "police." "*Un système d'archives*" becomes "a system of records" when I believe Foucault meant exactly what he wrote – archives; he references the records, "individual files," parenthetically. See Michel Foucault, *Résumé des cours, 1970–1982* (Paris, 1989), p. 49.

[2] Joan M. Schwartz and Terry Cook, "Archives, Records, and Power: The Making of Modern Memory," *Archival Science* 2 (March 2002), p. 4.

cultural/critical theory, the archive most often also appears as a metaphorical construct. For example, Ann Cvetkovich's book, *An Archive of Feelings*, is an interesting case in point; while she is more sensitive than many queer theorists to what she cleverly calls "actually existing archives," her embrace of Derrida means that the archive as a metaphorical or psychoanalytical construct (what she variously terms an "archive of emotion" and the "archives of trauma"), is front and centre in her work.[3] To take another example, in his study of New York's post-war, queer art world, Gavin Butt opts for a Derridean-derived approach to read the "absences within the archival record," a method, he suggests – in something of an understatement – that "brings me close to the limits of conventional archival procedures for producing historical knowledge."[4]

Ann Laura Stoler has recently commented: "One could argue that 'the archive' for historians [and, we can add, for many professional archivists] and 'the Archive' for cultural [including queer] theorists have been wholly different analytic objects: for the former, a body of documents and the institutions that house them, for the latter a metaphoric invocation for any corpus of selective collections and the longings that the acquisitive quests for the primary, originary, and untouched entail."[5] In the now commonplace distinction between "the archive" as institution and "the Archive" as metaphor, Foucault is routinely aligned with the latter.[6] But

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[3] Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham, 2003). See also, Nicholas de Villiers, "Queer Archives," *Cultural Critique* 66 (Spring 2007), pp. 179–83. Queer theoretical approaches to "the Archive" have not entirely supplanted earlier, community-based traditions of lesbian/gay archives. For several recent examples of less metaphorical queer archives, see Sue Donnelly, "Coming Out in the Archives: The Hall-Carpenter Archives at the London School of Economics," *History Workshop Journal* 66 (Autumn 2008), pp. 180–84 and Ryan Conrad, ed., *Future of the Past: Reviving the Queer Archives* (Portland, 2009).

[4] Gavin Butt, "Whispering in the Archive," in Butt, *Between You and Me: Queer Disclosures in the New York Art World, 1948-1963* (Durham, 2005), pp. 16-21.

[5] Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ, 2009), p. 45. Stoler goes on to point out that it is of course entirely possible for a scholar to use both meanings of the archive in their work. Stoler's own study is exemplary in this regard, combining an appreciation for the archive as colonial imaginary with detailed research into the archival practices of colonial rule.

[6] For a recent example, see Kathleen Biddick, "Doing Dead Time for the Sovereign: Archive, Abandonment, Performance," *Rethinking History* 13 (June 2009), pp. 137-51. Biddick's article is a mind-bending blend of the

Foucault also had a less metaphoric, more material understanding of archives, one perhaps more congenial to archivists and historians, and one more conducive to thinking about the police/archives conjuncture.

This paper will initiate an exploration of the police/archives nexus. It begins by sketching an alternate view of Foucault's relationship to the archive. It will then suggest some ways we can begin to conceptualize police/archives, followed by a testing of the framework against an actual police archive – the Toronto Police Museum – since it was my experience of trying to do queer historical research at the Museum that prompted me to think about police/archives in the first place. The final section will touch on the politics of police/archives, particularly in relation to issues of public access, police accountability, and sexual identity.

Foucault in the Archives

In discussions of "the Archive," Michel Foucault is often linked to Jacques Derrida whose "archive fever" is perhaps the epitome of the archive as metaphor.[7] It is a strange pairing, given the long-standing political and intellectual *différence* between the two French thinkers, not the least being the disjuncture between Derrida's Freudian impression of the archive and Foucault's

archive as metaphorical and hyper-theoretical, mixed with a Foucauldian appreciation for the institutional, including an account of Biddick's use of Dublin's Mountjoy Prison as an experimental performance space. Biddick's installation at Mountjoy – imagined to exist (metaphorically) in between the prison and some place she calls the "National Archive" – sought to interrupt the Panopticon as a "powerful means by which the spectacle of abandonment can be momentarily suspended by problematizing it by threading thought through space and time along coordinates different from the optics and scriptures of political theology" (p. 149). I would suggest that despite her attention to the prison and archive as actual spaces, Biddick gives even Derrida a run for his metaphorical money.

[7] Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz (Chicago, 1996; originally published as *Mal d'archive*, 1995). For a brilliant deconstruction of the Derridean archive, see Carolyn Steedman, *Dust: The Archive and Cultural History* (Manchester, 2001).

deep skepticism toward psychoanalysis. The more instructive pairing vis-à-vis Foucault and "the Archive" is with Gilles Deleuze who, in 1986, crowned Foucault "a new archivist." Deleuze recalled Foucault's use of archive in his archaeological works.[8] In *The Archaeology of Knowledge* (1969), for example, Foucault conjoined archive to a set of other complex terms and concepts, such as "the statement," to designate the bounded discursive space that set the range and limits on the totality of "statements," understood as encompassing things and events, in any given historical formation.[9] Foucault explained it this way:

> … *archive*. By this term I do not mean the sum of all the texts that a culture has kept upon its person as documents attesting to its own past, or as evidence of a continuing identity; nor do I mean the institutions, which, in a given society, make it possible to record and preserve those discourses that one wishes to remember and keep in circulation. On the contrary ... [t]he archive is first the law of what can be said, the system that governs the appearance of statements as unique events.[10]

Foucault's use of "archive" here is abstract, or as Eric Paras suggests, it is "a term of art for Foucault."[11] Abstract or artful, either way it is rather far removed from the real world of most practising archivists. It was, however, in keeping with the high level of theoretical abstraction at which Foucault worked in the mid- to late-1960s, and it is a reminder that Foucault bears some responsibility for the subsequent yoking of his name to "the Archive." At the same time, one

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[8] Gilles Deleuze, "A New Archivist," in Deleuze, *Foucault*, intro. Paul Bové, trans. Sean Hand (Minneapolis, 2006; originally published as *Foucault*, l986), pp. 1–22.

[9] When May writes with reference to the archaeological works, "the archives Foucault describes are complex," this is surely an understatement. Todd May, *The Philosophy of Foucault* (Montreal and Kingston, 2006), p. 121.

[10] Michel Foucault, "The Historical *a priori* and the Archive," in Foucault, *The Archaeology of Knowledge*, trans. A. M. Sheridan Smith (London, 2002; originally published as *L'Archéologie du savoir*, l969), p. 145. In the year prior to the publication of *The Archaeology*, Foucault explained it in part this way: "I shall call an archive, not the totality of texts that have been preserved by a civilization or the set of traces that could be salvaged from its downfall, but the series of rules which determine in a culture the appearance and disappearance of statements." Michel Foucault, "On the Archaeology of the Sciences: Response to the Epistemology Circle," in *The Essential Works of Foucault, 1954–1984, Volume 2: Aesthetics, Method, and Epistemology*, ed. James D. Faubion, trans. Robert Hurley (New York, l998), p. 309.

[11] Eric Paras, *Foucault 2.0: Beyond Power and Knowledge* (New York, 2006), p. 33. Paras begins his own study with the chapter, "Into the Archive," by which I believe he means the Foucault archive.

wonders whether Deleuze did his old friend any favour by anointing Foucault a "new archivist" in 1986, a move that reintroduced and recirculated "the Archive" long after Foucault had more or less ceased to use the term in the same fashion.

Even during his archaeological period, archive could have a different meaning for Foucault. During an interview in June of 1967, two years before the appearance of *The Archaeology of Knowledge*, he was asked: "You surrender to the characteristic passion of the historian, who wants to respond to the endless murmur of the archives?" "Yes," Foucault replied, "because my object is not language but the archive." He was careful to qualify what he meant by archive – "the accumulated existence of discourses … the analysis of discourse in its archival form" – but this was not yet the elaborate, rarified archive of *The Archaeology*. The interview, "On the Ways of Writing History," was clearly about the kinds of archives historians get excited over and in which Foucault spent a great deal of his working life.[12] Two years later, describing his research methods for *History of Madness* as part of his candidature to the Collège de France, Foucault explained: "It was necessary to consult a body of archives comprising decrees, rules, hospital and prison registers, and acts of jurisprudence. It was in the Arsenal or the Archives nationales that I undertook the analysis of a knowledge whose visible body is neither scientific nor theoretical discourse, nor literature, but a daily and regularized practice."[13] Here, then, we have archives as actual sites of research and archival knowledge represented not as theoretical discourse but as concrete *practice*.

Archives and libraries were among Foucault's favourite places, right up there with leather bars and S/M bathhouses. Beginning in the early 1950s and for the next thirty years, Foucault

[12] Foucault, "On the Ways of Writing History," in *Essential Works of Foucault, Volume 2*, pp. 289–90.
[13] Quoted in David Macey, *The Lives of Michel Foucault: A Biography* (New York, 1993), p. 94.

worked almost daily at the Bibliothèque nationale de France (BNF). This was the old national library located on rue Richelieu where Foucault could be found in la salle Labrouste, at his usual desk on the *hémicycle*, the slightly elevated space that looks out over the main reading room with its central aisle separating rows of long tables subdivided into individual study spaces.[14] When not at the BNF, Foucault frequented other libraries and archives. In the Archives de la Bastille at the Bibliothèque de l'Arsenal, Foucault discovered the dossiers of the "lunatics" and libertines, the prostitutes and the "perverts," confined in the Bastille and the Hôpital général, often locked up there by the police. These dossiers make up part of the evidentiary base of Foucault's magisterial *History of Madness*.[15] It was also in the archives of the Bastille that Foucault found the records of the Lieutenant of the Police along with the well-known *lettres de cachet*. Foucault proposed a book based upon the letters as early as 1964, a project that would come to fruition in l982 when he, along with historian Arlette Farge, published *Le Désordre des familles: lettres de cachet des Archives de la Bastille*.[16] Primary historical sources on the police, along with criminal notices from old Paris newspapers, turn up in his *Discipline and Punish* where they constitute an "'ignoble' archives," *ignoble* because these texts did not chronicle kings but documented the lower orders.[17] Foucault also conducted extensive archival research in the medico-legal case files of parricides, hermaphrodites, and countless other "abnormals," called upon to confess to sexologists and psychoanalysts their sexual sins, and whose documentary traces constitute what

[14] Macey, Ibid., p. 49. For a peek into la salle Labrouste, the BNF offers a virtual tour: http://www.bnf.fr/visiterichelieu/architecture/lab_ap.htm (accessed on 3 October 2009).
[15] Michel Foucault, *History of Madness*, ed. Jean Khalfa, trans. Jonathan Murphy and Jean Khalfa (London and New York, 2006; originally published as *Folie et Déraison: Histoire de la folie à l'âge classique*, 1961).
[16] Arlette Farge and Michel Foucault, *Le Désordre des familles: lettres de cachet des Archives de la Bastille* (Paris, l982).
[17] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York, l979; originally published as *Surveiller et punir: Naissance de la prison*, 1975), p. 191.

in the introductory volume of *The History of Sexuality,* Foucault called the "great archive of the pleasures of sex."[18] We are already some distance from "the Archive."

It was likely in the BNF that Foucault first came down with archive fever, although decidedly not of the Derridean variety. The pleasures of the archive induced what Foucault called a "feverish laziness," the burning desire to do nothing other than archival research or to loaf away one's days in a library. As he explained to the audience listening to his lecture at the Collège de France on 7 January 1976, feverish laziness is "a character trait of people who love libraries, documents, references, dusty manuscripts, texts that have never been read, books which, no sooner printed, were closed and then slept on the shelves and were only taken down centuries later … and, as you well know, its external signs are found at the foot of the page."[19] Archive fever produced, not, as for Derrida, a subconscious and always-already doomed desire for the originary or, worse, a violent playing out of the death drive,[20] but, for Foucault, a longing to pursue archival research simply for the love of dusty old documents, generating perhaps nothing more than "useless erudition." Of course, Foucault did not really think archival knowledge was useless. He was toying with his audience, as he often did during his lectures, in this instance feigning worry over what might appear to be the "fragmented, repetitive, and discontinuous" character of his researches over the previous four or five years. Do not blame him for this, Foucault teased, for he had a bad case of archive fever.[21]

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[18] Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley (New York, l980; originally published as *La Volonté de savoir: Histoire de la sexualité, 1*, 1976), p. 63.
[19] Michel Foucault, "*Society Must Be Defended": Lectures at the Collège de France, 1975–1976*, ed. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York, 2003), p.5.
[20] Derrida writes, "What is at issue here … is the violence of the archive itself, *as archive, as archival violence*"; he then goes on to claim: "The death drive is not a principle … It is what we will call, later on, *le mal d'archive*, 'archive fever'." Derrida, *Archive Fever*, pp. 7 and l2.
[21] Foucault, "*Society Must Be Defended*," pp. 5 and 4.

There is no denying Foucault loved archival documents and dusty manuscripts. The *lettres de cachet*, written on parchment or rag paper, were brittle and often in a poor state of preservation; he painstakingly copied them out by hand over the years. As David Macey suggests, Foucault's research methods "gave him a physical familiarity with his chosen texts."[22] Foucault disdained photocopying which, he told a friend, destroyed the charm of the text, "which becomes almost lifeless when you no longer have the printed page before your eyes and in your hands."[23] Archival research had other physical dimensions for Foucault. In his remarkable essay, "The Lives of Infamous Men," Foucault described how reading historical documents in the archive gave "rise to a certain effect of beauty mixed with dread," and evoked in him a feeling of "intensity," a "physical" sensation that "stirred more fibers within me" than great works of literature.[24] Foucault's tactile attachment to the document, his physical experience of the archive, capture well the premise of this paper that for Foucault the archive was much more than a metaphor. This is something French historians have understood about Foucault for some time. Foucault haunts the pages of Arlette Farge's evocative account (*Le Goût de l'archive*) of the rapport between the historian and archival research, in which she discusses "*le réel de l'archive*."[25] (Stoler cites *Le Goût*, noting its affinity with her own notion of "the pulse of the

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[22] Macey, *The Lives of Michel Foucault*, p. 454.
[23] David Macey, *Michel Foucault* (London, 2004), p. 67.
[24] Michel Foucault, "The Lives of Infamous Men," in *The Essential Works of Foucault, 1954–1984, Volume 3: Power*, ed. James Faubion, trans. Robert Hurley and others (New York, 2000), pp. l64 and l58. I elaborate on Foucault's experience in the archives in my forthcoming study, *Infamous Men: Perversion and Policing in Toronto, 1880 –1940*, which takes Foucault's essay as one of its principle inspirations. "The Lives of Infamous Men" was also the focus of a major exhibition this past summer at the Bibliothèque municipale de Lyon. See "Archives de l'infamie, une collection imaginaire": http://www.bm-lyon.fr/ expo/09/foucault/presentation.php (accessed on 3 October 2009). See also Collectif Maurice Florence, *Archives de l'infamie* (Paris, 2009).
[25] Farge also writes, "*l'archive entretient toujours un nombre infini de relations au réel*." Closely connected to the archive's relation to the real is a tie to the "truth" it is imagined to store: "*L'archive ne dit peut-être pas la vérité, mais elle dit* de *la vérité, au sens où l'entendait Michel Foucault, c'est-à-dire dans cette façon unique qu'elle a d'exposer le* Parler *de l'autre, pris entre des rapports de pouvoir et lui-même, rapports que non seulement il subit, mais qu'il actualise en les verbalisant*." Arlette Farge, *Le Goût de l'archive* (Paris, 1989), pp. 41 and 40.

archive."[26]) Or consider Philippe Artières who, with his own impressive historiographical output and as a member of the editorial team of the Michel Foucault Archives, has done perhaps more than anyone to solder the link between Foucault and archives as *lieux et espaces*.[27]

Tasty, murmuring, pulsating, stirring; a locale, a physical space in which one works and is fully embodied; a "real" experience of passion and prolonged feverish intensity – all this, for me, is the Foucauldian archive. It also helps to explain Foucault's down-to-earth approach to the archive as an institution.

Archives as "Complete and Austere Institutions"

Foucault took a sharp turn to the left following his archaeological works of the mid- to late-l960s, and especially after l968, entering his *période gauchiste*, in which he began to rigorously root his theoretical and historical work in political activity, in the genealogical critique of, and concrete struggle against, institutions enmeshed in practices of power/knowledge.[28] Foucault's work on prisons comes most readily to mind,[29] but this 1970s period of radical, political engagement also had important implications for Foucault's understanding of the archive. For one thing, Foucault traded in the rarified "Archive" for a more material and historical institution.

[26] Stoler, *Along the Archival Grain*, p. 19.
[27] See, for example, Philippe Artières, "Espaces d'archives," introduction to "Lieux d'archives," a special issue of *Sociétés et représentations* 19 (2005); Artières, "Michel Foucault: L'Archive d'un rire," in *Questions d'archives* (Paris, 2002). See also, Artières and Mathieu Potte-Bonneville, *D'Après Foucault: gestes, luttes, programmes* (Paris, 2007).
[28] On the power/knowledge dynamic, see, Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed., Colin Gordon (New York, 1980).
[29] See Philippe Artières, Laurent Quéro, and Michelle Zancarini-Fournel, eds., *Le Groupe d'information sur les prisons: Archives d'une lutte, 1970 –1972* (Paris, 2003).

Unlike Derrida who found it impossible to *penser l'archive* in historical terms,[30] Foucault insisted that archives had a particular history, one coincident with the rise of disciplinary society during the eighteenth and nineteenth centuries. In "The Punitive Society" (1972), Foucault suggested that the class antagonisms set in motion by the emergence of industrial capitalism called forth new techniques to instill docility in rebellious workers' bodies. Labourers' subjection to factory time needed to be precisely measured, and the vagabonds and beggars who idled on the fringes of the capitalist economy had to be carefully monitored if they were to be recruited as *soldats* in a reserve army of labour or inserted into the self-perpetuating system of prison/delinquency.[31] And, so, in *Discipline and Punish* (1975) Foucault drew attention to the "whole mass of documents," to the "system of intense registration and of documentary accumulation," that policed as it produced a "meticulous archive constituted in terms of bodies and days."[32]

This is very similar to Foucault's observation with which I began this paper, which stated that the punitive society depended on the "organization of a police, [the] institution of a system of archives (with individual files), [and the] establishment of a panopticism": in a nutshell, the central elements of police/archives. Consider first the relationship Foucault suggests between the

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[30] As is so often the case with Derrida, there can be no assurance of a relationship between the signifier and the signified: "Have we ever been assured of the homogeneity, of the consistency, of the univocal relationship of any concept to a term or to such a word as 'archive'?" With no assurance about the content of the concept of archive, with no certainty about what one might be looking for in the past, there can be no history. "It is thus our impression that we can no longer ask the question of the concept, of the history of the concept, and notably of the concept of the archive. No longer, at least, in a temporal or historical modality dominated by the present or by the past." Derrida, *Archive Fever,* p. 33.

[31] Foucault wrote: "Inadequate wages, disqualification of labor by the machine, excessive labor hours, multiple regional or local crises, prohibition of associations, mechanism of indebtment – all this leads workers into behaviors such as absenteeism, breaking of the 'hiring contract', migration, and 'irregular' living. The problem is then to attach workers firmly to the production apparatus, to settle them or move them where it needs them to be, to subject them to its rhythm, to impose the constancy or regularity on them that it requires – in short, to constitute them as a labor force." Foucault, "The Punitive Society," pp. 33–34.

[32] Foucault, *Discipline and Punish*, p. l89.

organization of the police and a system of archives. This will be abundantly clear to anyone who has done research in archival police records. In my own work, I think of the thousands of individual entries in police registers, of the Bertillon system of anthropometric measurements used to identify criminals in prison records, and of the Finger Print Section of the RCMP. These constitute a massive archive, the documentary base of a system that not only punished but also produced new types of individuals, such as "the criminal" and other "dangerous individuals." Much of Foucault's own work – certainly the *History of Madness* and *Discipline and Punish* – could not have been written without the police/archive. The *police as archives*, then, constitute an integral dimension of the reciprocal police/archives relationship.[33]

But I want to focus on another link Foucault sketched in the police- archives-panopticism relationship: the one between archives and panopticism, or *archives as police*. I do not mean to suggest that working in an archives is like being locked up in a prison cell (although I do recall one summer at the Archives of Ontario, researching in the case files of training schools and being sequestered in a special room with two members of the Ontario Provincial Police who were using the same records for their research, albeit for different reasons). Police/archives does not normally rely upon the presence of actual police officers in the building. Rather, police/archives operates in a more subtle fashion and in at least two different ways. The first, as the references to panopticism might suggest, is spatial/architectural. For Foucault, power/knowledge did not always take a textual form and the same holds true for

[33] For examples of work on the police as archives, see, Michel Rey, "Parisian Homosexuals Create a Lifestyle, 1700–l750: The Police Archives," in *'Tis Nature's Fault: Unauthorized Sexuality during the Enlightenment*, ed. Robert Purks Maccubbin (Cambridge: Cambridge University Press, l987), pp. l79–9l. In the British context, see Chris Williams and Clive Emsley, "Beware of the Leopard?: Police Archives in Great Britain," in *Political Pressure and the Archival Record*, ed. Margaret Proctor, Michael Cook, and Caroline Williams (Chicago, 2006).

police/archives.[34] A growing body of archival and historical writing looks at how the architectural layout or spatial arrangement of archives and libraries orders individuals in space so as to create a generalized and constant surveillance.[35] Probably the best-known example of this is the panoptical reading room of the British Museum (1857), but BNF's la salle Ovale performs a similar function, guaranteeing "*une surveillance plus facile*."[36] Archivists must be able to see that we researchers are using our pencils!

Second, police/archives draw their power from their status as what Foucault called "complete and austere institutions."[37] Complete institutions refer to the same thing that, in his critique of Foucault, Michael Ignatieff called "total institutions," back when he was pleased to publish articles in a journal of socialist and feminist historians.[38] In "total institutions" it is hard not to hear an echo of "total archives," that distinctly Canadian contribution to archival practice in which both public and private records, in all manner of media, often end up under the purview of a government archives. Much of the commentary on total archives has, understandably,

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[34]See Foucault, "Questions on Geography" and "The Eye of Power" in Foucault, *Power/ Knowledge*. See also the excellent collection, Jeremy W. Crampton and Stuart Elden, eds., *Space, Knowledge and Power: Foucault and Geography* (Burlington, 2007).

[35] See, for example, Eric Ketelaar, "Archival Temples, Archival Prisons: Modes of Power and Protection," *Archival Science* 2 (September 2002), pp. 221–38 and Lilly Koltun, "The Architecture of Archives: Whose Form, What Functions?" *Archival Science* 2 (September 2002), pp. 239 – 61. See also, Alistair Black, "The Library as Clinic: A Foucauldian Interpretation of British Public Library Attitudes to Social and Physical Disease, ca. 1850–1950," *Libraries & Culture* 40 (Summer 2005), pp. 416–34 and Lewis C. Roberts, "Disciplining and Disinfecting Working-Class Readers in the Victorian Public Library," *Victorian Literature and Culture* 26 (Spring 1998), pp. 105–32.

[36] As the "virtual visit" on the BNF's website explains about la salle Ovale, "*d'un bureau central dominant la salle, un bibliothécaire peut en effet surveiller et diriger les différentes parties du service*." See: http://www.bnf.fr/visiterichelieu/architecture/ova_ap.htm (accessed on 17 September 2009). On the reading room of the British Museum, see: http://www.britishmuseum.org/the_museum/history_and_the_building/reading_room.aspx (accessed on 17 September 2009).

[37] On "complete and austere institutions," see Foucault, *Discipline and Punish*, pp. 231–56.

[38] Michael Ignatieff, "Total Institutions and Working Classes: A Review Essay," *History Workshop: A Journal of Socialist and Feminist Historians*, vol. l5, no. 1 (1983), pp. l67–73. See also Ignatieff, "State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment," *Crime and Justice* 3 (l981), pp. l53–92. The notion of the total institution belonged to Erving Goffman. In his critique, Ignatieff incorrectly faulted Foucault for failing to cite Goffman. On Foucault's admiration for Goffman, see Jacques Lagrange's "Course Context" in Michel Foucault, *Psychiatric Power: Lectures at the Collège de France, 1973–1974*, ed. Jacques Lagrange, trans. Graham Burchell (New York, 2006), p. 359.

focused on issues of archival practice, such as the potentially deleterious effect of the promiscuous mixing of different documents and media on the principle of provenance. But total archives can also help to focus our attention on one of the central characteristics of the total institution: its relationship to the state. As Laura Millar has explained, "the total archives concept grew from a recognition of the central role of the government in archival enterprise."[39] Speaking in more historical terms, Foucault pointed out how "the organization of the police apparatus in the eighteenth century" – an apparatus, we know, linked to a system of archives – "sanctioned a generalization of the disciplines that became co-extensive with the state itself."[40]

Connections between the state and disciplinary institutions can take a host of forms. In the specific case of police/archives, the link is often a legal one in the form of access legislation. Indeed, disagreements between archivists and researchers over the interpretation and application of access laws can be viewed profitably as power/knowledge struggles. In the Canadian context, one thinks of historians Greg Kealey and Reg Whitaker who used federal access to information legislation – characterized as "often frustrating, always tedious, and sometimes expensive" – to acquire RCMP security bulletins, the periodic reports on the RCMP's surveillance of labour and the left in Canada.[41] Rather than holding onto the bulletins for their own private research, Kealey and Whitaker embarked upon an ambitious publication program, beginning in 1989, to make the documents publicly available. There are eight volumes in the series, covering the years 1919 to

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[39] Laura Millar, "Discharging our Debt: The Evolution of the Total Archives Concept in English Canada," *Archivaria* 46 (Fall l998), p. 117.
[40] Foucault, *Discipline and Punish*, p. 215.
[41] Gregory S. Kealey, "Filing and Defiling: The Organization of the State Security Archives in the Interwar Years," in *On the Case: Explorations in Social History*, eds., Franca Iacovetta and Wendy Mitchinson (Toronto, 1998), p. 89. See also Kealey, "In the Canadian Archives on Security and Intelligence," *Dalhousie Review* 75 (1995), pp. 26–38 and Kerry Badgley, "Researchers and Canada's Public Archives: Gaining Access to the Security Collections," in *Whose National Security?: Canadian State Surveillance and the Creation of Enemies*, eds. Gary Kinsman, Dieter K. Buse, and Mercedes Steedman (Toronto, 2000), pp. 223–28.

1945; they are also on-line in an open-journal system, making for even greater public access to these once secret intelligence reports.[42] Kealey underscores the importance of access legislation, particularly in opening up areas of historical research. He explains that his work could not have been done "without this 'access' legislation … Cumbersome and expensive though it may be, the ATI [*Access to Information Act*] of 1983, especially when combined with the *National Archives Act* of 1986 [*sic* for 1987], has helped to create a renewed interest in the study of Canada's secret service." One of the paradoxical features of a total or complete institution is that a relatively elaborate bureaucratic structure, while often bemoaned by researchers (and I shall do a bit of this a little further on), nevertheless provides the necessary mechanisms to start up the access machinery. At the same time, Kealey never loses sight of the policing function, in this instance, not so much of archives but of the state security apparatus itself: "[R]esearchers who wish to pursue such topics should be forewarned that they will have to battle the Canadian Security Intelligence Service (CSIS) every step of the way to access materials even from the 1920s."[43]

Archivists represent another crucial link between the state and police/ archives. Weighed against archivists' "professional myth of impartiality, neutrality, and objectivity," Schwartz and Cook entreat that archivists' power "should no longer remain naturalized or denied but opened to vital debate."[44] But what is the nature of archivists' power under a police/archives regime? It might be helpful to think of police/archives as Foucault did power, that is, as both punitive and productive. He describes the relationship between sex and the police in the introductory volume of *The History of Sexuality*: "A policing of sex: that is, not the rigor of a taboo, but the necessity

[42] Gregory S. Kealey and Reg Whitaker, eds., *The RCMP Security Bulletins* (St. John's, l989–l997). For the on-line version see, http://journals.hil.unb.ca/index.php/RCMP/index (accessed on 3 October 2009).
[43] Kealey, "Filing and Defiling," p. 89.
[44] Schwartz and Cook, "Archives, Records, and Power," p. 1.

of regulating sex through useful and productive discourses."[45] And so we might think of the archivist's policing function less as a prison guard and more as a traffic cop – regulating the archival traffic between the public and the past in useful and productive ways, sometimes acting as security guards for the state (but also protecting people's right to privacy, and/or fragile or rare documents), and other times facilitating the public's research interests by serving as a citizen's police escort direct to the documentary scene of the crime. Which path is taken will depend, I suspect, on individual archivists and how they view their role, something vigorously debated within the archival profession. Are they archivist-historians with the critical distance from institutions such a designation usually entails, or are they government employees, with the loyalty of a civil servant hired to manage and monitor who is poking around in government records, and why?

In the case of the Police Museum and the Toronto Police Service are we really to believe they are here "to Serve and Protect – Working with the Community," as their letterhead states? The gay/lesbian community knows a long and troubled history with the police that would suggest otherwise. Think, for example, of the RCMP's surveillance of queers during the l950s and l960s, part of the post-war purge of gay men and lesbians from the federal civil service. As the vital work of Gary Kinsman and Patrizia Gentile demonstrates, the RCMP's surveillance extended well beyond the civil service into Ottawa's gay/lesbian communities, generating a police/archive of thousands of names. For Kinsman and Gentile, as for Kealey and Whitaker, federal access legislation proved pivotal in retrieving state documents crucial to recovering this moment in Canadian queer history.[46]

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[45] Foucault, *The History of Sexuality*, p. 25.

[46] Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver, forthcoming). See also Gary Kinsman, "Constructing Gay Men and Lesbians as National Security

Such uneasy histories between the police and some of the communities they are supposed to serve, underline the need for archivists to establish a high level of faith with researchers that archivists are indeed working in the interests of the public and not the police/archives.[47] Making the case for the archivist as public research advocate, John Smart suggested:

> I think our profession should say that the present situation is indefensible where, in our provincial and federal government records archives, so many key records series from deputy ministers' offices, justice departments, and police agencies are missing. Our profession should take as one of its principles that it should be possible for the public to review all publicly funded activities … At present in Canada, this principle of public review through research does not exist for many key public agencies and their historians.[48]

Much has undoubtedly changed since Smart made his case more than twenty years ago, especially with the introduction of more access legislation, but my experience with the Toronto Police Museum would suggest that key records are still missing from public archives and the principle of public review through research continues to be hampered.

Watching the Detectives: The Case of the Missing Morality Department

For nearly two decades, I have been researching and publishing work on the history of sex between men in Toronto in the years from 1880 to 1940. Policing in both its strict and fuller Foucauldian sense has been one of my central themes. In part, this is a reflection of my sources. The bulk of my research has been in criminal court records of "homosexual offences" housed at

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Risks, l950–l970," in Kinsman, *Whose National Security?*; and Kinsman, "The Canadian Cold War on Queers: Sexual Regulation and Resistance," in *Love, Hate, and Fear in Canada's Cold War*, ed. Richard Cavell (Toronto, 2004), pp. 108–32.

[47] See, for example, Glenn Dingwall, "Trusting Archivists: The Role of Archival Ethics Codes in Establishing Public Faith," *American Archivist* 67 (Spring–Summer 2004), pp. 11–30.

[48] John Smart, "The Professional Archivist's Responsibility as an Advocate of Public Research," *Archivaria* l6 (Summer l983), p. 145.

the Archives of Ontario.[49] I realized early on during my research that the Morality Department of the Toronto Police Force would play a substantial role in the story. Officers of the Morality squad figured in the vast majority of more than 350 cases of homosexual crimes that turned up in my research. A distinct unit dedicated to morality was first established within the Toronto Police in 1886. David Archibald, staff inspector of the new Morality Department, had a wide mandate, including the prosecution of prostitutes and houses of ill-fame, illicit liquor sellers, gambling dens, and sex between men. Archibald filed a report on the first year of work in the Morality Department. The chief constable appended Archibald's report to his own annual report, which regularly appeared in the minutes of city council. Although the chief constable made subsequent references in his annual reports to further reports from Archibald, none of these appeared in the minutes. I wanted to know where these other reports were and what other records from the Morality Department existed. To answer these questions, I turned to the City of Toronto Archives, which has a substantial collection of historical records relating to the Toronto Police. While these records proved invaluable to my research, I found nothing substantive in them that related to the Morality Department, other than several more tantalizing yet frustrating passing references to the existence of various Morality Department documents.

While researching in police records at the City of Toronto Archives, I had always been aware that some of the police department's historical documents remained in the possession of the police at the Toronto Police Museum within the Toronto Police Service (TPS). The Police Museum is located at police headquarters in downtown Toronto. I made my first visit to the Museum in the early 1990s. At that time, the Museum was run by Jack Webster, a police officer

[49] I offered an early statement on the problems and possibilities of doing this kind of research in an earlier paper. See Steven Maynard, "'The Burning, Wilful Evidence': Lesbian/Gay History and Archival Research," *Archivaria* 33 (Winter 1991–92), pp. l95–201.

who, after he retired in 1988, became the Force's official historian and *de facto* archivist.[50] He adopted a very protective, proprietorial attitude toward the police records. To gain access required presenting oneself before "Copper Jack" and hoping he liked the researcher enough to allow her/him to see "his" documents. I must have made a favourable enough impression, for Webster escorted me down into the depths of police headquarters to sub-level 3. There, in a windowless room, crowded with old police registers, duty books, and other documents, Webster sat me at a desk and gave me a selection of documents to look through. How Webster chose which documents to let me see was never clear, and I was not allowed to search through them myself. As I poured over the records, Webster sat at a desk occasionally peering over the paperback he was reading to check up on me. It was not the most conducive arrangement in which to conduct research. Doing any kind of sustained, detailed, empirical research was out of the question, for there was no escaping the feeling that my presence was keeping Webster from something else he would rather be doing, probably anything else besides "babysitting" me. I returned several times, but needless to say, this research arrangement did not last, and I did not locate the missing Morality Department.

A subsequent visit to the Police Museum in 2006 revealed some changes. Webster had left his position, and the Museum had been expanded to include a public exhibition space with a number of historical and contemporary displays. Still, there is nothing resembling a research room, and the spatial separation between researchers and the records is now securely in place: there are no more visits to the basement. In fact, members of the public are not allowed to look at the historical documents at all. Rather, the Museum requires one to submit a research request along with personal credit card information (for research that takes more than fifteen minutes,

[50] See Jack Webster, with Rosemary Aubert, *Copper Jack: My Life on the Force* (Toronto, 1991).

there is a $25/hour charge) and a "museum researcher" performs the research on the researcher's behalf. From the perspective of a professional historian, there are any number of problems with this highly irregular practice. Archivists may stand as gatekeepers between researchers and their records, but once they grant access to the records, they usually allow one to do her/his own research – not so at the Police Museum. Nonetheless, I secured a research grant from my university and submitted a request with the Museum. Even compiling the request was difficult because the Museum does not have a descriptive database of its holdings, at least not one it shares with the public. There are no references to the Toronto Police Service in the detailed "directory of records" for city departments maintained by the Corporate Access and Privacy Unit of the City Clerk's Office. Neither will one find the Police Service among city departments that have developed plans for the "routine disclosure" of documents, which are designed to help identify the types of information that can be made available to the public.[51] This should have been my first clue that the police would be more interested in policing rather than disclosing documents.

After a three-month wait, I was informed that some reports had been located, that other documents were still being gathered, and that I would be told soon how much if anything could be released. This sounded promising. However, despite my repeated requests for updates from the Museum, I heard nothing for the next year and a half. If the Morality Department had been missing before, it now seemed to have disappeared forever behind the proverbial police code of silence. Such stonewalling, as it were, has a long history in the research and writing of the queer past. Some time ago, gay historian Martin Duberman detailed his ordeal with an archive to get

[51] See http://wx.toronto.ca/inter/dir_recs.nsf/CRCSRecs?OpenView and http://www.toronto.ca/cap/routine_disclosure_plan.htm (both accessed on 9 September 2009).

access to, and publish, several early-nineteenth-century letters with homoerotic content. Duberman made clear his "chief purpose is not to establish the villainy of archivists," but to tell his story so that it "might encourage other scholars to persevere in the search for long-suppressed material; might offer tactics for extracting it; might alert them to some of the obstacles and ploys custodial guardians will use to deflect the search."[52] In my case, deflection took the form of delay as well as distortion. When, finally, I heard from the Museum again, the TPS Director of Public Information, then responsible for the Museum, informed me that my research request "on the changing perceptions of crime and morality by the people of Toronto is not one which can be answered by the Toronto Police." The Director explained: "You would have to approach sources which have access to popular publications of the time including books, newspapers, and other accounts or academic studies on the subject."[53] But my research request was quite specific. It made no mention of "the people of Toronto" and their views, and was quite explicitly about policing, which presumably the Police Museum could answer. Taking a specific request, refashioning it, and then, on that basis, claiming it is impossible to answer is what Duberman might call a ploy and what I would call another technique of police/archives.[54]

In February 2008 I redoubled my efforts to track down the Morality Department. This time I bypassed the Museum and raised my concerns directly with the TPS. My first question

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[52] Martin Duberman, "'Writhing Bedfellows' in Antebellum South Carolina: Historical Interpretation and the Politics of Evidence," in Duberman, *About Time: Exploring the Gay Past* (New York, l991), p. l3.
[53] Director of Public Information, Toronto Police Service, to Steven Maynard, l6 May 2008.
[54] In a not unrelated case earlier this year, the Toronto Police Service (TPS) lost a six-year- long battle with the Toronto *Star* over the *Star*'s access to information request for electronic records related to racial profiling. The TPS argued it could not answer the request, as it would be too time-consuming and too difficult to generate the requested data from its existing computer programs. The Court of Appeal for Ontario disagreed and ordered the TPS to comply with the access request immediately, the judge in the appeal ruling that "the public's right to obtain this kind of information must be interpreted liberally." As commentators on the affair correctly noted, however, the struggle may not be over, for the TPS has any number of other exemptions under *MFIPPA* it can invoke. Tracey Tyler, "Star Wins 'Landmark' Court Fight over Records," *The Toronto Star* (l4 January 2009).

concerned the relationship of the Museum to the TPS. The Museum's Web page explains that it was "built entirely from private donations," and that it "exists solely on the profits of our gift shop and donations."[55] Museum staff, when they were still communicating with me, explained that while technically the Museum belongs to the TPS, it has legal charitable status and does not receive funding from the TPS. The TPS has a slightly different understanding. According to the Director of Corporate Services, "Although the Museum was established with financial contributions from various private donors, to my knowledge, it has no separate legal status and is simply an ongoing project of the Toronto Police Service."[56] The difference of opinion is disconcerting and raises some questions. One the one hand, the Museum, with legal charitable status and built from, and existing on, private donations, sounds like a private organization, or at least one that is relatively autonomous from the TPS. If so, the crucial question becomes: How did the rare, historical records of a publicly funded institution such as the city police come to be in the custody of a private group? On the other hand, if the Museum really is "simply an ongoing project of the Toronto Police Service," then the Museum should be subject to legislation governing access to information.

The *City of Toronto Act, 2006* mandates that the "City shall retain and preserve the records of the City and its local boards in a secure and accessible manner," and that subject "to the *Municipal Freedom of Information and Protection of Privacy Act* (*MFIPPA*), any person may, at all reasonable times, inspect any of the records under the control of the clerk."[57] At the

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[55] See http://www.torontopolice.on.ca/museum (accessed on 19 April 2009).
[56] Director of Corporate Services, Toronto Police Service, to Steven Maynard, 9 June 2008.
[57] *City of Toronto Act, 2006*, c.11, Sched. A, s. 200 (1) and c.11, Sched. A, s. l99(1). In fact, the *Municipal Act* (predecessor to the *City of Toronto Act*), provided people with this right to inspect public records long before the introduction of our current freedom of information legislation. The difficulty in those earlier years was that many administrators and members of the public were unaware of the *Municipal Act*'s provisions. In the case of the City of Ottawa, for instance, "the public was effectively excluded by this ignorance from the city's records." See Edwin

same time, however, legal recognition of the public's right to know has been balanced by the protection of privacy, and not just the privacy of individuals but also the "privacy" of some of the city's institutions. *MFIPPA*, despite operating under the principle that "information should be available to the public" and despite providing a "right of access to information," nevertheless contains ten categories of exemptions, including one for "law enforcement," which further stipulates seventeen different reasons why the police can refuse to disclose a record, most of which relate to preventing interference with ongoing law enforcement operations. It is difficult, however, to imagine how any of the exemptions could reasonably be applied to the documents I am seeking, which are now between one hundred and one hundred and twenty-five years old. For example, one *MFIPPA* exemption states that the police "may refuse to disclose a record if the disclosure could reasonably be expected to reveal investigative techniques and procedures currently in use or likely to be used in law enforcement."[58] My research revealed the police surveillance of sex between men in public washrooms in the late nineteenth and early twentieth centuries. The surveillance techniques were quite rudimentary – police constables set up wooden ladders and sawhorses on the exterior backside of public washrooms, which they would climb and proceed to peer into the washroom through gaps in the wall.[59] I do not doubt that surveillance of public washrooms continues, but I'm guessing that the apparatus of police surveillance no longer includes the use of wooden ladders and sawhorses and, thus, my research is not likely to blow the cover on any "techniques and procedures currently in use or likely to be used in law enforcement."

Welch, "Freedom of Information in Municipalities," *Archivaria* 6 (Summer 1978), pp. l6l–62. See also Jerome O'Brien, "Archives and the Law: A Brief Look at the Canadian Scene," *Archivaria* l8 (Summer l984), p. 41.

[58] *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. l990, c. M.56, s. 8 (l)c.

[59] Steven Maynard, "Through a Hole in the Lavatory Wall: Homosexual Subcultures, Police Surveillance, and the Dialectics of Discovery, Toronto, 1890–1930," *Journal of the History of Sexuality* 5 (October l994), pp. 207–42.

Consequently, I submitted a formal *MFIPPA* request with the TPS's Access and Privacy Section. The result was mixed. On the plus side, I received a response to my request in a timely fashion, in something considerably less than the over 630 days that it took the Museum to respond to my initial research request. On the not so positive side, the access co-ordinator determined that "your specific request … does not fall under the auspices of the Act." No reason was given, and I was "advised that your request for access to information under the Act has been withdrawn and is now closed."[60] At the same time, the co-ordinator was pleased to inform me that special arrangements had been made to allow me to view *some* records. And, in fact, I did finally get to see one historical register from the Morality Department. But this research trip turned out not unlike my first one with Copper Jack. I viewed the register not in the Museum or a reading room, but in the office of a detective attached to the Corporate Services Section. When I asked whether there were more documents I might be able to see, the detective disappeared into the basement and returned with another register, although this one not from the Morality Department at all. The problems persist and questions remain: How many documents are in the police basement? What types of documents are they? What years do they cover? How are they to be easily accessed? It seems impossible to know.

What, then, can we make of this? My experience at the Police Museum would seem to support Stoler's observation that in some archives "the panoptic is a frail conceit."[61] The Police Museum is not a total archives. In fact, in its scattergun approach to historical records and with its informal procedures, the Museum is the exact opposite of the rational archives of the state. At the same time, the Police Museum is connected to one of the paradigmatic complete and austere

[60] Coordinator, Access and Privacy Section, Toronto Police Service, to Steven Maynard, 11 June 2009.
[61] Stoler, *Along the Archival Grain*, p. 23.

institutions in our society: the police. The researcher trying to access historical police records, then, confronts a two-pronged problem; the Toronto Police Service, exerting its power through the terse interpretation of the access legislation; the Police Museum, exploiting its ambiguous position between public and private, and ultimately protected by the authority of the TPS. In this situation, I think what we encounter is not so much frailty as the dual deployment of the power of a total institution with a more anarchic approach to archives.[62] This can be a disorienting experience for the researcher as s/he is bounced within the police bureaucracy from the Museum to the Public Information unit, from the Access and Privacy section to Corporate Services, required to submit to formal procedures in one place only to encounter lax archival practices in another.

One might have guessed that dealing with an archive attached to the police, one would discover archival panopticism at its most powerful. But we want to be careful not to overstate the completeness or totality of the power of police/archives. In contrast to Derrida who saw in the archive only an ahistorical and inescapable power,[63] Foucault would emphasize the cracks in the archival edifice, the potential points of penetration, its susceptibility to pressure. The possibilities are indicated by my partial success in using access to information legislation – if only as a prod – to finally catch a glimpse of the Morality Department. Still, it is a precarious arrangement in which power ultimately rests on the side of police/archives – at least so far. In response to my queries, the Director of Corporate Services explained: "The challenge immediately before us is

[62] Thanks go to one of the journal's reviewers for suggesting "anarchic" as an apt characterization of the Museum's archival mode.

[63] As Steedman writes, "In Derrida's description, the *arkhe* – the archive – appears to represent the *now* of whatever kind of power is being exercised anywhere, in any place or time." Further on, she states that "'Archive' is thus inflated to mean – if not quite Everything – then at least all the ways and means of state power; Power itself, perhaps, rather than those quietly folded and filed documents that we think provide the mere and incomplete records of some of its inaugural moments." Steedman, *Dust*, pp. 1 and 6.

to ensure that the policies and practices in the Museum do not prohibit members of the community from gaining access to information they are entitled to receive."[64] And yet, very shortly after I first raised my concerns with the TPS, research requests at the Museum were suspended. As the Museum's Web page explains: "The museum is currently reviewing *The Access and Privacy Section Policy and Procedures Act* and will not be receiving any research requests at this time."[65] That was well over a year ago and, as of the writing of this article, the Museum remains in lockdown as far as research requests are concerned. Shutting down public access to documents is the ultimate police/archives tool.

"To Establish the Greatest Accessibility …"

My goal in pressing the Police Museum relates to issues of public access and police accountability. First, access. Over thirty years ago, when some of the historical records of the Toronto police were transferred to the city archives, the City Clerk, in conjunction with the archives, suggested to the police the need for an access policy to its historical records. "These records are a rich source of data for the study of Toronto's social history," wrote the Clerk, "which brings into focus the question of establishing an access policy for their use." The Clerk argued that "the goal should be to establish the greatest accessibility to bona fide scholars and students consistent with the considerations of confidentiality which may apply to some of the records." The Clerk further suggested that it may be "desirable to pay special attention to the bona fides of persons wishing to use those records less than, say 50 years old, and the

[64] Director of Corporate Services, Toronto Police Service, to Steven Maynard, 9 June 2008.
[65] See http://www.torontopolice.on.ca/museum (accessed on 8 September 2009).

responsibility for making such checks might be assigned to the City Archivist."[66] The Board of Commissioners of Police agreed to leave matters relating to the police's historical records, including the establishment of an access policy, to the City Archivist.[67]

I draw attention to this historical moment because it seems to me that even though some of the specifics of the Clerk's recommendations – the fifty-year rule, for example – may or may not correspond with current access legislation, I think the more general intent of his proposal remains sound. It represents precisely what is missing at the Toronto Police Museum today: an appreciation for, and understanding of, History. There needs to be a clear distinction between the TPS's historical records and its more recent records, the latter of which may more legitimately fall under *MFIPPA* exemptions. There is no reason this cannot be done. *MFIPPA* already makes exceptions to many of its exemptions for records that are more than twenty years old. Once historical records have been identified, they should, rather than being left to rot in the basement of police headquarters, be transferred to the City of Toronto Archives, where the bulk of police records are already housed, and where they have an appropriate physical environment, professionally trained archivists, and proper access/privacy policies in place. The precedent for this already exists in the arrangement between the Board of Commissioners of Police and the City of Toronto Archives, which dates back to the mid-l970s. Even with such a transfer, however, we would need to remain vigilant. There is no guarantee that the removal of records from the police department to a more "complete" state archive would facilitate a more complete access, as is made clear by the many blacked-out sections of the documents obtained by those working on the history of state repression of labour/the left, and gays and lesbians. Foucault

[66] Toronto City Clerk to Board of Commissioners of Police, 26 April 1976. This letter is found in the City of Toronto Archives' administrative files relating to their acquisition of police records.
[67] Executive Secretary of the Board of Commissioners to Toronto City Clerk, 18 May 1976.

would caution us to remain wary of any such move between institutions, viewing it less as a democratization of access and more like a strategic reconfiguration of police/archives within the multiple levels of state power.

My second concern relates to accountability, particularly important when it comes to police/archives. Part five of the *City of Toronto Act* is devoted to "accountability and transparency."[68] But how are citizens to scrutinize the past operations of the police if its historical records are not easily accessible to the public? Accountability is, of course, also an issue of concern to archivists. John Dirks has discussed the shift in rationale for archives from history (i.e., archives as cultural memory, national heritage) to accountability, that is, archives as repositories of records that can be used as a check on power in democratic society (provided, of course, one can access those records). The shift from claims based on history to accountability has occurred in large part because state institutions are more responsive in these days of public scandal – think Native residential schools – to issues of accountability than they are to appeals to history. While Dirks is no doubt mapping a real shift, the distinction is somewhat dubious, for present-day issues of public accountability, such as the residential schools, are also profoundly historical. Dirks is keenly aware of this, and he argues for a dual history/accountability approach.[69]

Dirks points to the work of social historians as an example of this dual approach. Social historians often combine an appreciation for history, indeed often arguing for the greater retention of records, with a politics of accountability: "Underpinning [historians'] need for detailed documentation of the experiences of individuals under institutional or other controls is

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[68] *City of Toronto Act, 2006*, c. 11, Sched. A, s. l56–183.
[69] John M. Dirks, "Accountability, History, and Archives: Conflicting Priorities or Synthesized Strands?" *Archivaria* 57 (Spring 2004), pp. 29–49.

an element of justice and a demand for moral, if not legal accountability."[70] This works as a good description of my own approach to queer history and police/archives. But Dirks also points to something he regards as "ironic." He notes that with their appeals for more archives, social historians, influenced by a Foucauldian understanding of archives as power, ironically bolster the very archival authority they critique. Dirks is right, of course, although I would not call this ironic, for according to Foucault, this is precisely how power operates in modern society. Let me give a different but related example. In its *Access and Privacy Manual*, a document intended for internal use, the City of Toronto's access/privacy unit states that "The *Municipal Freedom of Information and Protection of Privacy Act* (*MFIPPA*) establishes an access to information regime, based on the following fundamental principles: Informed citizens are essential to the democratic process and the more that citizens know about their government the better they will be governed."[71] Setting aside the fact that *MFIPPA* does not actually make any reference to "citizens" or "democracy," I read this as something of a Foucauldian slip. I suspect what they mean is the more that citizens avail themselves of access to government information, acting as a check and balance on government power, the better government we will have. But a Foucauldian reading would stress that the more that citizens engage with the state through such things as its "freedom of information" laws, the more totally and effectively they become governed by the state via processes of incorporation, legitimation, etc. This is what Patrick Joyce means in his discussion of the "liberal archive" by "the rule of freedom": the notion that freedom is not, as

[70] Ibid., p. 41.
[71] Corporate Access and Privacy Unit, City of Toronto, *Access and Privacy Manual*, 2nd ed. (March 2006), http://www.toronto.ca/cap/pdf/capman/pdf (accessed on 19 September 2009).

common sense would have it, freedom from power, but in fact represents yet another clever ruse of ruling.[72]

In the face of this insidious quality of modern power – the more we practice our "freedom," the more we are ruled – should we just put our hands up and surrender? For Foucault, the answer would be an emphatic *Non*!; the political struggle against the power of total or complete institutions, be it a prison, a psychiatric facility, or police/archives, was paramount. In waging that struggle, historical-archival research plays a pivotal part. In the same lecture from 1976 in which Foucault described "the feverish laziness" of working in archives and libraries, he made an impassioned *cri de cœur* for the "insurrection of subjugated knowledges," "disqualified and marginal" forms of knowing, the kind of "knowledges from below" that often surface in the course of doing primary, archival research. These types of research and knowledge were significant, Foucault insisted, because they allow us "to constitute a historical knowledge of struggles and to make use of that knowledge in contemporary tactics," be it "jamming the workings of the psychiatric institution," or in the "strange efficacy of the attacks that have been made on, say, morality and the traditional sexual hierarchy," or, we can add, in demanding greater public access to and accountability over police/archives.[73]

But in whose name, under what banner of identity, do we wage the struggle against police/archives? Schwartz and Cook maintain that "whether conscious of it or not, archivists are major players in the business of identity politics," and they point to, among others, "gays and lesbians."[74] This may be so, but is it desirable? Foucault wrote that he was not interested in the

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[72] Patrick Joyce, "The Politics of the Liberal Archive," *History of the Human Sciences* 12 (May 1999), pp. 35–49. See also Joyce, *The Rule of Freedom: Liberalism and the Modern City* (New York, 2003).
[73] Foucault, "Society Must Be Defended," pp. 7–8, 5. For a similar interpretation of these lectures, see Neil Levy, "History as Struggle: Foucault's Genealogy of Genealogy," *History of the Human Sciences* 11 (November l998), pp. 159–70.
[74] Schwartz and Cook, "Archives, Records, and Power," pp. 16–17.

archive as "evidence of a continuing identity."[75] In all his intellectual work and throughout his political life, Foucault remained hyper-suspicious of claims to identity, including sexual identity. For Foucault, sexuality was not something to be claimed but something we should always keep at a critical distance. His interest in sexuality was not in how it might be embraced to name the truth of who we are, but rather how it might be used as a vehicle to invent and multiply new forms of relations and ways of knowing. This creative process might begin with queer experience, but it should ultimately have a more universal appeal, something available to everyone rather than the property of any one particular sexual constituency. In this paper, I have tried to avoid an appeal to identity. I have not argued for the greater inclusion of queer history in archives. Neither have I tried to make the case for queer archives as a specialized subfield of archival practice or theory. These may be worthwhile endeavours, but they are not mine. Rather, following Foucault, I have tried to address the notion of police/archives, not queer archives. Beginning but not ending with my experience as a queer researcher in archives, my goal has been to raise more universal issues of public access and accountability. If this aids and abets, and I hope it does, in the transfer of historical documents from the Police Museum to the City of Toronto Archives, then any resulting expanded access will benefit not only queer researchers but also anyone interested in the historical scrutiny of the police. But the "if" is crucial, for it remains to be seen whether this story will conclude on the side of police authority or on the side of greater public command over police/archives.

[75] Foucault, *The Archaeology of Knowledge*, p. 145.

Chapter 4

To Forgive and Forget?
Homonationalism, Hegemony, and History in the Gay Apology

In June 2017, in a ceremony on Parliament Hill, where "the Pride, Transgender Pride, and Canada 150 flags were raised," Prime Minister Justin Trudeau officially announced what he'd been promising for over a year: "The government will introduce legislation to make it possible to erase the convictions for Canadians who were found guilty under historical, unjust laws for sexual activity with a same sex partner."[1] For a historian, who is typically tucked away in the archives, it can be a tad disconcerting to discover the records you've been working with for the past almost three decades – historical court records of sexual offences between men – might be 'erased.' It began in February 2016 when the prime minister's press secretary conveyed the government's intention to seek a posthumous pardon for Everett Klippert, the man whose multiple convictions for gross indecency during the 1960s led to his designation as a 'dangerous sexual offender' and indefinite imprisonment, and whose case played a part in pushing Justin's father to partially decriminalize homosexuality in 1969. The review of records and possible pardons for those convicted of buggery and gross indecency in the past is part of the government's broader plan to apologize to all those LGBTQ people who suffered under unjust laws and policies, including those fired from the federal civil service and military during the

[1] "Prime Minister announces intention to introduce legislation to address historical injustices faced by LGBTQ2 communities," 14 June 2017 (accessed 12 November 2017). For sharing their thoughts on the gay apology, thereby helping me to better formulate my own, I'd like to thank Amy Gottlieb, Ed Jackson, Gary Kinsman, and Tim McCaskell. My appreciation to Markus Dubber for the invitation to participate in "The Ethics of Apology: Interdisciplinary and International Perspectives," Centre for Ethics, University of Toronto, October 2017. I'd also like to thank the other workshop participants, especially John Paul Ricco.

postwar period right up to the early 1990s. Known as "the gay apology," it is due to be delivered any day now.[2]

This is not the first time such an apology has been called for. Twenty-five years ago, in response to a journalistic exposé of the postwar purge of queer people from the civil service, Prime Minister Brian Mulroney told the House of Commons that the purge represented "a most regrettable incident," but he stopped far short of offering an apology.[3] In 1998, Gary Kinsman, Patrizia Gentile and their team, in a preliminary report on their research into the government's anti-queer national security campaign, called for an official state apology.[4] None was forthcoming from then-Prime Minister Jean Chrétien. Two decades later, our pride-parade-loving prime minister with the rainbow socks has committed to making an official apology.

So why the gay apology now? Is it, as some suggest, a gesture of filial honour, that "Justin Trudeau has decided to complete a process begun by his father almost 50 years ago?"[5] I want to suggest that a better answer is to be found in the changed political context, specifically, the rise of homonationalism. Barely emergent two decades ago but now fully in the saddle, homonational politics does not contest the *hetero*normative state but seeks inclusion within it.[6] It is what Egale, the nation's LGBTQ lobby group, calls "progress through inclusion." Egale even offers an "LGBTQ Inclusion Pocket Guide" – "the perfect gift for anyone seeking to improve their inclusive outlook" – for the low price of $15, "discounts available on bulk orders." It is this

[2] See, for example, Lawrence Martin, "Liberals face powder keg with gay apology," *Globe and Mail*, 19 April 2016.
[3] House of Commons, 27 April 1992, *Debates*, 34th Parliament, 3rd Session, Vol. 8, p. 9713.
[4] Gary Kinsman and Patrizia Gentile, *"In the Interests of the State": The Anti-Gay, Anti-Lesbian National Security Campaigns in Canada – A Research Report* (Sudbury: Laurentian University, 1998).
[5] John Ibbitson, "Justin Trudeau to apologize for historic persecution of gay Canadians," *Globe and Mail*, 11 Aug 2016.
[6] See, for example, Tim McCaskell, *Queer Progress: From Homophobia to Homonationalism* (Toronto: BTL, 2016).

queer bid for national inclusion coupled with the eagerness of the liberal state to improve its own inclusive outlook that makes the gay apology all but a done deal.

In countries where the gay apology is a done deal – Britain, Germany, New Zealand, and parts of Australia – it has been welcomed by a chorus of queer approval. A few dissenting voices, notably those of historians, attempted early on to curb queer enthusiasm, but it has not been enough to turn back the tide of gay apologizing, which continues to engulf western liberal democracies.[7] Just this month (November 2017), Scotland joined the ranks of queerly contrite nations. In Canada, commentary on the apology bemoans how we've slipped "from leader to laggard" on the world stage, losing our early lead in the amazing race to apologize and forced to forfeit bragging rights in what can sometimes seem like a competition for the prize of 'nation most remorseful for the mistreatment of its queer citizens.'[8] The emerging consensus on the gay apology, along with the very real damage done by the state to some of its queer citizens, makes questioning the apology seem downright churlish.[9] But the political implications of the gay apology and the magnitude of what may amount to the 'pardoning' of over 150 years of queer

[7] Matt Houlbrook, "Pardoning Alan Turing might be good politics, but it's certainly bad history," The Trickster Prince (accessed 6 November 2017); Justin Bengry, "Why I Oppose a General Pardon for Historical Convictions for Homosexual Offences," Notches: (re)marks on the history of sexuality (accessed 6 November 2017); Claire Hayward, "Gross indecency petition: pardoning the past," Exploring Public Histories (accessed 6 November 2017); Justin Bengry, "Conservative 'gay pardon' for the dead is a strategic distraction that harms the living," Historians' Watch (accessed 6 November 2017).

[8] John Ibbitson, "Ottawa behind schedule in redressing past persecution of homosexuals,' *Globe and Mail*, 12 October 2016; Ibbitson, "Trudeau lags on LGBT pardons," *Globe and Mail*, 24 March 2017. One report noted that Egale "had hoped Canada could be a world leader on the issue of recognizing past wrongs committed against the LGBT community, but other countries, notably Germany, the UK and states in Australia, are now far ahead," quoted in "Ottawa to formally apologize to LGBT community for past wrongs. Critics say apology to public servants, RCMP officers, military members fired for sexuality comes too late," CBC News, 17 May 2017 (accessed 12 November 2017).

[9] While this paper is a critique of the gay apology, nothing in what follows should be construed as an argument against pardons and compensation for those still living and who stand to benefit from reparations, such as the restoration of lost pensions, damages for loss of livelihood, lifting of restrictions on travel, etc.

history extend well beyond the interests of any single group and therefore demand critical consideration.

In Canada, the critique of gay apologies has been slow to emerge, and it has been led not by academics but by activists. As a contribution toward further developing a critical framework in which to understand the gay apology in Canada – particularly its articulation of homonationalism, liberal hegemony, and history – this paper should be considered part of the process of "disrupting queer inclusion."[10]

Homonationalism

We can begin with the fact that there is no mass movement calling upon the federal government for a gay apology. In this way, the gay apology reflects one of the central features of politics in these homonational times: a demobilized queer constituency. It is now commonplace to lament the decline if not outright disappearance of a grassroots queer movement in North America since the waning of AIDS activism in the mid-1990s. While such laments can mask a nostalgia for the days when the movement was led primarily by white cisgender gay men, it nevertheless remains true that over the past two decades the mass meetings and direct-action tactics of a broad-based activist movement have been supplanted by human-rights strategies and legal battles played out in courtrooms. This reached its pinnacle in the successful legal fight for same-sex marriage in 2005, which some critics argue highjacked and halted a movement already in retreat.[11] We see it

[10] *Disrupting Queer Inclusion: Canadian Homonationalisms and the Politics of Belonging*, ed., OmiSoore Dryden and Suzanne Lenon (Vancouver: UBC Press, 2015).
[11] "Queer Critiques of Gay Marriage," in *Against Equality: Queer Revolution, Not Mere Inclusion*, ed., Ryan Conrad (Oakland, CA: AK Press, 2014).

now in the response to the government's slow pace of action on the gay apology, which has been to launch a class action lawsuit. *The Just Society Report* (hereafter JSR), a document on the gay apology prepared by Egale, acknowledges the changed nature of queer politics: "many of our recent battles for equality have ended in the courtroom." And yet the JSR exhorts, "Our movement must come together, and move forward with the robust and inclusive action plan Egale has put forward." But what is this phantasmatic movement the JSR frequently conjures up? Where are the beseeching multitudes behind what the JSR calls "this great social project?"[12]

If we are to believe the *Globe and Mail*, the entire gay apology campaign owes its existence to the newspaper. According to this version of events, it all began in February 2016 with John Ibbitson's first article on Everett Klippert: "Mr. Trudeau decided to recommend the pardon and order the review after the Globe and Mail raised Mr. Klippert's case with the government." The *Globe* cannot stop congratulating itself, taking every opportunity to remind readers that "Mr. Trudeau decided to pardon Mr. Klippert after his office was apprised of the case last week by The Globe and Mail"; "After a Globe investigation into Mr. Klippert's case, the government said it will pardon men imprisoned for being gay."[13] The PMO might have been ignorant of this history, but it is not accurate to say, as Ibbitson does, that Klippert's case has been "virtually forgotten. Until now." Klippert was known by early homophile groups, such as the Association for Social Knowledge, and followed in the homophile press of the 1960s. That same decade, Klippert's story was widely reported in the mainstream press – Sydney Katz, for instance, wrote two important features for the *Toronto Star* in November 1967 – and Klippert's

[12] *The Just Society Report* (Ottawa: Egale, 2016), 11 and 85. It should be noted that one of the Report's lead authors is also one of the lead lawyers in the class action.
[13] John Ibbitson, "In 1965, Everett Klippert was sentenced to a life behind bars. His crime? Being gay," *Globe and Mail*, 27 February 2016; Ibbitson, "Gay-pardon decision applauded but still faces obstacles," 29 February 2016; "The day Ottawa got out of our bedrooms," 1 March 2016.

case was raised in the House of Commons. In the early 1970s, the scholar Cyril Greenland detailed Klippert's "remarkable case" and noted that despite decriminalization, and "bizarre as it may seem, Mr. Klippert, the cause célèbre of these events is still languishing behind bars."[14] I first learned of Klippert thirty years ago by reading Gary Kinsman's analysis of Klippert's case and its significance for queer history in Canada in *The Regulation of Desire* (1987). In the outpouring of queer historical research and writing in the wake of Kinsman's pioneering book, Klippert's story has been told many times. Historical materials relating to Klippert have been collected and preserved by the Canadian Lesbian and Gay Archives, and his plight popularized by community history projects like the Calgary Gay History Project. To suggest that Klippert was virtually forgotten "until now," that is, until Ibbitson and the *Globe*, is simply self-serving; a little more humility on the part of the paper and Johnny-Ibbitson-come-lately would not be out of order.

The *Globe* also takes credit for the Prime Minister's promise to apologize for the anti-queer purge of the civil service and military. According to the newspaper, it all "stem[s] from a series of Globe stories that examined the cases of people who were imprisoned or who were persecuted within the public service and the military because of their sexuality."[15] Again, the truth lies elsewhere. We know about the civil service and military purges, along with the demand for a state apology, thanks not to the *Globe* but to the more-than-decade-long research conducted by Kinsman and Gentile, which culminated in their comprehensive 2010 study *The Canadian War on Queers*.[16] Part of what I'm pointing to here is the process by which queer historical

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[14] Cyril Greenland, "Dangerous Sexual Offenders in Canada," *Canadian Journal of Criminology and Corrections* 14, 1 (1972): 44-54.
[15] "Justin Trudeau to apologize for historic persecution of gay Canadians," *Globe and Mail*, 11 August 2016.
[16] Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver: UBC Press, 2010).

work, often conducted by queer activist-researchers, gets taken up by the mainstream and then goes unacknowledged and/or is drained of its political import.

The *Globe* is on somewhat firmer ground in taking credit for prodding Egale into action. As the paper explained, "The Globe series prompted Egale to produce a report on how the federal government could comprehensively respond to past and current injustices directed at members of sexual minorities."[17] Egale was indeed caught off guard by the *Globe* article and the government's response. Helen Kennedy, executive director of Egale, reported that "I was quite taken aback."[18] Scrambling to play catch up, Egale produced the JSR, which begins by acknowledging "our desire to assist the Government with a process we knew had begun when triggered by John Ibbitson's superb articles on Everett Klippert." The following page of the report continues, "We also wish to acknowledge the Globe and Mail for reviving interest in Klippert's story and the injustices done to our communities."[19] What does it mean when the call for a federal government apology to Canada's queer citizens and the reviving of interest in the injustices to our communities originate with a newspaper and not the nation's queer lobby group? In truth, it's no mystery. It is another indication of a moribund movement. In the specific case of Egale, it transmogrified over the past several years from a political advocacy group to a "human rights trust," whose charitable status and fee-for-service contracts with government agencies radically curtail its capacity for political intervention. As Kennedy put it, "We have to be very careful what we do, careful politically."[20] Egale is not the only such group. The Canadian Centre for Gender and Sexual Diversity, another Ottawa-based, education-oriented

[17] *Globe and Mail*, 11 August 2016.
[18] *Globe and Mail*, 29 February 2016.
[19] *The Just Society Report*, 8 and 9.
[20] Quoted in McCaskell, *Queer Progress*, 449.

group, has produced its own report endorsing the gay apology and, as a charitable organization, presumably operates under political constraints similar to Egale.[21]

Not all groups in the apology campaign are charitable organizations. The "We Demand an Apology Network" brings together "people who were directly affected by the national security campaigns to purge 'homosexuals' from the public service, the RCMP and the military, and supporters and researchers who believe an injustice was done." The Network, which submitted its own report to the government, differs in significant ways from Egale and the JSR. Rather than taking up the language and standpoint of the government, the Network is rooted more directly in the experiences of those affected by the Canadian state's dismissal of and discrimination against queer employees/citizens. It centres the historical accounts of people who directly felt the sting of the state's anti-queer policies and practices. In this way, it should be noted, the growing number of queer people willing to come forward and tell their stories accounts as much for the increased momentum of the gay apology as does the *Globe* or Egale.[22] That said, we can agree that an internet group like the Network does not a movement make.

A final group involved in the apology campaign is the government, or the politicians. Eight months after the initial promise of a pardon/apology, Trudeau appointed MP Randy Boissonnault as his special advisor on LGBTQ issues, including the gay apology. Commenting on his appointment, Boissonnault said "I look forward to collaborating closely with Egale and other organizations in the coming months to advance the government's agenda for equality."[23]

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[21] Canadian Centre for Gender and Sexual Diversity, "Addressing the History of Discrimination by the Government of Canada Against LGBTQ2S+ Persons" (accessed 11 November 2017).

[22] Thanks to Gary Kinsman for drawing this important point to my attention. The Network's report, "The We Demand an Apology Network submission on the urgent need for an official state apology and redress for those affected by the anti-gay/anti-lesbian purges in the public service and the military," can be found as an appendix in the JSR.

[23] Ibbitson, "Ottawa moves on plans for apology to those wronged over sexuality," *Globe and Mail*, 14 November 2016. Never missing the chance to blow its own horn, the *Globe* noted that the "government created this one-person

The language is telling. The agenda is not being set by Egale or 'the movement.' It is the government's agenda that is being advanced with Egale positioned in the role of collaborator. The government apparatus of apology continues to grow. In March 2017, an LGBTQ2 Secretariat was established within the Privy Council Office, with a budget of $3.6 million over three years. In September, an advisory council was created to assist in the development of the gay apology. The council includes the usual mix of lawyers, politicians, and business people. It has no representation from anyone with firsthand experience of the government's anti-queer practices and, despite dealing with a subject in which history and historical research figure prominently, there are no historians. It does include a retired member of the Canadian Armed Forces, one of whose last postings was as "deputy director of the Joint Command Centre for Canadian domestic operations and [who] oversaw events such as the Vancouver Olympics and the Toronto G8/G20 summit,"[24] the same summit that resulted in the arrest of over 1,000 protesters, including many queer demonstrators, and a subsequent independent report sharply critical of the summit's security operations.[25] As for what the council actually does, there is much talk of "stakeholder outreach and bilateral conversations," although it is not clear how those conversations are supposed to take place when the government has demanded council members sign a confidentiality agreement.[26] Gary Kinsman was asked to sit on the council, a wise choice given his expertise, but Kinsman had to refuse the invitation in view of the way the

task force in response to a series of articles by The Globe and Mail that examined past injustices to members of sexual minorities in Canada, which led to a report by Egale." Ibbitson, "Edmonton MP to lead efforts to redress wrongs against sexual minorities," *Globe and Mail*, 15 November 2016.

[24] See "Apology for discrimination faced by LGBTQ2 individuals, their families, and communities in Canada" (accessed 5 November 2017).

[25] Andrea Houston and Justin Stayshyn, "The 519: Post-G20 standoff should never have happened," *Daily Xtra*, 2 November 2010 (accessed 14 November 2017).

[26] See: "New Advisory Council to help Government of Canada develop an apology for injustices faced by LGBTQ2 communities" (accessed 7 November 2017).

government's demand for confidentiality mirrors and reproduces the secrecy with which the Canadian state historically waged its war on queers.[27] To be fair, the council does include a few long-time queer activists, but their effectiveness in representing and communicating with their constituencies is hampered by the government's insistence on confidentiality. The council is supposed to serve as "an avenue of engagement," but opportunity for council members to engage queer communities in an active and genuine dialogue is pared down to the more passive mode of sending out surveys with pre-set parameters and questions to 'stakeholders,' the feedback from which will pass as 'community consultation.'

In the campaign for the gay apology, then, we have the press and politicians; lobbyists, lawyers and lawsuits; an internet group and charitable organizations, all plugged in to a growing government bureaucracy devoted to the apology. If this is a movement, it is a very top-down version of one. Once upon a time, activists organizing for something like an apology from the federal government would have planned a large demonstration on Parliament Hill, or an activist group might have produced some highly public political theatre (I vote we strap in and wire up an effigy of Justin Trudeau to a replica of the Fruit Machine). But in the absence of activist groups and a mobilized constituency fired up over the gay apology, the preferred tactics seem to be report-writing, website creation, litigation, and a little petition-signing, all directed toward the government rather than to bringing a movement together.

And what do we know about some of the leaders of the apology campaign? Before his work on the apology, Ibbitson was best known as the Mike Harris / Stephen Harper-loving cheerleader for small government, lower taxes, and the free market. It's entirely possible to read

[27] See: http://radicalnoise.ca/2017/09/27/why-i-could-not-sign-the-contract-and-confidentiality-agreements-to-be-on-the-advisory-council-for-an-apology/ (accessed 5 November 2017).

Ibbitson's now-voluminous newspaper output on the apology without even knowing he's gay. This is explained away by the quaint notion that his private life has no bearing on his public persona or work.[28] As for Boissonnault, he's been described as an "animated business-consultant-turned-rookie-MP." He describes himself as "a successful entrepreneur" with "a strong record of leadership in business." In fact, he tells us, "I love business and wealth generation … I made the choice to stop working full time for other people because I was excited for the freedom that owning my own business allowed." If freedom can be found through business, business aspirations can also apparently curtail your freedom. While at Oxford as a Rhodes Scholar in the mid-1990s, Boissonnault made sure to leave campus on Thursdays nights. This was the night the queer group on campus met, and Boissonnault, in the closet at the time, wanted to keep his distance. "I thought if I came out, I wouldn't have any career prospects."[29] If you want as poster boys for your movement what Gentile and Kinsman have dubbed "neoliberal queers," look no further.[30]

Put another way, homonationalism is more than a set of political effects; it also constructs compatible queer subjectivities. Coincident with the rise of homonational politics has been the appearance of homonormative subjects, notably the respectable same-sex couple: married, monogamous, age-appropriate, and ensconced in a private/domestic sphere sexually cordoned off to exclude all others.[31] In a certain way, the respectable same-sex couple is the latter-day realization of Pierre Trudeau's vision for homosexuality: homosexual acts performed by two,

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[28] Berry Hertz, "Being John Ibbitson," *Ryerson Review of Journalism*, 1 August 2006.
[29] *Globe and Mail*, 15 November 2016; http://rboissonnault.liberal.ca/news-nouvelles/comments-on-proposed-tax-changes/ ; Joanna Smith, "Randy Boissonnault, Trudeau's LGBTQ2 Advisor, Lauds Canada's 'Amazing' Progress," *HuffPost*, 18 April 2017.
[30] Gentile and Kinsman, "National Security and Homonationalism: The QuAIA Wars and the Making of the Neoliberal Queer," in *Disrupting Queer Inclusion*, 133-49.
[31] Mariana Valverde, "A New Entity in the History of Sexuality: The Respectable Same-sex Couple," in *Queerly Canadian: An Introductory Reader in Sexuality Studies* (Toronto: CSP, 2012).

and no more than two, consenting adults in the privacy of their bedroom. This respectable same-sex couple is everywhere present in the gay apology campaign. We need look at just one journalistic feature on the apology to find several examples. In the piece, one woman, dismissed from the Canadian Forces, is described this way: "She got married in April and along with her wife … is raising a daughter … The couple is expecting a second child in November." About one man, also dismissed from the Forces, it is noted that "He's been in a loving relationship for almost 12 years."[32] What does current relationship and reproductive status have to do with having been purged from the military and making a claim upon the state for damages? On one level, nothing of course. On another level, it provides the happy ending to a story that began as trauma. "Were some people so traumatized by being hounded out of their job that they have never fully recovered,?" asks one report, which goes on to state that "some became depressed, some developed addictions, some committed suicide."[33] I don't want in any way to discount the real harm experienced by people. But I do want to note two things. First, the discourse of trauma roots these people and their claims, not in a queer right to a workplace free from discrimination and harassment, but in the reigning neoliberal rhetoric of therapeutics, one which obscures systemic problems by reducing them to individual pathologies and remedies. Second, the repetition of these redemption narratives, from brokenness to wholeness via the reparative power of gay marriage and family life, helps to establish their homonormality, thereby making them, perhaps especially in the view of straight society, all the worthier of apology.

[32] Ryan Maloney, "LGBT Canadians Purged from Military and Public Service Await Overdue Apology," *HuffPost*, 17 September 2017.
[33] Michelle Siu, "For persecuted gay Canadians, a symbolic apology holds real meaning," *Globe and Mail*, 13 August 2016.

The narrative from harm to happily married also signals the place of emotion in the gay apology campaign. Egale's Helen Kennedy described Trudeau's announcement that he would say sorry as "a very emotional moment." Boissonnault has said, "I've held people's hands as they cry and tell me what it was like to be purged."[34] But the tears often flow in what, from a certain perspective, might be described as moments of mixed emotions. "The only thing I ever wanted was to serve my country," explains one woman, who was let go from the military for being a lesbian. She rebuilt her life with a partner of twenty-five years and "we were blessed with a son who is now 27," but still "I have a hard time listening to the National Anthem without crying." She is not alone in being triggered by the national anthem. "It took me a long time before I regained my pride in Canada," one man tells us, "It probably took me 20 years before I was able to sing the words to 'O Canada.'" My point in offering these examples is not to single out individuals. It is to indicate a structure of feeling under homonationalism and to suggest that this emotion, this "true patriot love," sends queer citizens harmed by the state right back into its arms. As the woman just quoted put it, "Oddly enough, if I had the opportunity to serve again, I'd do it in a heartbeat!" Another woman, even after being fired from the military, said she "has never regretted signing up to serve her country."[35] Queer citizens may be caught in a bad romance with the state, but they're not just pining away, waiting for the nation's love; the state sends its seducers right into the heart of the queer nation.

Hegemony

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[34] *Globe and Mail*, 11 August 2016. Boissonnault quoted in Arshy Mann, "The Canadian government will apologize to LGBT people. Now they're trying to figure out how," *Daily Xtra*, 26 September 2017.
[35] "Support Statements," We Demand an Apology Network (accessed 5 November 2017); *HuffPost*, 17 September 2017.

The gay apology highlights the increasingly deep imbrication between queer politics and the liberal state. Before offering a few examples of this process, we should note that the characterization of the state and many of the other players in the gay apology as liberal is not a mere abstraction of political theory. It positively leaps out of the sources. The government's hashtag for LGBTQ issues is #freetobeme; it's hard to imagine a pithier expression for queer liberalism. For its part, early in the gay apology campaign, in an article on the government's plan to "pardon men imprisoned for being gay," the *Globe* elected to reprint its 1967 editorial on then-justice minister Pierre Trudeau's proposed criminal law reforms. The editorial quoted from no less an authority than John Stuart Mill in "On Liberty," using it to argue that the state's responsibility is to legislate rules for a well-ordered society, but beyond that "it has no right or duty to creep into the bedrooms of the nation." The *Globe* is quick to point out its editorial supplied Trudeau with one of his most famous lines. But the paper's sifting through its past is selective indeed. For many years prior to and for a full two years following that 1967 editorial, the *Globe*'s internal classification system and clippings file on homosexuality read "SEE: SEX PERVERTS."[36]

How, then, does the gay apology help to secure liberal hegemony? The federal government is using the apology to burnish its reputation as the guarantor of those fundamental liberal values of human rights, equality, and diversity. Barely a press release or news story on the gay apology goes by without the government trotting out these talking points. In February 2016, the government proclaimed: "As Canadians, we know that protecting and promoting

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[36] "The day Ottawa got out of our bedrooms," *Globe and Mail*, 1 March 2016. Stephanie Chambers, "See: Sex Perverts," in *Any Other Way: How Toronto Got Queer*, ed. Stephanie Chambers et.al. (Toronto: Coach House Books, 2017), 121-123.

fundamental human rights must be an imperative for governments and individuals alike – and this includes gender identity, gender expression, and sexual orientation … Canadians know our country is made stronger because of our diversity, not in spite of it." In August 2016, the Prime Minister's press secretary said, "We have committed to working with Egale and other groups on an ongoing basis to bring an end to discrimination and further guarantee equality for all citizens."[37] Egale returns the favour, its report taking up the language of L/liberalism to name and describe its project, from its title to the full-page excerpt from Trudeau's 1968 speech on "The Just Society." Indeed, Trudeau, described as forward-thinking and visionary, emerges as one of the report's main heroes. And not just Trudeau. We also learn that "Comprehensive apologies and inclusive pardons would cement Canada's leadership in international human rights, and revive the golden age of Canadian diplomacy led by Prime Minister Lester B. Pearson, recipient of the Nobel Peace Prize in 1957."[38] Why the gay apology, as pitched by a queer organization, should be involved in reviving a supposed golden age of Pearsonian diplomacy entirely escapes me. But the alignment of mutual interests is plain to see. Another press release from the PMO states: "The government of Canada welcomed [the Egale] report, supports the values, principles and objectives it espouses, and will work with Egale and other partners to take action against the discrimination the report describes."[39] Here we have a Liberal government claiming to support the values of a queer group, while that group's report can be read as a love letter to the Liberal Party.

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[37] *Globe and Mail,* 27 February 2016; 11 August 2016.
[38] *The Just Society Report*, 111.
[39] John Ibbitson, "Ottawa moves on plans for apology to those wronged over sexuality," *Globe and Mail,* 14 November 2016.

The campaign to woo queer citizens is not restricted to the PMO. Other arms of the state have been conscripted for the cause. In August 2016, CSIS participated for the first time in the Ottawa Pride parade, the director of the security service explaining that "CSIS recognizes the value of diversity in our workplace" and that by "participating in today's parade, CSIS shows its commitment to the tolerance, inclusiveness, and respect for the sexual diversity of our employees, who work for the protection of Canada's national security and the safety of Canadians."[40] More recently, much has been made of Canada's top soldier, Gen. Jonathan Vance, joining Justin in the Ottawa Pride parade this past August, complete with the Canadian Forces brass band playing Abba's "Dancing Queen." As Vance awkwardly explained, "For me, being here today is a sign of solidarity and leadership for people of the armed forces who are of this community" (by which, I believe, he meant queer service people). In the midst of the apology campaign (and lawsuit) to get the military to own up to its history of firing service people for being queer, Vance wanted to reassure queer people that "the armed forces is a great place to work and a welcoming environment." He suggested that his presence among the LGBTQ community was important, for "it binds the armed forces more closely to the country."[41] Presumably it also binds the queer nation more closely to the armed forces, yet another moment in the making of both homonationalism and hegemony.[42]

The confluence of homonationalism and liberal hegemony also comes to the fore in the foreign relations file. The apology is frequently coupled with other initiatives, such as the recent

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[40] "CSIS participation in Ottawa Pride Parade," CSIS News, press release, 21 August 2016 (accessed 7 November 2017).
[41] David Akin, "Canada's top general makes history in joining Justin Trudeau at gay pride parade," Global News, 27 August 2017 (accessed 11 November 2017).
[42] On queer nationalism, see Kinsman, "Challenging Canadian and Queer Nationalisms," in *In a Queer Country: Gay and Lesbian Studies in the Canadian Context*, ed. Terry Goldie (Vancouver: Arsenal Pulp Press, 2001), 209-234.

federal legislation to protect transgender people, as indications of Canada's position at the forefront of progressive nations. In a speech to the House of Commons in June of this year, Foreign Affairs Minister Chrystia Freeland rededicated Canada as a defender of "the international liberal order," a key component of which includes "our role to set a standard for how states should treat women, gays and lesbians, [and] transgendered [sic] people." Two days later Canada became co-chair of the Equal Rights Coalition, a global network of LGBTQ-friendly states.[43] How long before a nation's apology to its queer citizens becomes the standard for membership in the new homo-international liberal order, a league of nations whose professed repentance for doing queer harm supposedly sets them apart from less-inclusive countries beyond the pale of liberalism?

Boissonnault, seemingly more sensitive than his colleague to the critique of homonationalism, has said about Canada on the international scene, "We can't simply come in waving the rainbow flag and say, 'This is how you should do things here.'"[44] However, several months later, in a speech during Montreal Pride in August 2017, Boissonnault hailed Canada's "work overseas …lobbying other governments to be more open." He explained that such work is not only a "moral requirement" but also an "economic imperative," segueing back to Canada and "how companies can create more inclusive workplaces." Boissonnault told his audience that "Creating a progressive workplace is crucial not just in advancing social justice – but also in generating economic growth. We have seen time and time again that diverse inclusive workforces are more productive and more innovative … [M]any major corporations in Canada

[43] "Address by Minister Freeland on Canada's Foreign Policy Priorities," 6 June 2017. Graeme Reid, "Canada sets international example in LGBT rights," *Globe and Mail*, 3 September 2017.
[44] Joanna Smith, "Randy Boissonnault, Trudeau's LGBTQ2 Adviser, Lauds Canada's 'Amazing' Progress," *HuffPost*, 18 April 2017.

and elsewhere are embracing this reality. They recognize that respect for LGBTQ2 employees is good for everyone."[45] Boissonnault manages to condense in just a few sentences queer politics in our time, capturing the entanglement of queer aspirations (social justice), liberal pieties (diversity, inclusivity), homo-internationalism (work abroad), and neoliberalism (economic growth, productivity, innovation), all seamlessly packaged as self-evidently "good for everyone." Successfully articulating the specific interests of a dominant group as "good for everyone" is, I believe, one definition of hegemony, and covering up the naked pursuit of economic growth and productivity in the flattering garb of queer social justice is one of the tricks of neoliberalism.

At this point, one might well ask, what's the problem with any of this? From my perspective, the problem is how the gay apology serves to bind, to use General Vance's apt word, queer citizens to the project of liberal hegemony and all that entails – nationalism, militarism, neoliberalism, etc. Let me give an example. When the government apologizes, it will be recognizing and repenting for the excesses of the state in the treatment of one of its minorities but not fundamentally calling into question the state practices that made such treatment possible in the first place. In the case of the civil service purges, for instance, we know the state relied on spies and hired informants along with all manner of other odious practices, such as the infamous Fruit Machine. But the apology will not entail a serious reconsideration of state surveillance and security practices. Rather, the goal is to offer an apology and have it accepted so that queer citizens' national loyalty can be re-secured and their inclusion within the nation restored. This is how hegemony works. Meanwhile, the apparatus of the security state, left untouched by the gay apology, can be trained on other minority or dissident groups, such as Muslims and Arabs,

[45] Randy Boissonnault, "LGBTTIQA2S Lives: Our Struggles, Our Victories, Our Challenges" (accessed 7 November 2017).

including queer-identified people in both groups,[46] or left-leaning Canadians of any sexual persuasion.[47]

Neither does the queer demand for an apology, that the state assume responsibility for its historical injustice and commit to ensuring it never happens again, tackle in any significant way the state's practices. It can't, really; what would the meaning of an apology be coming from a state whose legitimacy has been seriously called into question? "I just want to hear them say they're sorry" is the frequent refrain in the gay apology narrative. Not exactly a rallying cry for a counter-hegemonic offensive. In this way, the gay apology remains caught in a hegemonic trap. To take a different example, the Canadian Centre for Gender and Sexual Diversity, in its "Pink Agenda," lays out a rather radical program, insisting that "Canada must work to end homonationalism" and calling for decolonization and the dismantling of settler colonialism. But the Centre's firm support for the gay apology, set out in a different document, doesn't address the apology's role in reflecting and reproducing some of the very structures the Centre would like to see end.[48]

Are there are other ways to resist the liberal state's efforts to incorporate, by apologizing to, queer people? Just because an apology is offered doesn't mean it has to be accepted. This was the strategy adopted by Black Lives Matter in their protest against the June 2016 Toronto Police apology, which was not an apology at all but an expression of regret, for the 1981 bathhouse raids. In light of a host of unresolved issues between the police and the city's black communities, including black queer and trans people, BLM-TO disrupted the police press conference with

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[46] This is the subject of the concluding chapter, "From the Canadian War on Queers to the War on Terror," in Kinsman and Gentile, *The Canadian War on Queers*, 429-458.
[47] On this history, see Gregory Kealey, *Spying on Canadians: The Royal Canadian Mounted Police Security Service and the Origins of the Long Cold War* (Toronto: UTP, 2017).
[48] Canadian Centre for Gender and Sexual Diversity, "The Pink Agenda," (accessed on 11 November 2017).

signs that read: "Apology Not Accepted."[49] The manifestation of an intersectional form of black-queer politics, BLM-TO refused an apology for an issue about 'sexuality' (the bath raids) when no apologies were forthcoming for issues related to 'race' (carding, the police shooting of black people, etc.). When a week later they brought the Toronto Pride parade to a standstill, interweaving the issues of sexuality and racism, BLM-TO once again ignited the traditions of queer direct action. BLM-TO's rejection of the police apology was on point and prescient. The Toronto Police, a mere five months after their regret for the bathhouse raids, cracked down on queer public sex in Marie Curtis Park in an undercover operation that resulted in charges against seventy people. Do we need any more proof that an apology doesn't necessarily mean a change in practice? While sorry seems to be the easiest word, its utterance can prove empty indeed.

History

With that as some political context and critique, I want to now to turn to the historical. What is the status of 'history' in the gay apology? There seems to be widespread agreement that the apology itself will be the stuff of momentous history. The apology will "represent one of the greatest advances for sexual minorities in Canada's history"; "The reforms that the Liberal government plans to enact over the coming months and years are among the greatest advances for sexual minorities in this country's history, and place Canada at the forefront of countries addressing this issue."[50] But the actual place of 'history' in the gay apology is more ambiguous. On the one hand, history is absolutely integral. It is the grounds and justification for apology. On

[49] On BLM, see Robyn Maynard, *Policing Black Lives: State Violence in Canada from Slavery to the Present* (Halifax and Winnipeg: Fernwood, 2017).
[50] *Globe and Mail*, 11 August 2016 and 13 August 2016.

the other hand, an impatience with the past seems paradoxically to surround apologies for historical injustice. As Boissonnault put it, "We have to address the wrongs of the past, because they are real and substantive. But we also have to pay attention to how do we build going forward."[51] We are asked to get over and on with it before the ink on the apology is even dry. To take a different example, when in August 2017 the city of Montreal and its police force apologized to the LGBTQ community of that city for the long history of police raids of queer bars and parties, former mayor Denis Coderre said they were eager "to put forward this public apology today because we want to turn the page."[52]

Even the JSR, which also sees the past with an eye to the future ("We must pay homage to the past while we look to the future."), is all for "banishing these crimes to the history books." In its discussion of the yet-to-be-determined process of expunging criminal records, the JSR recommends "a comprehensive erasing," a process that "erases all record of a conviction," deleting it from all databases and ensuring that "expunged convictions do not have to be disclosed in any context."[53] The We Demand an Apology Network, referring to the documentation amassed "on thousands of Canadians relating to the purge campaign," demands the government ensure "these documents will be expunged to protect the lives of past, current and future people living in Canada." The Network further demands that those "who were purged or put under surveillance … must have the option of viewing these records, for closure, prior to these personal records being destroyed."[54] Obviously, the intent is to prevent the textual or electronic traces of an expunged record from having any future negative impact on a person. But

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[51] *Globe and Mail*, 15 November 2016.
[52] "'A long time coming': Montreal apologizes for past police raids targeting LGBT community," CBC News, (accessed 7 November 2017).
[53] *The Just Society Report*, 107, 65, 107, 106, 107.
[54] Updated version of the Network's "Points Needed in an Official, Public, State Apology," 14 September 2017, supplied to me by Gary Kinsman.

many expungements will have to rely on the archival record of criminal convictions. Surely the JSR and the Network do not support the erasing, deleting, or destroying of archival documents, which, moreover, must be disclosed to researchers if the details of police and legal persecution are to make it into the history books. Ditto for the "integration of historical material into the curriculum at all levels," one of the JSR's recommendations to "memorialize the historical injustice."[55] One of the primary benefits for the state of an apology is that once a shameful past is acknowledged and apologized for, that past is banished or erased, the page is turned, and we are enjoined to look to the future and move forward. When is the last time you heard the government say anything substantive about the Japanese internment or the Chinese head tax, two communities that received national apologies in 1988 and 2006, respectively? Deleting databases or destroying historical documents will only make forgetting this past that much easier.

One way to counter the wilful forgetting that seems to follow in the wake of apology is to use the apology process to collect and preserve new evidence. The JSR urges "an initiative to record personal stories of injustice for posterity," while Boissonnault has insisted "these stories have to be told and become part of the official record."[56] What concrete plans does Boissonnault have to encourage and collect stories? One of his advisory council's functions is supposed to be to facilitate "dialogue with those affected by past wrongs."[57] For all the talk about dialogue with those affected by past wrongs, the council has no representation from anyone directly affected by the government's past actions. Boissonnault's office has been in existence for one year now. How many stories has he collected, and what will the incentive be to gather

[55] *The Just Society Report*, 107.
[56] *The Just Society Report*, 107; *Globe and Mail*, 15 November 2016.
[57] "New Advisory Council to help Government of Canada develop an apology for injustices faced by LGBTQ2 communities" (accessed 18 November 2017).

further stories after the apology is delivered? Boissonnault maintains this is "our community's truth and reconciliation opportunity for people to speak their truth."[58] The analogy with the TRC is instructive considering the recent Supreme Court decision allowing for the potential destruction of 38, 000 accounts of residential school survivors, an invaluable historical record generated by the TRC. If the apology process does manage to collect accounts from people who experienced the government's anti-queer purges, what will be their fate after the apology? Will they become part of the official record or will they be destroyed because of a promise of confidentiality? Whether we're talking about historical documents or recent accounts, there are ways of preserving records at the same time as protecting privacy.[59]

One of the demands the gay apology campaign should make of the government is for generous financial and other resources to facilitate further queer historical research. The We Demand an Apology Network has long included among its demands the release of all historical government documents related to the civil service and military purges. This should be followed by funding for queer community-based archives and history projects, which are in the best position to place this history in the hands of those who need it most. There should also be funding for government archives to arrange, describe, and make available their huge backlogs of unprocessed historical court records. Which brings me finally to the archival court documents of sexual offences between men in which I've spent many years researching and which are at the center of the gay apology.

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[58] *Globe and Mail*, 15 November 2016.

[59] Archives are fully equipped to preserve these accounts at the same time as respecting any promise of confidentiality by, for example, sealing the documents for a specified length of time and/or allowing access to them only through research agreements that protect the privacy of individuals.

Over the course of the ongoing campaign for the gay apology, I have been continually struck by the disjuncture between the public discussion of the historical records upon which the apology so heavily rests – their extent and content – and what I know to be in them. The idea of federal bureaucrats with little or, more likely, no historical training attempting to search for and interpret old court documents is a little frightening. For example, in the behind-the-scenes work conducted by federal bureaucrats since the government announced its intention to conduct a review of historical records, one internal memorandum obtained through access-to-information indicates that the oldest case they've been able to locate is from October 1939.[60] 1939? How is this possible when buggery entered Canadian law in 1859 and gross indecency in 1890? Bureaucrats are reaching for what's closest to hand – easily searchable but temporally limited police databases – and not the hundreds of boxes of unprocessed court records held in provincial archives. In my own research through those boxes, I've turned up close to 400 cases, involving nearly 800 men, and this just for the period 1880-1940, and for Ontario alone. The challenges presented by these records are numerous and varied. Records from many jurisdictions and/or levels of court have not survived. What if you want a pardon but the record of your conviction no longer exists? Of those that did survive, many are fragmentary and incomplete. Many contain nothing more than names, dates, and the decision. In many instances, there are no depositions or trial transcripts to reveal the details of the case. Without details, how will we know whether a pardon or expungement is merited?

In the surviving records for which sufficient details exists, who do we find in the court documents? Is it someone who led an otherwise exemplary life save for the misfortune of getting

[60] Dylan Robertson, "Liberal government may not compensate men convicted under anti-gay laws, FOI suggests," *Daily Xtra*, 3 November 2016.

caught up in the state's draconian anti-queer apparatus? Sometimes, and I suspect it is this otherwise respectable homosexual most Canadians imagine Justin will be apologizing to on their behalf. But this character doesn't often surface in the court records precisely because he lived a careful, discreet life, never coming to the attention of the police and the law and thus not turning up in the historical records. What, then, do we discover in the court documents? In his comments to the press on the nature of the historical cases, Kinsman has suggested that "the vast majority of those were consensual in character."[61] True, many were, but I fear this doesn't paint a complete picture. In my research, I discovered men who used their physical strength to force themselves upon others, often young boys. There were men who used the allure of their bodies and the promise of sex to entice other men whom they then robbed and/or beat up. There were cases in which men used their positions of power within institutions, from schools to churches and the Children's Aid Society, to gain sexual access to male youth. Turning those tables, some boys and male youth traded sexual favours with adult men in exchange for money, admission to the theatre, or a hockey stick. A good many cases involved so-called public sex in parks, laneways, and lavatories, which often involved more than two men.[62] In short, we find in the court records almost the mirror opposite of Pierre's two consenting adults in the privacy of their bedroom: in place of consent, there was coercion; along with adults, there were many boys and male youth; in addition to couples, there was group sex; in place of privacy, sex often occurred in public.

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[61] Patrick Cain, "6,000 Canadians would be covered by gay pardon decision," Global News, 29 February 2016 (accessed 12 November 2017).
[62] Steven Maynard, "Through a Hole in the Lavatory Wall: Homosexual Subcultures, Police Surveillance, and the Dialectics of Discovery, Toronto, 1890-1930," *Journal of the History of Sexuality* 5, 2 (October 1994): 207-42.

What is often referred to in discussions of the gay apology as the "obstacles" thrown up by the historical record turns out to be more like an interpretive brick wall. All the players in the apology campaign are rightly careful to make clear there can't be apologies or pardons for men whose sexual encounters involved violence and/or minors. However, there has been next to no sustained consideration given to if and how these distinctions can be teased out of the historical sources. Given the nature of the legal contest, sexual encounters that may in fact have been consensual were presented in court as something else; similarly, sexual encounters that involved coercion were presented as having involved consent. Because gross indecency criminalized all sexual relations between male persons, whether in public or private, regardless of the ages of those involved or the circumstances of the sexual encounter, it was very common for both parties to be punished. So in a case that involved an adult man who used his position within an institution to facilitate sex with a male youth, the youth was not regarded as a victim but as what the law termed an "accomplice" to sexual crime, and many were sent to reformatories and training schools. Keeping in mind this was a period before the law drew distinctions about the misuse of positions of trust and authority, are we apologizing to both the man and youth? In cases involving coercion or violence, both victim and aggressor were often sent to jail. Are we apologizing to both? The methodological and interpretive challenges presented by the court records make it nearly impossible to reveal 'the truth' of individual cases. On this score, I can concur with Kinsman, who, in the same report quoted above, also noted that in many instances "you're not going to be able to find out the exact character of what took place." And yet the review of the historical record for the purpose of pardons or expungement relies on the review of individual cases. Good luck with that.

An equally formidable challenge posed by the historical documents hovers over the 'gay' in the gay apology, that is, over the question of identity. Gross indecency and buggery did not criminalize sexual identities, they criminalized sexual acts. Buggery, for instance, not only included sex between men but also anal sex between men and women, and sex between humans and animals. Over three decades of queer historiography has insisted that many, if not most, men who engaged in sexual relations with other men in the 19th and for much of the 20th century did not adopt a gay or homosexual identity. In public discussions of the gay apology, the crucial distinction between same-sex acts and homosexual/gay and other identities is insufficiently elaborated, its conceptual confusion often evident even in a single sentence. Take just one example: Prime Minister Trudeau "should pardon thousands of gay men who were convicted of gross indecency before homosexual acts were decriminalized in 1969. Their only crime was being who they were."[63] We go from sexual identity (gay men) to a criminal code category (gross indecency) to sexual acts (homosexual acts) and back to identity (being who they were). The JSR, despite its admirable effort to formulate an "open-textured and inclusive" apology based on a wide range of identities, including Indigenous two-spirit people and other forms of gender diversity, still falls back on the homogenizing and ahistorical use of 'gay,' as in "19th century gay life."[64] This is more than mere semantics. It's about presuming to know the sexual subjectivities of historical actors, of somehow having access to a magical methodology that will force these often frustratingly fragmentary records to give up their sexual secrets. After nearly thirty years of immersion in these historical records, I'm still uncertain about what, if anything, they can reveal about gay or homosexual identity, other than to say many men did not have one.

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[63] John Ibbitson, "Transgender-rights bill a good first step; Trudeau wins praise for legislation tabled Tuesday, but also needs to examine two historic wrongs," *Globe and Mail*, 18 May 2016.
[64] JSR, 98 and 22.

What does it mean, then, when discussions of the gay apology confidently assert and project back in time "persecuted gay Canadians" or the "past persecution of homosexuals?"[65] For much of the pre-1969 period the very subject to whom the gay apology is addressed is MIA.

There is some acknowledgement that the review of individual records or a blanket pardon would be riddled with problems.[66] But what about the blanket apology? When Justin stands up in the House of Commons to deliver the apology, at least the part of it pertaining to men convicted prior to 1969, is he going to take us through all these historical distinctions? He will likely refer to "*consensual* homosexual relations," but as I've just indicated, this is easier said than demonstrated. And this is only one problem. In apologizing for the prosecution of buggery charges, will the gay apology include the 'straight' men and women who had a taste for anal sex? What about the far more numerous horses, cows, and pigs that turn up in the buggery indictments? Are the records of these men and their four-legged friends being expunged, and are they covered by the prime minister's apology? I assume this is not the intention, but given the misplaced historical equation between buggery and male homosexuality throughout the apology campaign, it is a possibility. There are many other considerations. Are most straight Canadians prepared to apologize to, for instance, the men engaged in a group masturbation scene in the dank, stinking toilet underground in Union Station, or to the mild-mannered Boy Scout leader who penciled on a piece of birch bark a love note to the young object of his affection? Are queer people themselves ready to really reckon with the queer past, warts and all? I fear not, which

[65] *Globe and Mail*, 13 August 2016; 12 October 2016.
[66] "It may be practically impossible to conduct individual reviews of the files of the hundreds, or more likely thousands – no one really knows – of cases of gay men who were convicted of gross indecency or buggery … The records of those who have died would be in local courthouses or provincial archives. Many might have been thrown out; others would be incomplete. The obvious alternative would be a blanket pardon, although that might inadvertently include someone who used violence or who had sex with a minor." *Globe and Mail*, 29 February 2016.

brings me to the one word in the gay apology campaign that sticks most in my craw: "rehabilitation."

The JSR takes its inspiration from and refers to its goal as akin to "the Truth and Rehabilitation Report of Senator Sinclair," a reference of course to the chair of the TRC.[67] I am not aware of any report by the TRC that goes by the name "rehabilitation." The actual TRC term is, of course, reconciliation. It's a curious slippage. Rehabilitation has legal or quasi-legal meanings: the action of restoring former privileges or reputation after a period of disfavour, or preparing someone for re-entry into society after a period of imprisonment. But it can also mean more generally to restore a person to health or normal life, and it is this normalizing aspect of rehabilitation that bothers me. Before the queer past can be presented before the nation to accept its apology, it must be rehabilitated and normalized. We can see it at work in the case of Everett Klippert.

In his first profile of Klippert, Ibbitson begins by acknowledging that Klippert was "no saint." In the early 1960s, Klippert lived in Calgary and worked as a bus driver. We learn that "he hooked up with teenagers … He would offer a couple of bucks for the hand jobs that were, typically, all that were offered." We further learn that Klippert liked to hang around "boxing and wrestling matches, and visited local swimming pools. He also allowed young men on his bus for free, and even slipped them a $2 bill now and then in exchange for their favours later on." After release from his first time in prison for gross indecency, Klippert moved to Pine Point, NWT, where he got a job as a mechanic's helper in Cominco's lead-zinc mine. Klippert had a car "and younger guys loved to go for a ride in it. They'd find a remote road, have a beer and get to talking, and the talk would turn to sex" and Klippert eventually "would propose they masturbate

[67] *The Just Society Report*, 3.

together."[68] Now look what happens in the subsequent reports on Klippert's case in the context of the gay apology. We're told that Klippert's only crime was that he "sought out men for sex"; that he spent time in prison "because he refused to stop having sex with men"; that he was sentenced to indefinite detention "for repeatedly having sex with other men." Even by the end of Ibbitson's initial piece Klippert has become "just a man who sought out other men for sex." [69] Teenagers, the exchange of money, bus and car rides, and the rituals of homosexual seduction all disappear from the story. Let me be clear: I am not trying to suggest Klippert was a pedophile or forced himself on his partners. There's no evidence to suggest this. On the contrary, in a 1965 edition of the Pine Point miners' newsletter, the writer of a section titled "From Under Tom's Hat," illustrated with a hand-drawn hardhat, wrote: "To Ev Klippert, for being nice and giving a guy a ride."[70] In many ways, Klippert's sexual life sounds remarkably similar to many of the cases from much earlier in the century that I discovered in my own research. However, the journalistic re-descriptions of Klippert's "sex with men" obscure from view the distinctive moral economy of sexual relations between working-class men and male youth, one major component of the queer past.[71] Why does it disappear?

If at the start of Ibbitson's profile Klippert is "no saint," by the last paragraph he's become "a great martyr." In between, we learn that later in life Klippert married a woman (a reminder that 'gay' often fails to capture the changing nature of intimacy even over the course of one individual's life, never mind over several centuries). He was surrounded by a loving family and while "his past was just something no one spoke of," he "went on to live a perfectly happy

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[68] Ibbitson, *Globe and Mail*, 27 February 2016.
[69] *Globe and Mail*, 29 February 2016; 13 August 2016; 14 November 2016; 27 February 2016.
[70] See: https://calgaryqueerhistory.ca/2017/11/03/klippert-month-the-recap/ (accessed 10 November 2017).
[71] Steven Maynard, "'Horrible Temptations': Sex, Men, and Working-Class Male Youth in Urban Ontario, 1890-1935," *Canadian Historical Review* 78, 2 (June 1997).

life." This narrative sounds suspiciously like the ones quoted earlier, in which a queer life destroyed by the Canadian state is made whole again through (in this instance, heterosexual) marriage and family. It's been called the "long, bittersweet road to redemption," the "rehabilitating [of] the reputation of Everett Klippert."[72] How much of Klippert's rehabilitation rests upon downplaying or not speaking of his earlier sexual life? How much does redemption depend upon distancing Klippert from the working-class world of same-sex relations in which young men and the exchange of sex for cash, car rides, and booze figured prominently?

Could something similar be done with other cases from the pre-1969 past? Could I cherry-pick my cases for those most easily massaged into a shape befitting apology while leaving the 'undeserving' to moulder in the archives? Probably. But I am not interested in rehabilitating the queer past. It is historically problematic and, for me, politically unpalatable. Klippert, who took a pass when gay activists asked him to tell his story and refused invitations to participate in Pride parades, did not ask to be rehabilitated or redeemed by the gay movement. His surviving family seems pleased enough by the rehabilitation, but I wonder about Klippert. In 2001, Klippert's widow remarked, "I don't think it's right to bring up the past when you have no concrete way of knowing how he felt about it."[73] Her comment goes straight to the ethical heart of the historical matter. We have no concrete way of knowing whether any of the nearly 800 men who turned up in my research would wish to be rehabilitated by journalists, lawyers, or historians and apologized to by prime ministers. And yet, like it or not, rehabilitation and apology are on their way.

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[72] Ibbitson, *Globe and Mail*, 27 February 2016; 13 August 2016; 14 November 2016.
[73] See: https://calgaryqueerhistory.ca/2017/10/19/klippert-month-week-3/ (accessed 10 November 2017).

Politically, the rehabilitation of the queer past seems like the historical equivalent of present-day calls by gay business owners and associations to purge queer neighbourhoods of street people and sex workers. It's a clean-up operation, a sweep of the past – dressing it up and making it look respectable for its appearance on the national stage of apology. It's been many years now since Gayle Rubin warned against devising queer political strategies that expand the charmed circle for a few while those on the outer limits, the most marginalized and stigmatized in our communities, are left holding the bag.[74] How will the charmed circle be drawn in the context of the gay apology? For the JSR, apologies and pardons should be extended to queer people if the activities they were penalized for engaging in were legal for heterosexual people at the time. It is a rather blunt application of heteronormative definitions and standards of sexual behaviour onto the queer past and its distinctive sexual cultures. It means the outsiders will include the usual queer suspects: those who engaged in intergenerational relationships; those who exchanged sex for money or perks; those who had sex in public; young people, regardless of their age, who searched for sex.

Just as the Canadian state once believed it was necessary to purge the government of queer people, it is now necessary for the government to purge, by apologizing for, the historical record of its past practices. How else to maintain its present image, which is to say its political future, as protector of minority rights, diversity, and an inclusive Canada? And here is where the government and gay agenda conveniently overlap, for a homonational politics predicated upon the respectable, nation-loving, and law-abiding queer citizen/couple needs to distance itself from the historical equation between homosexuality and criminality, from the taint of perversion. But

[74] Gayle Rubin, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," first published in 1984, is reprinted in *Deviations: A Gayle Rubin Reader* (Durham, NC: Duke UP, 2011).

what remains of the queer when divorced from its historical associations with sexual outlawry? What if the only way queer is capable of disrupting liberal inclusion and hegemonic incorporation is by remaining that which is unforgivable? This is in part what I take theorist John Paul Ricco to mean when he writes, "if queers forgive the State of its violence and negligence, is this not at the same time the abdication of the future possibility of acting in ways that are unforgivable?"[75] Who will decide, post-apology, which queer ways of acting are unforgivable? The heteronormative state? The homonormative couple?

In place of an "ethics of apology" Ricco offers a "queer erotic ethos." Apology, Ricco argues, will always remain "the liberal ethics of a restricted economy of exchange and reciprocity, of means and ends—including the normative and normalizing desire for closure, for finality, that is believed to come from forgiveness in the wake of apology" – a closure necessary to facilitate what we've heard described as "turning the page" and "going forward," anything but dwelling on the past. So long as it includes a distinction between the consensual and coercive, so necessary if interpretively difficult, then a queer erotic ethos has much to recommend it, not least of which is that, unlike liberal apologies, a queer erotic ethos does not preclude an ongoing engagement with the past. What Ricco also calls an "unmistakeably queer" "erotic excess" that "transcends norm and law" has its historical analogue. The evidence of it, as I've only hinted at here, litters the archive. The lesbian poet Brenda Brooks, in a poem that refuses apology's erasure of the past and its insistence on finality, captures it this way:

> Be assured of this – though they insist
> later that we never lived here – be assured
> that all about will be the stubborn clutter,

[75] John Paul Ricco, "On Queer Forgiveness" (accessed 7 November 2017).

the undeniable record, the burning, wilful

evidence speaking you and me into eternity.[76]

No amount of apologizing, pardoning, expunging, or rehabilitating is ever going to change that.

[76] Brenda Brooks, “History,” in *Somebody Should Kiss You* (Charlottetown: gynergy books, 1990), 47.

Conclusion

When I used lines from Brenda Brooks' poem "History" to conclude my 2017 paper on the gay apology (chapter 4), I did not immediately remember that I had used one of the same lines for the title to my article in *Archivaria* in 1991 (chapter 1). Over a quarter century separates the two pieces. Only in assembling them for this dissertation did the symmetry become clear. We should have the poem in full.

> History
>
> We shall have a house in the woods
> with a roof so blue it can be seen
> from the road. And not only a house –
> a dark shed filled with dust and
> creaking angles of light when entered.
> And things hanging up – a sled, a saw.
> Pieces of leather and warm brass.
> Lamps that swing from our fingers
> when we cross the yard under the new
> moon. A box filled with petrified
> wood and fossils. A box we are filling
> with murmurs and whispers and clues –
> the fragmented story of your defiant
> hands, the deep impression of your kiss.
> Be assured of this – though they insist
> later that we never lived here – be assured
> that all about will be the stubborn clutter,
> the undeniable record, the burning, wilful
> evidence speaking you and me into eternity.[1]

In 1991, I offered no interpretation of the poem, but in the context of the article's will to identity, I think it is safe to say that what appealed was the idea it was the 'burning, wilful evidence' of lesbian/gay identity that could be found in those archival boxes filled with dust and documents.

[1] Brenda Brooks, "History," in *Somebody Should Kiss You* (Charlottetown, PEI: gynergy books, 1990), 47.

"History" isn't obviously 'lesbian'; evidence of the poem's lesbian identity is found in the more explicitly lesbian poems it rubs up against in the same book, a volume that begins with a fragment from Sappho and was published by a small lesbian-feminist press. In my article, the goal was to enter the shed/archive and cast angles of light on the "undeniable record" of identity, a project of visibility, so that we "can be seen from the road." The poem's "we" echoes in my recourse in the article to "our history" and "our past."

Today, I read the poem through different interpretive frames. I note the poem's "we," which I'd previously figured as lesbian, is really just a "you and me" and doesn't actually specify gender, leaving open the possibility of a more open-ended reading, one that seems to make room enough for a gay guy's attraction to lesbian poetry.[2] I note, too, that "we" live alone in a house in the woods and we cross the yard at night spied only by the moon, that is, we exist apart from any larger queer community maybe somewhere down the road. We do not share an identity or community; what we have, to invoke Ricco, is a shared separation from both.[3]

Or we might read the poem through Muñoz's theorizing of gesture and ephemera. Gesture is at once physical and fleeting. After it expires, the gesture lives on in the materiality of ephemeral evidence. Muñoz explains:

> The key to queering evidence, and by that I mean the ways in which we prove queerness and read queerness, is by suturing it to the concept of ephemera. Think of ephemera as trace, the remains, the things that are left, hanging in the air like a rumour … Ephemeral evidence is rarely obvious because it is needed to stand against the harsh lights of mainstream visibility … Ephemera are the remains that are often embedded in queer acts, in both stories we tell one another and communicative physical gestures such as the cool look of a street cruise, a lingering handshake between recent acquaintances, or the mannish strut of a particularly confident woman.[4]

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[2] Speaking of ephemera, which I will in a moment, I once wrote a letter to Brenda Brooks in a queer publication. It read: "An open message to Brenda Brooks: somebody should kiss you / when you write poetry like that. A fan in Kingston." *Rites: for lesbian and gay liberation* 6, 8 (February 1990): 4.

[3] John Paul Ricco, *The Decision Between Us: Art and Ethics in the Time of Scenes* (Chicago: University of Chicago Press, 2014).

[4] José Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (New York: NYU Press, 2009), 65.

As for the things that are left in our poem, there is a box filled with "murmurs and whispers and clues." These clues don't add up, they can't be pieced together to form a complete narrative about queer history; they tell only a fragmented story, a story punctuated by gestures – something done with defiant hands and the deep impression of a kiss, which, like a whisper, will melt into air. What, then, remains, what traces get left behind? A lot of clutter: pieces of leather, some brass, a sled, and a saw. Not exactly the telltale signs of the non-normative – ephemeral evidence is rarely obvious – although we shouldn't rule out the possibility of an outdoorsy lesbian who might be drawn to rusted implements and discarded scraps in an old creaking shed.

Muñoz further explains that ephemeral evidence also "signals a refusal of a certain kind of finitude," and certainly the poem refuses finitude in its anything-but-straight temporality. It's a layering of the past (petrified wood and fossils), the present ("we are" filling the box), and the future ("we shall have a house," the clutter "will be" all about). Ultimately, it's a hope that the ephemeral evidence will speak us into eternity, which sounds a lot like the longing Muñoz associates with "queer futurity," or at least a utopia for two in the woods. Whatever the case, as I argued at the end of chapter four, the pressures homonationalism and homonormativity now exert on the queer past, to smooth out if not outright forget its rougher edges, make the "stubborn clutter … the undeniable record … speaking you and me into eternity" a form of resistance to the wilful forgetting promoted by queer neoliberalism and its apologies for the perverse past.

Another piece of stubborn clutter from the queer past: cars. I'm thinking of the backseat of Thomas's car in 1923 when he reached over to work Leo up and down, or the rides Everett Klippert gave to young men in his car in exchange for handjobs during the 1960s. The car evokes a queer working-class world: young guys' interest in cars and engines, the need for a ride to work, a semi-private space apart from crowded working-class households and neighbourhoods –

all of which could factor into historical scenes of homosexual seduction. In these cases, however, the evidence comes not in the form of poetry but archival court documents.

Pointing to the representation of queer historical evidence in a poem and contrasting it with that found in the documentary form of the administrative state is to flag the contested relationship between the aesthetic and the archival, one of several key debates in what is now called "queer archive studies." By way of conclusion, I want to situate the previous chapters in critical relation to some of the conversations currently animating the field of queer archive studies. I'll tip my hand: What follows is a long and winding argument in favour of the Foucauldian archive as a counter to what I detect as the over-aestheticizing and depoliticizing of the queer archive.

Displacing and Haunting

While precedents can be identified, the new queer archive studies, as a distinct and self-conscious field, has emerged only recently and in astonishingly rapid fashion. Even though the 2009 special issue of *Archivaria* in which "Police/Archives" appeared called itself "Queer Archives," the field that goes by this name has really only begun to cohere within the last five years, after the bulk of my own work on archives was published.[5] The field includes at least two main branches: queer archiving and queering archives. Those who study queer archiving typically focus on the study of the LGBTQ community-based archives that began to emerge in

[5] See, for example, Amy Stone and Jaime Cantrell, eds., *Out of the Closets, Into the Archives: Researching Sexual Histories* (Albany, NY: SUNY Press, 2015); "Queering Archives: Intimate Tracings," special issue of *Radical History Review* 122 (Spring 2015); "Queering Archives: Historical Unravelings," special issue of *Radical History Review* 120 (Fall 2014). Most discussions of the development of the field mark its birth with the publication of Ann Cvetkovich's *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham, NC: Duke University Press, 2003).

concert with gay liberation during the 1970s or on the study of queer material in mainstream archives and special collections. Queering archives refers more to a set of approaches taken to and questions asked about queer and non-queer archival institutions and practices.[6]

Another feature of the field, fully in keeping with the desire to make archives queer, is its wildly expansive conception of what it means by the archive. A random sample includes: Muñoz's "queer ephemeral archives" or the "ephemeral archives of queer New York"; J. Jack Halberstam's "'silly' archives of animated film," especially those starring "chickens, rats, penguins, woodland creatures, more penguins, fish, bees, dogs, and zoo animals"; Martin Manalansan's "queer immigrant archive" of "the seemingly trashy, dirty, disgusting, and untidy organization of bodies, things, and emotions."[7] There is, of course, no such thing as the New York Archives of the Queer Ephemeral, which, were it to exist, would surely be to miss Muñoz's point about ephemerality. There is, however, an actual archives associated with Halberstam's films. It's called the Walt Disney Archives, and I have no doubt it contains all manner of material, visual and textual, that would interest Halberstam, if only they had done some archival research. Halberstam quite rightly critiques some of the big names in queer theory (Bersani, Edelman) for their reliance on "an excessively small archive," a "gay male archive [that] coincides with the canonical archive" and which "narrows that archive down to a select group of antisocial aesthetes and camp icons and texts."[8] True enough, but one is tempted to say something about people who live in glass archives, by which I mean, I'm not sure Halberstam's more popular but equally thin 'archive' solves the problem.

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[6] On queer archiving and queering archives, see the editors' introductions to the two special issues of *Radical History Review* on "queering archives" noted above.
[7] Muñoz, *Cruising Utopia*, 115; Judith Halberstam, *The Queer Art of Failure* (Durham, NC: Duke University Press, 2011), 20-21; Martin F. Manalansan IV, "The 'Stuff' of Archives: Mess, Migration, and Queer Lives," *Radical History Review* 120 (Fall 2014): 94.
[8] Halberstam, *The Queer Art of Failure*, 109.

When many of those who engage in queer archive studies haven't actually done any archival research, even broadly construed, why refer to archives at all? What seems clear is that when many refer to the archive in their work what they really mean is their sources, which, to make matters even more perplexing, are often not archival at all. In Halberstam's silly archive, we find the readily available and endlessly reproducible commodities of consumer capitalism, that is, the very opposite of the original, primary, singular, one-of-a-kind. Halberstam makes reference to the "animated films that make up the main part of the archive for my book." Why not just "the main source for my book?" Halberstam professes to be interested in "low theory" and against "high cultural archives," so why then the invocation of this highbrow 'archive' when 'sources' would more than do?[9] To take a different example, in their exciting new book, *Black on Both Sides*, C. Riley Snorton's "archive or historiographical project," unlike Halberstam's, rests on actual archival sources. In fact, the book begins with an analysis of the "archival process" of describing an early twentieth-century postcard of a "black couple" on one of several "French transvestite postcards," part of a recent exhibit from Cornell University Library's Human Sexuality Collection. Snorton refers to the postcard and a wide array of other sources as the "materials that constitute this book's archive." Why is it the book is said to have its own archive? Why not simply the book's "assemblage of materials," as Snorton also calls it?[10] It's hard to know what explains this peculiar and widespread use of archive other than as an appeal to an intellectual rigor imagined to be bestowed by the cachet of the 'archive' over the more mundane 'materials' or 'sources.'

[9] Halberstam, *The Queer Art of Failure*, 21, 18, 20.
[10] C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis, MI: University of Minnesota Press, 2017), 7.

Another aim of queering archives is to mess with the normative archive's objective to classify and catalogue. In the queer archive, one is more likely to encounter disorder, disarray, and disorganization. As Manalansan suggests, "mess, clutter, and muddled entanglements are the 'stuff' of queerness … and the archive."[11] (I hear the "stubborn clutter" in Brooks.) The queer archive refuses to be disciplined. It is, we are told, "evasive" and "slippery."[12] But such evasiveness and slipperiness, allowing the archive to mean just about absolutely anything, threatens to erase the field's ostensible object of inquiry, rendering 'the archive' the greatest archival absence of them all. This is no doubt why some queer historians express concern, one I share. As Regina Kunzel reflects:

> Sometimes I worry (along with others) that the archive referenced by the "archival turn," understood as a universal metaphor for memory structures, information storage, and knowledge production, might become so expansive as to include nearly everything and that, as a result, it will lose any relationship to what I'm tempted, with some embarrassment, to call "real" archives … I hope that some strands of the conversation about archives remain tethered to material archives, broadly construed, and engaged with the practices of working with, in, and sometimes against them.[13]

Yet another aspect of queer archive studies, one central for my own, concerns the status of Foucault in the field. In a thought-provoking contribution to queering archives, and the transgender archive in specific, Abram Lewis acknowledges, "Today the archive's standing as a privileged object of interest can be credited at least in part to the influence of Michel Foucault, whose genealogical method posits the archive as a primary site of both hegemonic erasure and alternative historical possibility."[14] What is interesting is how Foucault is figured in the field as

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[11] Manalansan, "The 'Stuff' of Archives," 94. Manalansan's article appears in a section of the issue called "Archiving Disorder."
[12] "Editors' Introduction – Queering Archives: Intimate Tracings," *Radical History Review* 122 (May 2015): 1.
[13] "Queering Archives: A Roundtable Discussion," *Radical History Review* 122 (May 2015): 229.
[14] Abram J. Lewis, "'I am 64 and Paul McCartney Doesn't Care': The Haunting of the Transgender Archive and the Challenges of Queer History," *Radical History Review* 120 (Fall 2014): 14-15.

both formative and passé. In a roundtable discussion on queering archives, Tavia Nyong'o offered that the "origin story of my relation to the archive … lies in my undergraduate exposure to the work of Foucault, and specifically the essay 'Nietzsche, Genealogy, History.'" In ways that resonate with the shared estrangement I've pointed to in my historical sources and usefully links it to archival concerns, Nyong'o continues: "I have never really deviated from the formative impression Foucault gave that what I should expect from the archive is the estrangement of myself and others, or that I could call that estrangement queer." While Nyong'o claims not to have deviated from Foucault, at the same time he acknowledges that "the digitization of archives has radically changed the experience of researching in archives and thereby transformed the stakes of making the kinds of genealogical arguments about the past that I cut my intellectual teeth on. Genealogy is no longer, as Foucault stated, 'gray, meticulous, and patiently documentary.'" Christina Hanhardt follows up Nyong'o's archival origin story with her own, explaining that "my approach was shaped by Foucault's concepts of archaeology and genealogy."[15] Both Nyong'o and Hanhardt acknowledge Foucault's enabling influence and then place it in the past.

Lewis might very well endorse this as the displacement of Foucault, for he "advocate[s] displacing the archive as commonly theorized within queer studies," and he leaves no doubt that it is "the Foucauldian archive as a central problematic of queer historical theorizing" that needs to be displaced. Lewis's is one of the most recent and sustained engagements with Foucault and queer archives, so I want to stick close to it. Why, then, must Foucault go? What are, according to Lewis, "the disadvantages of the Foucauldian archive?" When it comes to the archive, most historians of sexuality have presented themselves as grappling with "queer as 'left out' or

[15] "Queering Archives: A Roundtable Discussion," 216-18.

'hidden' … distinguished by its textual evasions, elisions, and ephemerality … marked by silence." This would not be, as I stated in the introduction, an unfair characterization of my 1991 essay on lesbian/gay history and archival research. But Lewis is writing in 2014 and believes

> scholarship still overwhelmingly figures queer's relation to the historical archive as one of suppression or exclusion. In fact, historiographical claims about queer absence would seem to have begotten an ontology of the archive that recapitulates a kind of repressive hypothesis: this logic posits the queer archive as always impoverished and fractured, distinguished by power's erasures and disavowals.

All this is "less a departure from Foucault," according to Lewis, "than it is in fact one of the field's inheritances of Foucauldian archival strategies." The Foucauldian archival strategy Lewis has most in mind is genealogy, and he takes us a through his reading of "Nietzsche, Genealogy, History." Foucauldian uses of the archive are compromised, Lewis argues, by their adherence, even in their resistance, to Enlightenment discourses of history, to "rationalist, positivist, and disciplinary epistemes – the founding epistemes of history" and to "the latent secular rationality of Foucault, to genealogy's points of complicity with the modernist regimes it otherwise opposes." All of this is bad because, "impelled by genealogical injunctions to access and retrieval," such "queer archival investments risk exonerating 'history' as too transparent a sign." They are unable to grasp history's limits or finitude and to cope with history's unconscious – that which "exceeds historicization" or remains "historically unapprehendable." Here Lewis is thinking about the "madness" and "delusion" and "paranoia," "the supernatural and nonhuman agents, and myriad other bizarre experiences," which he argues are "endemic to the transgender archive." We might call it, for short, the trans archive's unreason. The transgender "archive seems fraught with that for which we lack a critical vocabulary but which remains insistently

there and demanding its due."[16] Here I think Lewis is onto something, and it's not just the trans archive. There are irruptions of madness and incoherence even in my otherwise straightforward archival sources for which finding the right vocabulary is indeed extremely difficult, maybe even impossible.

In place of the analytics of history and archive inherited by queer studies from Foucault, Lewis offers strains of "psychoanalytic theory, which, counter Foucault, emphasize history's opacity and finitude," and postcolonial studies which has "also treated history as far more opaque and fraught than we find in Foucault." Lewis opts for a Derridean-derived "hauntological reading," one that "radically resignif[ies] the archive."[17] It may very well be that Foucault's modern, secular rationalism is not up to the task of hearing the ghosts and gods in the madness of the trans archive (Foucault did argue in "A Preface to Transgression" that the emergence of modern "sexuality and the death of God are bound to the same experience,"[18] so it may be asking too much of sexuality to grant access to the supernatural-religious realm). Still, it seems precipitate to write off the very person who wrote about Western rationality's violent expulsion of *déraison* and whose own encounter with the archives of madness was "something other than the truth-telling of rationalist historians."[19] Writing about his sources in *History of Madness*, Foucault wondered what "these dossiers of indecipherable delirium, juxtaposed by chance to the words of reason in prisons and libraries," can tell us. It's difficult to know, for "historical time imposes silence on a thing we can no longer apprehend, other than by addressing it as void,

[16] Lewis, "'I am 64 and Paul McCartney Doesn't Care'," 15-17, 27, 19-20, 14, 23-24.
[17] Lewis, "'I am 64 and Paul McCartney Doesn't Care'," 15, 18, and 27.
[18] Foucault, "A Preface to Transgression," 72.
[19] Lynne Huffer, *Mad for Foucault: Rethinking the Foundations of Queer Theory* (New York: Columbia University Press, 2010), 274.

vanity, or nothingness."[20] Is this not close to the archive and history as Lewis wants it, all indecipherable and unapprehendable?

Remember, too, this is the same person who also wrote the book on "the history of History," locating "The Age of History" in the break in "the Western episteme" between the Enlightenment and the nineteenth-century emergence of the human sciences, in which history, including "the lively curiosity shown for documents or for traces left behind," is, if not 'fraught,' then certainly "dangerous." Foucault does not neglect "the unconscious and History," and he offers a sustained analysis of how "[i]n modern thought, historicism and the analytic of finitude confront one another." It's also hard to imagine a more fitting formulation for the finitude of history than Foucault's infamous prophecy that "new gods, the same gods, are already swelling the future Ocean" (maybe they're reachable after all) and that "man would be erased, like a face drawn in sand at the edge of the sea." [21]

The idea that Foucault must be defended will not be shared by everyone. I hope, however, I'm gesturing in the direction of an argument that Lewis's displacement of Foucault in thinking about the queer archive is perhaps premature. Another problem: I simply don't recognize the Foucault invoked by Lewis. For all of Lewis's talk of genealogy as a method of archival access and retrieval, the Foucault in Lewis's piece never enters an archives or retrieves anything. It is a theorization of the Foucauldian archive that is at the same time a dematerialization of it, perhaps not so surprising coming from someone interested in "ghosts" and "haunting" in the archive. It is also a de-historicizing and depoliticizing of the Foucauldian archive. Almost a decade ago, in "Police/Archives," I sought to counter these tendencies by

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[20] Foucault, *History of Madness*, ed. Jean Khalfa, trans. Jonathan Murphy and Jean Khalfa (London: Routledge, 2006 [1961]), xxxi.
[21] Michel Foucault, *The Order of Things: An Archeology of the Human Sciences* (New York: Routledge, 2007 [1966]), 403, 235-40, 401-406, 420, and 422.

working up "a historical-materialist understanding of Foucault in and on archives." A decade later, that task still seems necessary, and I want to elaborate on it, not through "Nietzsche, Genealogy, History," which, after all and for all its brilliance, never mentions archives, but through my favourite Foucault essay about which I promised in "Police/Archives" to say more. It is time to make good on that promise.

Vibrating and Touching

In 1977, Foucault published "La vie des hommes infâmes," or "Lives of Infamous Men."[22] It is Foucault's meditation on the pleasures of archival research, his account of working in the Archives de la Bastille at the Bibliothèque de l'Arsenal, where he first experienced his now-famous frisson (about which more in a moment). Gilles Deleuze regarded the essay, "although it's one of Foucault's minor pieces," as a "masterpiece."[23] It features prominently in French feminist historian Arlette Farge's own meditation on archival research in *Le goût de l'archive,* and not just because Foucault himself confessed "the taste I've had for them [archival

[22] In French, Foucault's essay first appeared as "La vie des hommes infâmes," *Cahiers du chemin* 29 (15 janvier 1977): 12-29. It is text #198 in *Dits et écrits, II: 1976-1988* (Paris: Quarto Gallimard, 2001). A new edition of the essay appears in *Archives de l'infamie*, ed. Collectif Maurice Florence (Paris: Les Prairies ordinaires, 2009). A beautiful little book, *Archives de l'infamie* is, in part, the illustrated catalogue of an archival exhibition organized around Foucault's essay and held at the Bibliothèque municipale de Lyon during the summer of 2009. It also includes an interpretive essay, "La vie poursuivie," on the essay. In English, the essay first appeared, as translated by Paul Foss and Meaghan Morris, as "The Life of Infamous Men," in *Foucault: Power, Truth, Strategy*, ed. Meaghan Morris and Paul Patton (Sydney: Feral Publications, 1979), 76-91. A second English translation is "Lives of Infamous Men" in *Essential Works of Foucault, Volume 3: Power*, ed. James Faubion, trans. Robert Hurley and others (New York: The New Press, 2000), 157-175. Given its greater circulation, I will use the latter translation (noting the decision to render "La vie," that is, the singular "The Life," as "Lives," while dropping the definite article) unless otherwise noted.

[23] Gilles Deleuze, *Negotiations* (New York: Columbia University Press, 1995), 90. It should be noted that Deleuze isn't much interested in Foucault's vibration. For Deleuze, the significance of the essay is its discussion of infamy and what it might tell us about the "impasse" Foucault encountered after finishing *The History of Sexuality* and then changing his plan for the series.

documents] for years has not diminished."[24] For a short piece, "Lives of Infamous Men" fairly brims over with insights on the nature of archival evidence. The essay begins with Foucault in the archives and his encounter with the "documents" – the eighteenth-century "archives of confinement, of the police, of petitions to the King, and of lettres de cachet." Focussing particularly on the lettres de cachet – orders to arrest and imprison someone, issued by the King, and often solicited by the humble as a way to deal with problem family members and neighbours – Foucault discusses their composition, the contexts of infamy, and locates them in the historically shifting relations of power between the techniques of confession and the disciplinary forms of the modern, administrative state. He further links all this in the last couple pages of the essay to the emergence of modern literature or fiction in the eighteenth century. Such a scaffolding of the argument, however, is misleading. Rather than a straightforward movement from archival documents to works of fiction, Foucault mixes it up. Noting the "ambiguity between the fictional and the real," he describes the archival sources as "strange poems," "tales," and "short stories," all forming part of "the dramaturgy of the real," while literature, fables and tales, is framed as "an effect of a certain system of power," that is, not fundamentally different from but an extension of the textual forms of disciplinary power, such as the case history or jail register.[25] So in 1977, Foucault lays the basis for what historians will later call "fiction in the archives" and literary scholars will describe as the policing functions of the modern novel.[26]

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[24] Foucault, "Lives of Infamous Men," 164. Arlette Farge, *Le goût de l'archive* (Paris: Seuil, 1989). The English translation loses Farge's evocative title: Farge, *The Allure of the Archives*, trans. Thomas Scott-Railton and with a foreword by Natalie Zemon Davis (New Haven, CT: Yale University Press, 2013).
[25] Foucault, "Lives of Infamous Men," 164, 162, 157, 159, 158, 160, and 174.
[26] See, for example, Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford, CA: Stanford University Press, 1987) and D.A. Miller, *The Novel and the Police* (Berkeley, CA: University of California Press, 1988).

Let's look first at how we might read the essay in relation to Lewis's characterization of the Foucauldian archive as transparent, impoverished, and silent. Foucault treats the archive and history, Lewis tells us, as too transparent or not opaque enough. For Foucault, what lights up the archive, allowing us to catch a glimpse of the lives of infamous men and women, is "power's lightening bolt": "in order for some part of them to reach us, a beam of light had to illuminate them, for a moment at least. A light coming from elsewhere. What snatched them from the darkness in which they could, perhaps should, have remained was the encounter with power." We can choose to focus on "the first moment of discovery" when Foucault's hand carefully extracts the contents of the dossier or turns page of the prison register and the archive desk lamp illuminates these "flash existences."[27] Or, instead, we might take in the surrounding "darkness" momentarily illuminated by the light.[28] If the moment of archival illumination is crucial for Foucault, so too is the surrounding space of darkness and shadows: "Nothing made it likely for them to emerge from the shadows"; "a few brief sentences that strike down a poor wretch and plunge him back into his darkness."[29] Recurring darkness and shadows are registered by the essay's readers: "l'archive est ainsi un théâtre d'ombres" ("the archive is thus a theatre of shadows," my translation); "If these lives are illuminated through their contact with power, they index both the clarity of power's gaze and the opacity of social relations that escapes beyond

[27] Foucault, "Lives of Infamous Men," 161, 157, and 159.
[28] This reading is suggested by the fact that lightening bolt struck in Foucault's writing fourteen years earlier in "A Preface to Transgression": "Perhaps it is like a flash of lightening in the night which … gives a dense and black intensity to the night it denies; which lights up the night from the inside, from top to bottom, and yet owes to the dark the stark clarity of its manifestation, its harrowing and poised singularity. The flash loses itself in this space it marks with its sovereignty and becomes silent now that it has given a name to obscurity." Or, less ominously, we have in the same essay "a small night lamp [maybe Brooks' 'lamps that swing from our fingers'] that flashes with a strange light, signaling the void from which it arises and to which it addresses everything it illuminates and touches." Foucault, "A Preface to Transgression," 74 and 81.
[29] Foucault, "Lives of Infamous Men," 163 and 170.

it."[30] Darkness and shadows. This sounds like something other than transparency. Opacity, perhaps.

Another problem with the Foucauldian archive, according to Lewis, is that it "reinstates a repressive hypothesis" of the archive as marked by erasure and as "always impoverished" (hence historians' misguided efforts to devise "reparative" and "recuperative reading practices" to negotiate "an unyielding archive" as a way to restore our "faith" in "the archive's restorative promise").[31] Lewis rests this view of the archive on *For the Record*, Anjali Arondekar's perceptive postcolonial critique of Foucault, sexuality, and archives. Lewis should take note, however, that in Arondekar's more recent work on the mid-nineteenth-century colonial archives of Goa, she notes that they are "exhaustingly plentiful … continuous … and surprisingly accessible, all archival forms that run counter to our expectations of the archives as lost, erased, and/or disappeared." It's not clear why what Arondekar calls archival "surplus" should be a surprise, unless you come to it with a theoretical presumption of scarcity, but it does remind us that theorizing the archive seems to be dependent on the particular archive one happens to be sitting in.[32] Not only is Foucault clear in his familiar way that power doesn't simply repress – he tell us in "Lives of Infamous Men" it also "incites, provokes, produces" – but the archives, to which Foucault returned again and again, were clearly not impoverished but positively overflowing.[33] Consider the lettres de cachet alone. Foucault first made use of them for his *History of Madness* (1961), in which he wrote, "Perhaps, to my mind, the most important part of

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[30] Philippe Artières, "L'exactitude de l'archive," *Cahiers de l'Herne: Foucault* (Paris: L'Herne, 2011): 168. Nancy Luxon, "Editor's Introduction," in Arlette Farge and Michel Foucault, *Disorderly Families: Infamous Letters from the Bastille Archives*, ed. Nancy Luxon, trans. Thomas Scott-Railton, with an afterword by Arlette Farge (Minneapolis, MN: University of Minnesota Press, 2016), 3.
[31] Lewis, "'I am 64 and Paul McCartney Doesn't Care'," 17 and 16.
[32] "Queering Archives: A Roundtable Discussion," 216.
[33] Foucault, "Lives of Infamous Men," 172.

this work is the space I have left to the texts of the archives themselves."[34] They also appear throughout many of the courses at the Collège de France during 1970s, and they receive their fullest treatment in his collaborative work with Arlette Farge, which culminated in 1982 with *Le désordre des familles: Lettres de cachet des Archives de la Bastille*.[35] The latter appeared in the Gallimard/Julliard series "Archives," a series devoted to collections of primary historical documents assembled by the historians who used them. Like any historian worth his or her salt, Foucault not only used archival sources to write his own books, he also edited anthologies of primary historical documents. In addition to compiling all the archival records related to the case of Pierre Rivière, which also appeared in the "Archives" series, in 1978 Foucault started his own series at Gallimard, called "Les vies parallèles," devoted to the republication of archival sources. "Lives of Infamous Men" was originally intended as an introduction to "an anthology of existences," and Foucault wrote, "Let us suppose that this may be a first volume and that Lives of Infamous Men will be extended to other times and places," suggesting that perhaps this volume had been intended for his new series.[36] As we know, "Lives of Infamous Men" appeared as a journal article, while the first book in Foucault's series turned out to be the memoirs of Herculine Barbin. But the point remains the same: Foucault did not encounter the archives as an impoverished space of absence but rather as one of plenitude, an embarrassment of riches he was eager to share with the reading public.

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[34] Foucault, *History of Madness*, xxxv.
[35] Arlette Farge et Michel Foucault, *Le désordre des familles: Lettres de cachet des Archives de la Bastille au XVIII siècle* (Paris: Gallimard/Julliard, 1982). Farge and Foucault, *Disorderly Families: Infamous Letters from the Bastille Archives*, ed. Nancy Luxon, trans. Thomas Scott-Railton, with an afterword by Arlette Farge (Minneapolis, MN: University of Minnesota Press, 2016). Luxon relies heavily on "Lives of Infamous Men" in her introduction, and its influence can also be seen in the subtitle chosen for the English translation.
[36] Foucault, "Lives of Infamous Men," 164.

Neither is the Foucauldian archive silent. Among its infamous residents, we find "so many others who were making just as much of a *ruckus* … with *outbursts* of impatience, anger, *rage*, passion, rancor, and rebellion … they are the action, in disorder, *noise*, and pain, of power on lives" (emphasis added). Referring to his anthology, to his chosen family of the infamous, Foucault tell us, "The selection found here was guided by nothing more substantial than my taste, my pleasure, an emotion, *laughter*, surprise, a certain dread, or some other feeling whose intensity I might have trouble justifying, now that the first moment of discovery has passed."[37] There's a lot going on in that sentence. Taste, again, and pleasure, which we will come to. But focus for now on Foucault reading something in the archives and the sound of him laughing. Even in the otherwise dour archives, "we may amuse ourselves," Foucault wrote, and his great laugh, so much a part of his physical presence, prompted one historian to ponder the possibilities of "the archive of a laugh."[38] Laughter and lots of murmuring; Foucault wants us to "strain our ears" and listen to the "murmuring" of the archives.[39] ("A box we are filling with murmurs": Brooks.)

Imagining Foucault LOL in the archives draws our attention to his physical presence, to his body, and with that to his much-discussed "vibration" in the archives. In this case, it is not the vibration of laughter. It is Foucault's physical response to his archival documents. Foucault recalls in "Lives of Infamous Men" reading two entries in a record of internment from the early 1700s, one involving Mathurin Milan, whose "madness has always been to hide from his family" (I should be committed too!) and was placed in Charenton, an insane asylum, and Jean Antoine

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[37] Foucault, "Lives of Infamous Men," 163, 170, 174, and 157.
[38] Philippe Artières, "Rire," in Artières and Mathieu Potte-Bonneville, *D'Après Foucault: Gestes, luttes, programmes* (Paris: Les Prairies ordinaires, 2007), 167-187. This chapter originally appeared as Artières, "Michel Foucault: l'archive d'un rire," in *Questions d'archives*, ed. Nathalie Léger (Paris: IMEC, 2002).
[39] Foucault, *History of Madness*, xxxii.

Tousard, an "apostate friar, seditious … sodomite … a veritable monster of abomination," locked up in Bicêtre. Foucault described his encounter with these archival scraps this way: "I would find it difficult to say exactly what I felt when I read these fragments and many others which were similar to them. Doubtless one of those impressions which one says are 'physical' as if it would be possible to have others. And I confess that these 'nouvelles,' suddenly rising up through two and a half centuries of silence, stirred more fibres in me than what one usually calls literature." Foucault then goes on to say that "[a] long time ago I utilised similar documents for a book" – he's referring to *History of Madness* – and "[i]f I did so then, it is doubtless on account of that vibration which I feel even today when I happen to run across these lowly lives reduced to ashes in the few phrases that have destroyed them."[40] Foucault's physical sensation in the archives, this stirring of fibres and sudden rising up, leading to a vibration, all part of what Foucault calls an experience of "intensity," has attracted the attention of numerous scholars, queer and non-queer alike. It has enjoyed a following by a small cult of queer literary theorists/historians, who give the essay a reading that variously stresses the affective, the sexual, and the outright eroticized. It's a lot to hang on a few words in a single essay, and I have a different interpretation of it. But before I offer my own, let's look at the sexier approach.[41]

First up to bat is Carolyn Dinshaw, who reads Foucault's essay in a chapter of *Getting Medieval* called "Good Vibrations." Dinshaw juxtaposes a deposition from 1394 and one of Chaucer's tales to ask the eminently historical questions, "What kinds of evidence does each of

[40] Foucault, "The Life of Infamous Men," 76-77. For this passage, I'm using the first English translation (1979), for there are some significant differences between the two English versions when it comes to the affective-sexual reading of the essay, including the word "vibration." In the original French, it is "cette vibration," which is directly translated in the first English translation as "vibration" (77); in the second English translation, it is rendered as "resonance" (158). Another example: The original French, "surgissant soudain" is translated as "suddenly rising up" in the first English translation, while it becomes "suddenly emerging" in the second.

[41] In looking critically at how each of the following three books (Dinshaw, Love, and Huffer) treat "Lives of Infamous Men," I don't mean to detract from how much I admire and continue to learn from them.

these texts provide for queer history? To what ends can such evidence be used?" For answers, Dinshaw turns to "Lives of Infamous Men" because it "tells us a great deal about a practice of what I call queer history" and "a touch across time." The desire for "an affective, even tactile relation to the past" was one of the very early proposals in queer history advocating a form of unembarrassed identification and connection with the past as a form of "community building" in the present. Urging historians not to be so touchy about presentism, Dinshaw said it was okay to reach out, to touch the past as away to connect sexual communities even across the treacherously transhistorical timespan from the premodern to the postmodern. For Dinshaw, then, Foucault's vibration in response to his historical documents is significant because it signals "affective relations across time." However, that Dinshaw opens her discussion of Foucault's essay in a way that sounds like a tale – "One day in the Bibliothèque Nationale Michel Foucault came across an account in an internment register …" – should be our first clue that despite the corporeal implied by touching, Dinshaw ultimately opts for the textual, for the literary and theoretical. It's Foucault's repeated reference to "intensity" that holds the "key," and Dinshaw concludes, "Foucault's sensation of intensity as he reads these documents indicates postmodern *différance* … and at the same time it indicates a connectedness, a very desubjectified connectedness, between his life and those infamous ones." One can only construe what is one of Foucault's most personal, self-reflexive essays as "desubjectified" if you read, as Dinshaw does, Foucault's descriptions of the "intensity" he felt in the archives in strictly Deleuzian and Derridean terms, that is to say, in theoretical rather than phenomenological terms. In addition to the theoretical, Dinshaw routes Foucault's archival experience through the literary. Foucault's connection to his

documents is, she contends, "the experience of the literary sublime," in which "literature," no longer the archives, "seems to hold out a promise of intensity."[42]

At the end of her discussion of "Lives of Infamous Men," Dinshaw suggests that "Foucault in the archive plays out a sensible relation to the past that I am intrigued by as the form and matter of queer histories." Admitting to feeling her own "vibration when I read of Foucault in the archive," Dinshaw is sensible enough not to overly eroticize Foucault's experience, but she is not intrigued enough to establish her own relation with Foucault in the archive, opting instead for theoretical and literary connections.[43] As for the political, how the same hand that touches the past might also be raised as a fist in the present remains unclear.

Dinshaw thanks Michael Lucey for helping her to make sense of Foucault's essay. Like Dinshaw, Lucey, who reads "Lives of Infamous Men" in the context of the work of Balzac, also believes the meaning of the essay is to be found in the last couple pages where Foucault discusses literature: "Having seemingly denied literature a place in his archival inquiry at the outset of 'The Life of Infamous Men,' he concludes that preface with a literary reference – as if literature might itself have the potential to … produce for a later moment some exemplary evidence."[44] Look at what happens here. In both Dinshaw and Lucey, the intensity of archival research and the product of that inquiry – evidence – are relocated from the archives to literature. It is an example of what I will call the textualization or aestheticization of the queer archive.

Dinshaw's discussion of "Lives of Infamous Men" is the starting point for Heather Love's own very different take on the essay. Love picks up on what Foucault calls power's

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[42] Carolyn Dinshaw, *Getting Medieval: Sexualities and Communities, Pre- and Postmodern* (Durham, NC: Duke University Press, 1999), 136-142.
[43] Dinshaw, *Getting Medieval*, 142.
[44] Michael Lucey, *The Misfit of the Family: Balzac and the Social Forms of Sexuality* (Durham, NC: Duke University Press, 2003), 138.

"claw mark," which she prefers over the tender touch across time: "I want to suggest that the sensation – the cross-historical touch – that Foucault feels in the archive may be as much a mauling as a caress. He quickens not only to the caress of a queer or marginal figure in the past but also to the more brutal touch of the law. What happens in the archive is an encounter with historical violence, which includes both physical injury and the violence of obscurity." Playing perhaps on Foucault's well-known interest and involvement in S/M, Love asks, "Is it possible that Foucault wants his historical encounter that way?"[45] It's a suggestive reading of the essay, one true to Foucault's own emphasis on "the grip of power." But in the essay, it is not S/M, it is "the jostling violence of the facts they [the archival fragments] tell." It is everyday violence experienced by ordinary people, like "abused spouses," such as the wife of Nicolas Bienfait, who in 1758 threw herself at the feet of the King, asking for his protection because Nicolas "is killing her with blows … having already caused the deaths of his two wives."[46]

Love's is a bracing counterpoint to Dinshaw's emphasis on community and connectedness. Love maintains that "Foucault's experience of the archive" is one of "impossible connection." Still, when it comes to the archive, Love tends to invoke it an overly phantasmagorical fashion, mystifying the very archival experience Foucault wanted us to understand as embodied and material. She transports Foucault from the archives to the psychic realm of desire and its dream-world. She dreams of meeting Foucault not in the darkness of the archival vault but somewhere more like a backroom: "I do dream about being with Foucault, but I imagine joining him in the underworld, after the moment he has turned away. I want him in that darkness – bearing the marks of power's claw. How to explain such perverse, such intransigent

[45] Heather Love, *Feeling Backward: Loss and the Politics of Queer History* (Cambridge, MA: Harvard University Press, 2007), 48-9.
[46] Foucault, "Lives of Infamous Men," 169, 167 and 170-71.

desires?" For Love, the answer will not be found in archival documents and their tales of the infamous, for Foucault's "investment is not so much in these infamous men themselves but rather 'in the darkness in which they could, perhaps should, have remained.'" "The 'personal investment' that drives Foucault's approach to history is not an attachment to precursors," Love maintains, "Foucault does not end by expressing a desire for the intact document." Thinking of the boys and infamous men in my own archival sources, I find myself in many ways in sympathy with Love's broader project of refusing a queer history "uncoupled from violence," "refusing to write off the most vulnerable, the least presentable," and instead "clinging to ruined identities and to histories of injury." In doing so, however, wouldn't it better to allow Foucault to cling to his infamous men and women rather than downplay his tenacious and tactile attachment to their intact textual traces? What is the desire to sever Foucault's attachment to what he endearingly referred to as "mes petits fous?" To allow Foucault his infamous is not necessarily to indulge Dinshaw's desire for "community," something Love turns away from, for you can be attached to something, even fond of it, without identifying with it. It can take the form of shared estrangement, or, as Love names it, "shared isolation."[47]

In the queer reading of "Lives of Infamous Men," we go from the foreplay of Dinshaw's touching to Love's backroom S/M scene until we reach a climax with Lynne Huffer's "orgasmic eruptions."[48] One of the more recent and sustained engagements with "Lives of Infamous Men," Huffer's analysis is part of her broader rereading of *History of Madness* to rethink the foundations of queer theory. The essay plays a particularly significant role in Huffer's effort to

[47] Love, *Feeling Backward,* 24, 52, 48-9, 30, and 38.
[48] Huffer, *Mad for Foucault,* 273. The eroticization of the Foucauldian archive may have begun with Christopher Nealon, whose brief mention of "Lives of Infamous Men" includes noting about Foucault in the archives, "He becomes aroused." Nealon, *Foundlings: Lesbian and Gay Historical Emotion before Stonewall* (Durham, NC: Duke University Press, 2001), 20. Nealon thanks Dinshaw for alerting him to Foucault's essay.

devise a Foucauldian "political ethic of eros," and it follows that hers is the most erotic reading of the essay. I'll say upfront, I'm not convinced, not because I'm closed to the possibility of pleasure in the archive, but because I just don't see it.[49] Try as I might, I can't figure what Foucault might have found sexy about his "sodomite monk."[50]

Huffer suggests, "When Foucault enters the archive, the archival 'body' is transformed: new parts of the archive are eroticized." Just when someone finally has Foucault entering an archives, he is transmuted into an abstraction – "the archival 'body.'" Confusingly, the eroticization of the archives depends somehow – I can't claim to entirely understand – on the fact the documents deal with the real. Like Dinshaw, Huffer highlights Foucault's repeated use of the word "intensity," and claims "[t]hat intensity is erotic because it engages the real … It is the stuff of life that makes these 'fragments of discourse' erotic … the erotic intensity of these 'poem-lives' come, quite simply, from 'the mere fact that they are known to have lived.'"[51] Rather than oddly eroticize the fact these archival scraps referred to real lives, I'm with Foucault's more prosaic insistence that "I wanted it always to be a matter of real existences," that "existences

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[49] This might be a good moment for me to come clean about my own erotic investment in the archives. I'd be lying if I said I didn't experience a 'vibration' of my own when, for instance, I discovered in my court records the police photographs of the inside of a men's lavatory from 1919, complete with a hole through the partition. This not only produced an immediate identification with the past, my own private touch across time, but also with the archival present, by which I mean – and here we may be venturing into the territory of too much information – the exchange of notes on the stall wall in the public washroom of the Archives of Ontario, back in the day when researchers were allowed to work into the night, the staff long gone, and we were watched over by a concierge not overly keen on getting up from his station to patrol the premises, certainly not the washroom. I'm also thinking about the time I bumped into one of my regular archivists in the bathhouse, clad only in his towel; this gives a potential new meaning to the designation "public service archivist." In *The History of Sexuality*, Foucault pointed out how the scientists of sex worked hard to keep the sexual pleasures sometimes experienced in their research buried "under the guise of its decent positivism" [*The History of Sexuality*, trans. Robert Hurley (New York: Vintage, 1980), 70]. Alongside the sexologists and psychoanalysts, we might stand historians, who are generally uptight about discussing their erotic investment in their own historical work. But as Louise Fradenburg and Carla Freccero have suggested, the "purpose of recognizing pleasure's role in the production of historical discourse is not necessarily to launch yet another renunciation of such pleasure." Rather, they urge a "revaluation of pleasure" and the formation of a "pleasure positive" historical practice. See Louise Fradenburg and Carla Freccero, "Caxton, Foucault, and the Pleasures of History," in *Premodern Sexualities*, ed. Fradenburg and Freccero (New York: Routledge, 1996), pp. xvii-xviii.
[50] Foucault, "Lives of Infamous Men," 159.
[51] Huffer, *Mad for Foucault*, 250.

were actually risked and lost in these words" one finds in the archives, that we're dealing with men and women "who lived and died, with sufferings, meannesses, jealousies, vociferations."[52]

Huffer also refers to Foucault's "sex play in the archives," "an amorous game" of give-and-take, "producing vibrations, physical sensations, and feelings." This "erotic dimension of Foucault's return to the archive in 'Lives of Infamous Men'" is related to "affect, sensation, sentiment, and feeling," and here Huffer draws on one of Farge's essays about Foucault in the archives, in which she argues, as Farge does in most all her work on Foucault, for the salience of *sentiment* to Foucault's archival method. While I have no trouble understanding how Huffer reads Farge on Foucault in the archives as "a solicitation of the senses," it seems a stretch to argue that "[h]is encounter with the *infamous* – a word, Farge reminds us, that meant 'homosexual' in the police reports and prison registers" – can carry the weight of Huffer's argument about "Foucault's erotic attention to the archival other." [53] I want to believe in Foucault's erotic attachment to the archives – he did count "pleasure" among the rewards of his archival work – but the currently available evidence for it (as opposed to the theorization of it) is thin on the ground.[54]

Huffer's reading of "Lives of Infamous Men," not unlike Dinshaw and Lucey, represents a slippage from the archives to the aesthetic. At one point, she refers to "Foucault's archival *practice* – in all the meanings of the term, including action, thinking, feeling, listening" (emphasis in original). I think it is fair to say that of the four Huffer pays the least attention to "action," which I take to be the actions involved in doing archival research. In any event,

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[52] Foucault, "Lives of Infamous Men," 160.
[53] Huffer, *Mad for Foucault*, 251 and 273-74.
[54] I prefer Love's more restrained formulation: Referring to Foucault's "famously ascetic historical practice" (and how do we square this with the archivally-erotically frenzied Foucault in Huffer?), she notes "Foucault's approach to history is indelibly though often invisibly marked by desire." *Feeling Backward*, 46.

whatever unnamed actions are entailed by "Foucault's archival practice" become even more difficult to decipher as Huffer moves to "Foucault's aesthetic practice" and a series of formulations that emphasize archives as aesthetics: "[The] archive becomes an ethical invitation to philosophical investigation as an aesthetic practice"; Foucault brings "an aesthetic practice to the space of the archive where he finds the lives of 'infamous' men and women."[55] There can be a practice of aesthetics, of course, but I suggest that the only way Huffer can offer the portrait of Foucault engaged in sex play in the archives is by keeping her analysis of the archives at an aesthetic distance, cut off from the mundane realm of political action.[56] It is "philosophical investigation" without, archivally speaking and following Marx, human sensuous practice, and we all know what that spells: idealism.[57] In "My Body, This Paper, This Fire," a piece central to *History of Madness* yet cited only once by Huffer, Foucault rips Derrida a new one, referring to his "little pedagogy" as the "textualisation of discursive practices" and as a way to "avoid situating discursive practices in the field of transformation where they are carried out."[58] This takes us back to my discussion of discourse in "Respect Your Elders, Know Your Past" (chapter 2). For our purposes here, we can call it the textualization or aestheticization (they amount to the same thing) of archival practices.[59] Dinshaw, Love, and Huffer, Lewis and Lucey, all in their

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[55] Huffer, *Mad for Foucault*, 274-5 and 215.

[56] That aesthetics and affect can fuel practice, including political activism, is made perfectly clear in recent work on the AIDS activist movement. See, for example, Avram Finkelstein, *After Silence: A History of AIDS through Its Images* (Oakland, CA: University of California Press, 2018) and Deborah B. Gould, *Moving Politics: Emotion and ACT UP's Fight Against AIDS* (Chicago: University of Chicago Press, 2009).

[57] It has been a long time now since Gayle Rubin pointed to the "galloping idealism" of much queer theory and called for "a discussion of what exactly is meant, these days, by 'theory,'" particularly its lack of grounding in "empirical research." Rubin, "Sexual Traffic" (1994), in *Deviations: A Gayle Rubin Reader* (Durham, NC: Duke University Press, 2011), 305.

[58] Foucault, "My Body, This Paper, This Fire" is included as an appendix to *History of Madness*, ed. Jean Khalfa, trans. Jonathan Murphy and Jean Khalfa (London: Routledge, 2006 [1961]), 573.

[59] In the literature on queer archive studies, this is sometimes taken up as the distinction between affect and attachment. Writing against 'the archive of feelings,' Dana Luciano states, "I emphasize that its *attachments*, more precisely than affects, that mark a document's significance in the queer archive … The language of attachment can illuminate, perhaps more usefully than 'affect' or 'feeling,' relationality in its spatiotemporal dimensions," including "factors at once materialist and material." Luciano's stress on attachment and the material helps to explain my own

different ways, de-materialize, textualize, and aestheticize Foucault's archival practices, avoiding situating them in the field of transformation where they were carried out – in the archives and in what Foucault refers to throughout "Lives of Infamous Men" as "the real." Farge called it, as I noted in "Police/Archives" (chapter 3), "le réel de l'archive."

To help bring us back down to earth, we can turn to what I'd nominate as one of the most significant interventions in sexuality studies since *Epistemology of the Closet*, queer-feminist scholar Valerie Traub's *Thinking Sex with the Early Moderns*.[60] Traub puts critical pressure on what she calls, singling out a telling phrase from Huffer, the fascination with "archival *ars erotica*." Traub rightly links this archival erotic art to queer theory's turn to affect and, like a cold shower, she dampens down the queer archival heat:

> To be somewhat prosaic about it, I do not encounter the archive as an especially aphrodisiac site. Furthermore, the supposition of an affective response during the labor of research strikes me as too quick to presume on the affects of others and too prone to translate into an implicit injunction that scholars *feel something*. It seems an unwarranted leap to assume we know in advance what affects historical texts open onto. Furthermore, however passionate one's attachment to … history, the acts of researching and writing are hard work, full of tedium and self-denial – in my experience most often registered in concrete bodily sensations of a tight neck, aching back, tingling wrists, and blurry eyes.[61]

One gets the sense that Traub has actually spent some time in archives. I suspect I warm to *Thinking Sex with the Early Moderns* so easily because, of all the queer literary scholars I can think of, it's Traub who's the most historical of them all. Maybe she comes by it naturally. Maybe it's partly a reflection of her friendship and work with the late, great historian Alan Bray, the subject of the moving essay that opens her book. The substance of Traub's critique of

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concern with Lewis's dematerializing of the Foucauldian archive, Love's detaching of Foucault from his attachment to his infamous men, and Huffer's aestheticization of the archives. See Dana Luciano, "Nostalgia for an Age Yet to Come: *Velvet Goldmine*'s Queer Archive," in *Queer Times, Queer Becomings*, ed. E. L. McCallum and Mikko Tuhkanen (Albany, NY: SUNY Press, 2011), 125-26.

[60] Valerie Traub, *Thinking Sex with the Early Moderns* (Philadelphia, PA: University of Pennsylvania Press, 2016).

[61] Traub, *Thinking Sex with the Early Moderns*, 135.

archival *ars erotica* relates to the main argument of her book. If we consider sexuality epistemologically, what Traub calls "sex-as-knowledge-relation," what we run up against more often than not is the fundamental opacity of sex and hence our ultimate inability to know the sexual past. Rather than despair over this, Traub proposes we use these impasses and blockages to see what they might tell us about 'thinking sex.' For example, Traub suggests that perhaps it is the frustrating impossibility of really knowing the queer past that explains why scholars have turned to history-as-affect. If we can't know this or that about the queer past in any real way, then why not write about how we feel about that? – our feelings of loss, our desire to touch it or have an erotic encounter with it – in short, to take archival texts and historical actors not on their own terms but instead to make them the objects of our desire. But as Traub astutely asks, "Might it be that, in an effort to actualize one's own desire, one ends up producing a fantasy of the past that annuls the past, and that, more specifically, dematerializes the corporeality of those distant others' sexual experiences?"[62] It is a good question, to which I'd add, might it be that it also dematerializes the corporeality of not-so-distant others like, say, Foucault in the archives?

Recopying and Revolting

If archival research gave rise in Foucault to a vibration, stirring within him an intense physical sensation, then reading his essay for the first time produced in me a shock of the unfamiliar, the discovery of a Foucault I had not encountered before. I read the essay in the context of my research on the history of sexuality and, yes, I noted the several references to the sodomite monk. But – and I know this is a heretical thought – not everything is about sex. Sexuality is not what I

[62] Traub, *Thinking Sex with the Early Moderns*, 135.

took away from that first reading, nor is it what I find important about the essay today. Neither is it what Foucault's compatriots tend to see in the essay. Let me sketch this out.

As we've seen, much of the queer reading of the essay, be it as affect or erotic, rests on the "intensity" of Foucault's physical "impression," his "vibration" and the "fibres" stirred in him. Keeping in mind, as he tells us in "Lives of Infamous Men," that he first encountered these archival fragments in researching *History of Madness,* if we turn to that book what do we discover but an extensive analysis of the role of the "nervous fibres" in the history of madness. We learn that these "fibres stretched" and that "tension in the fibres … vibrate under the slightest and most remote of stimulations," maybe even a stimulation as remote as reading an eighteenth-century prison register. At another point, he refers to "the fibre … [and the] sensations that make it vibrate," going on to note about the "nervous fibres … [that] their task was to transmit such extraordinarily diverse impressions," maybe even a physical impression, as if there could be any other kind. Finally, he also discusses "affective intensity" and notes that "given sufficient intensity," over-stretched and vibrating fibres "can lead to delirium."[63] This is the delirium of madness and maybe also to be *en mal d'archives* – sluggish but in need of archives in the worst way – suffering from "feverish laziness." And with that we're back to the "insurrection of subjugated knowledges" which Foucault lectured on in 1975/76 and about which I made such a big deal in the introduction. Daniel Defert tells us that the essay was published in January 1977, but Foucault was working on it in 1975.[64] I'm not trying to draw a direct link between the stirring fibres in Foucault's body and the stretched fibres of Classical madness. I am suggesting that the vibrations, fibres, and intensities of "Lives of Infamous Men" do not signal an erotic

[63] Foucault, *History of Madness*, 236, 270, 290, 365, and 229.
[64] Defert cited in Collectif Maurice Florence, *Archives de l'infamie*, 45.

experience of the archives. They harken back for Foucault to his first encounter with and writing about these sources in the late 1950s / early '60s as he's recalling and returning to them in the mid-1970s. Perhaps not so surprising then that he might pick up and reuse some of the same language. He's hauled out the infamous again to stand them alongside the other marginal and disqualified men and women joining the great insurrection of the early to mid-1970s against the institutions, the asylums and prisons, that confined them.

With "Lives of Infamous Men" Foucault produced a powerful declaration of his affinity for the marginal and the outcast, for "these lowly lives reduced to ashes in the few sentences that struck them down."[65] I am struck by the Thompsonian ring to Foucault's repeated lists: "these cobblers, these army deserters, these garment-sellers, these scriveners, these vagabond monks … this beaten woman, this inveterate and furious drunkard, this quarrelsome merchant … these loose women and these unruly children," whom Foucault seeks to rescue from the condescension of posterity. While the queer theorists point to the repetition of the word "intensity" in the essay and what they believe to be its erotic charge, I would point to other words that appear even more frequently: obscure, ordinary, quotidian. Foucault warned "this is not a book of history" and "will not answer the purpose of historians," but "Lives of Infamous Men" could easily be read as a mid-1970s manifesto for social history.[66] This is what appeals to me about the essay, then and now. It is eloquent evidence to counter the common perception among historians, including historians of sexuality, that Foucault had no substantial relationship to archival / historical research and no attachment to historical actors. I concur with Colin Gordon, who characterizes

[65] Foucault, "Lives of Infamous Men," 158. "Lowly lives," and also fragile. Arlette Farge quotes from "Lives of Infamous Men" on the first page of *La vie fragile* (Paris: Hachette, 1986); *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris* (Cambridge, MA: Harvard University Press, 1993).
[66] Foucault, "Lives of Infamous Men," 160, 163, 165, 157, and 159.

the essay as "arresting" and "memorable," that it puts the lie to "Foucault as the cold chronicler of faceless institutional and discursive structures."[67]

The picture of an archives-obsessed Foucault (he referred in "Lives of Infamous Men" to his research as "a little obsession that found its system") would not come as a surprise to French scholars.[68] This has less to do with national than disciplinary differences. In North America, the essay has found its home primarily among queer theorists, particularly literary theorists/historians, while in France it's taken up primarily by historians, especially social historians. These historians point to the countless hours and days over many years Foucault spent in the archives, and, not unlike Traub, they stress the physical dimension of Foucault's archival labour, well beyond his fabled vibration. Most recently, in an afterword to the English edition of *Le désordre des familles*, which, as previously noted, is the culmination of Foucault's collaborative work with Arlette Farge on infamous men and women, she writes that Foucault

> copied the archives at the Bibliothèque de l'Arsenal by hand; I did the same. In reality (and I know this method has become obsolete and antiquated), copying petitions, interrogations, expressions of grief, and police recommendations offers a way to make direct contact with another flesh-and-blood person who also 'exists,' and has so for many years … Writing, physically recording something with pen and paper, is a sensory act that brings the very distant, close.[69]

In an detailed analysis of Foucault's actual labour process in the archives, Philippe Artières notes how he "recopied word for word, line after line, many dozens of arrest dossiers on A4 sheets"

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[67] Colin Gordon, "Review of Michel Foucault's *History of Madness*," *Notre Dame Philosophical Reviews* (23 February 2007), online journal, no page references.
[68] Foucault, "Lives of Infamous Men," 159.
[69] Farge, "Afterword," in *Disorderly Families*, 270. Farge's point is seconded by Natalie Zemon Davis in her foreword to the English edition of *Le goût de l'archive*. Referring to the digitization of archives, Davis writes: "[T]here is the loss of the object itself, of the marginal notations missed by the camera, the signatures cut off, the paper not available to the touch, the binding unseen … [Farge's] book is more relevant than ever in our early twenty-first century, reminding us to sustain at least some of the time our physical link with the records from the past, to read directly from the handiwork of these persons whose voices are long since stilled, and to leave our own written traces for those who will come after." *The Allure of the Archives*, xvi.

(translation mine), the French format for letter-size paper, and reproduces several examples of these from Foucault's own archives.[70] In a different article, Artières notes again how Foucault copied documents word by word onto his sheets of paper, one sheet for one archival document, with the title, author, and reference in the upper-left hand corner of the sheet and the general theme at the top centre of the sheet. When he got home from the archives, Foucault organized his research notes into file folders according to broader themes. Initially organized for a specific book or project, Foucault would then add to these folders material gathered during subsequent trips to the archives. As Artières explains, this represents an immense archive of its own, constituted over more than thirty years in a life of archival research, an especially valuable resource, a "kind of unique manuscript" (translation mine), given that Foucault's practice was to destroy his own final manuscripts but hang on to his original research notes.[71] There are, to put my own Foucault obsession in perspective, whole research teams in France dedicated to tracking down every archival request slip Foucault ever filled out and to recreate the documentary basis of his archival research.[72]

Elsewhere, Artières likens Foucault in the archives to a diagnostician and surgeon (Foucault, whose father was a surgeon, made the analogy himself), extracting, "in the physical sense of the term" (translation mine), fragments from archival documents, the type of incision dependent on the operation. Comparing "Lives of Infamous Men" with *Disorderly Families*, which contain some of the same archival material, Artières demonstrates how Foucault cuts quite

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[70] Philippe Artières, "L'exactitude de l'archive," *Cahiers de l'Herne: Foucault* (Paris: L'Herne, 2011): 164-68. Artières writes: Foucault "recopie mot à mot, ligne après ligne, plusieurs dizaines de dossiers de cachet sur des feuilles A4" (166).
[71] Artières, "Rire," 181-82.
[72] For one example, see "La Bibliothèque Foucaldienne: Michel Foucault au Travail," which is an online digitization of Foucault's research notes and files used in the preparation of *Les Mots et les Choses* (1966; contrary to French custom with titles, Foucault insisted the 'C' in les Choses be capitalized): http://lbf-ehess.ens-lyon.fr/pages/index.html

close, down to a few lines, for the journal article, while making more generous extractions of several pages for the book.[73] I could multiply the examples of this type of work being done on Foucault, but I suspect the point is clear enough. Both Farge and Artières underscore why I believe it borders on the absurd to suggest Foucault was not attached to the intact document. More generally, while French scholars are clearly interested in Foucault's archival texts, this is obviously something radically different than the textualizing and aestheticizing of the archives by most North American queer theorists.

Which is not to say that for the French it's all about hard work and being hunched over a reading room table. Farge, for instance, fully appreciates the role of affect and the aesthetic in Foucault's archival method. Referring to Foucault's "emotional attachment" in "Lives of Infamous Men," Farge explains:

> The intelligent, controlled, and impassioned lyricism of his opening sentences touched me enormously … The unique and unfailing beauty of his writing gave a specific tone to the text. For Foucault, those singular lives were also *vies poèmes*, life-poems. Speaking of emotion in those days represented a real break from the traditional way of writing history … Reading about the emotional and physical resonance Foucault experienced was a revelation for me, encouraging and comforting. All the more so because, as a woman, known for being sensitive, my perspective as a historian was often put in doubt, sullied by attributes that historical science didn't want to understand and on which it had casually shut the door.[74]

Frequently called upon to discuss her collaboration with Foucault, Farge returns to this theme time and again: "It is to recognize that emotion, the aesthetic are a part of his intellectual process … For Foucault, the beauty of a text sometimes appeared superior to all that one could say about

[73] Artières, "Diagnostiquer," in *D'Après Foucault,* 35.
[74] Farge, "Afterword," *Disorderly Families,* 269-70. Oddly, given the number of times Farge has discussed "Lives of Infamous Men," she mistakenly writes, "I had, of course, read, in 1975, his article in the *Nouvelle Revue Française*," 269. It was neither published in 1975, nor did it appear in *NRF*.

it" (translation mine).[75] The difference is that Farge's invocation of the aesthetic is always rooted in an appreciation for Foucault's work in the archives, as described above. More than this, she wants us to understand that Foucault's vibration and emotion represent a method, a way of knowing: "emotion can also be a tool of intelligence and intuition." Emotional intelligence and attachment to one's archival documents – "we all have intimate and secret relations to our objects of history" (translation mine) – can be a form of epistemology, an intellectual process.[76] Farge's reflections are far superior to queer theorists' frequent and patronizing reduction of archival work to "search and rescue" missions or the mindless mechanical operations of "access and retrieval."

Another crucial difference: where queer literary theorists, as we've seen, privilege the literary over historical documents in their reading of the Foucauldian archive, Foucault never did such a thing. In answer to Dinshaw's question about the evidentiary differences between Chaucer's tale, a piece of literature, and a court deposition, a dry, administrative form of the state, very similar to the question I posed at the outset of this conclusion in relation to Brooks' poem and Thomas and Leo's court transcript, how different are they? For Foucault, not very. Foucault worked hard to break down the barriers separating the literary and archival, seized, as he was, by the beauty of the poetics of the archive and, at the same time, unwilling to grant the literary any specificity in relation to other discursive productions, such as administrative acts and archival fragments.[77] We can see this in the very structure of "Lives of Infamous Men," and it

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[75] "[C]'est reconnaître que l'émotion, l'esthétique font partie de son processus intellectuel … pour M. Foucault, la beauté d'un texte semblait souvent supérieure à tout ce qu'on pouvait dire de lui." Farge, "Michel Foucault et l'histoire," *Sciences humaines*, hors-série 3 (mai-juin 2005).

[76] "[L]'émotion aussi peut être un outil d'intelligence et d'intuition … On a tous des rapports intimes et secrets à nos objets d'histoire." Farge quoted in Juliette Cerf, "Trente ans après sa mort, la seconde vie de Michel Foucault," Télérama.fr n. 3362 (accessed 8 July 2014).

[77] As the editors to a collection of Foucault's radio broadcasts on literature put it, "Foucault est saisi par la beauté de cette poétique de l'archive" and "la littérature ne possède aucune spécificité par rapport à d'autres productions

speaks to Foucault's insistence that both fiction and document be embedded in the power relations of the historically specific field of transformation where they were carried out. Dinshaw is alive to Foucault's deliberate blurring of what she somewhat awkwardly calls "documents of practice" and fictions, and she's definitely down with treating them accordingly. However, where her legal deposition, her document of practice, is registered as having a material "effect" on a field outside the document (on the court, London society), the tale, the fiction, is said to also perform in the real, but it does so only as an intertextual reference in two subsequent works of modern literature, a short story and a novel, by two gay male writers. While this serves as an illustration of Dinshaw's desired touch across time, it still seems to me there is a textualization and idealism at work; the tale, the short story, and the novel are said to "contribute to an expanded future of what can be *thought*" (my emphasis).[78] Put another way, it's not clear how the deposition operates and has a material effect in the social / historical realm, while the fictions travel and function in the realm of thought. In blurring fiction and historical documents, Foucault wasn't pointing to two separate realms. One of the key arguments of "Lives of Infamous Men" is that fictions also emerge from and perform in the social. As he put it, "there is more to literature than that; but that is where it has its locus and its conditions of existence."[79] This reflects his determination not to grant literature any special status, a refusal to elevate it above the lowly archival document.

The French keep it real not only by grounding Foucault in the archive *au travail*, they also emphasize the politics of archives in and around "Lives of Infamous Men," something missed by queer theorists. As Artières argues, the archive may be, for most, the ultimate signifier

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discursives (actes administratifs … fragments d'archives ...)." See Foucault, *La grande étrangère: A propos de littérature*, ed. Philippe Artières et.al. (Paris: EHESS, 2013), 10-11 and 13.

[78] Dinshaw, *Getting Medieval*, 136, 140 and 142.

[79] Foucault, "Lives of Infamous Men," 174.

of the past, but for Foucault it was also very much "une addresse au présent" ("an address in the present," my translation). Keeping in mind the temporal overlap not only in the writing of "Lives of Infamous Men" and the "Society Must be Defended" lectures but also with the publication of *Discipline and Punish* (1975), Artières suggests we must hear in the essay an echo of the distant roar of battle, which is to say Foucault's political activism around prisons.[80] A typical day in the life of Foucault in the early 1970s: up early and to the archives, sifting through and copying into his cahier eighteenth-century prison registers and other records of incarceration; later in the day, he's organizing meetings and demonstrations of the Groupe d'information sur les prisons, compiling and publicly circulating the questionnaires filled out by prisoners so that they could speak about conditions in the prisons. GIP's questionnaires, published bulletins, and other textual traces have been described as "rogue archives" and the "archive commune d'une lutte," the collaborative archive of a struggle.[81] Even the essay of Foucault's on history most beloved by queer theorists, "Nietzsche, Genealogy, History" (1971), is located in this same political context, although you'd never know it from reading queer theory. Locating the essay in Foucault's work with GIP, Daniel Defert suggests that "the question posed by Nietzsche …'who is speaking?' – is *the* question of the seventies," and reminds us, "In the final analysis, 'politics' is the actuality in which the young people who flocked to Foucault's lectures think and act."[82] Another, even more surprising gap in the queer theoretical discussion of "Lives of Infamous Men": the essay's introduction to an English-speaking audience first occurred in context of gay-left politics. The first English translation in 1979 was undertaken by the "Working Papers" collective, which grew

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[80] Collectif Maurice Florence, *Archives de l'infamie*, 43-5.
[81] Sophie Fuggle, "Beyond Slogans and Snapshots: The Story of the Groupe d'Information sur les Prisons," in *Foucault and the History of Our Present*, ed. Sophie Fuggle, Yari Lanci, and Martina Tazzioli (Basingstoke, UK: Palgrave Macmillan, 2015), 152. Artières, "Rire," 183.
[82] Daniel Defert, "Course Context" in Foucault, *Lectures on the Will to Know: Lectures at the Collège de France, 1970-1971*, ed. Daniel Defert, trans. Graham Burchell (Basingstoke, UK: Palgrave Macmillan, 2013), 274-75.

out of the Australian gay liberation movement. Their analyses of "sex, sexuality, power and the constitution of the human subject in patriarchal/capitalist society" were deeply indebted to Foucault, so much so that they published a book devoted to him, the book in which "Lives of Infamous Men" first appeared in English. Against the queer-archival-*ars-erotica* reading of Foucault's essay, I want to drag it back to its gay-left context.[83]

To think *and* act: Defert's is a salutary reminder of the close connection between theory and practice in Foucault's work. This is a huge and complicated topic, which I don't have the space to develop here. Suffice it to say that in the lecture on subjugated knowledges Foucault insisted that "theoretical creativity" must remain in dialogue with and "at the level of day-to-day practice."[84] A similar concern for action and practice guides the French politics of the Foucauldian archive. When in 2012, the French government declared Foucault's personal archive a "trésor national," a national treasure, some were quick to respond. Drawing attention to Foucault's favourite formulation of those who consult archives or his books as "users," that is, those who make concrete political use of archival documents or theories, they argued that to lock Foucault up in an archival treasure chest would be to close the lid on the democratic promise of his open toolkit.[85] Foucault was not a fan of the political imperative or of slogans, but this has not stopped his followers: "Publier l'archive, disperser l'archive, faire circuler l'archive" – Publish the Archive, Disperse the Archive, Circulate the Archive![86]

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[83] Morris and Patton, *Foucault: Power, Truth, Strategy*. For context, see Joseph Interrante, "The Sexual Politics of Speech," *Radical History Review* 22 (Winter 1979-80): 153-65. That Interrante introduced "Lives of Infamous Men" in the pages of RHR, right on the heels of its pioneering issue on "sexuality in history," feels like a missed opportunity.
[84] Foucault, *"Society Must Be Defended,"* 6.
[85] Philippe Artières and Mathieu Potte-Bonneville, "Michel Foucault n'est pas un trésor," *Le Monde* (18 May 2012): 6.
[86] Artières, "Rire," 180.

This is also the long way around to asking the question, what is the politics of the queer archive? More recent discussions within queer archive studies about "archive activism" tend to construe it as the cultural production of artists who use archival material in their work. As Ann Cvetkovich explains:

> In looking for how the critical impulse [of queer archive studies] can be fused with practice, I have been especially inspired by the model of queer activists and artists, and especially the combination of the two together. When activists work with or create archives … they make them come alive by connecting them to the needs of the present. Working creatively with archives, artists are unafraid to make use of their very personal, subjective, and affective investments in the archive.[87]

I have no doubt this is true and can think of examples myself, but the specifically political dimensions of such aesthetic/affective work remain unclear, which is to say there is currently a need for more work that synthesizes and analyzes the politics of activist-artistic archival practice. That said, the very idea of activist-artistic archival practice is contested. As Tavia Nyong'o cautions,

> praxis, or struggle, and poetics, or making/production, remain in tension within queer circles today. Praxis-oriented activists are not in automatic congruence with poetics-driven artists. To the contrary, their happy meeting often seems like an ephemeral miracle. I don't believe in their conciliation … The drive to merge queer activism, theory, and artistic production, I would go so far as to argue, is part of the flattening out of counterpublics.[88]

What about beyond cultural production? For example, to return to Lewis, what are the political dimensions and activist implications of his "hauntological reading" of the transgender archive? Lewis holds out that it may be "not just an intellectual exercise but also a meaningful political

[87] "Queering Archives: A Roundtable Discussion," 225.
[88] "Queering Archives: A Roundtable Discussion," 225-6.

and ethical maneuver," but this comes in the very last sentence of the article.[89] In this way, Lewis defers the political, a time-honoured maneuver of queer theory since its very inception.

Another reason this question of the politics of the archive is so difficult to answer is the absence of a vibrant queer political movement in which to pose it. This is arguably less true for transgender politics, but we are all living through the more general context I described in chapter 4: the hollowing out of the political in the context of homonormative and homonational times.[90] If, as Traub argues, the turn to queer history-as-affect is a response to a blockage in thought, "sex-as-knowledge-relation," I would suggest that queer theory, including the turn to the antisocial and negativity, is also about "sex-as-political-relation" – that is, the current efforts to 'think sex' are a reflection of our depressed and depressing political times. I believe we also have to ask some hard questions about whether current theorizing on sex, its tendencies to textualize and aestheticize, might also be related to, maybe even helps to reproduce, the depoliticization characteristic of homonormativity. Again, I don't have the space here to elaborate this argument with the detail it deserves, so a few polemical pot-shots will have to suffice.

In the face of failed (I really mean stalled) queer movements, we are faced with 'no future,' the failure of theory talking to itself,[91] or failure worked up as an artform. I refer, of course, to Jack Halberstam's *The Queer Art of Failure* and its "silly archive." The book begins,

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[89] Lewis, "'I am 64 and Paul McCartney Doesn't Care,'" 29.

[90] Nicholas Matte refers to "liberal transnormativity," distinct from but related to homonormativity, within trans histories and communities. Matte, "Rupert Raj, Transmen, and Sexuality: The Politics of Transnormativity in *Metamorphosis* Magazine during the 1980s," in *We Still Demand!: Redefining Resistance in Sex and Gender Struggles*, ed., Patrizia Gentile, Gary Kinsman, and L. Pauline Rankin (Vancouver: UBC Press, 2017), 118.

[91] Without denying all the insights on negativity and relationality packed into *Sex, or the Unbearable*, we can use this text, which stages a dialogue between two leading queer theorists that began as joint presentations at two academic conferences in honour of two other prominent theorists, as an example of just how far theory now floats above the world of political activism, all the while claiming "not [to be] a practice of withdrawal" from politics "but rather a challenge to engage with politics in unexpected places and in unpredictable ways." Lauren Berlant and Lee Edelman, *Sex, or the Unbearable* (Durham, NC: Duke University Press, 2014), xvi. As a side note, it is entirely unsurprising to discover that the book seeks to refine "theoretical questions" by bringing "different aesthetic and critical *archives* to bear upon them" (xvii, emphasis added). For the last time, don't they just mean their sources?

as does this dissertation, with a discussion of Foucault's lecture on subjugated knowledges, although Halberstam uses it to deliberate on "academic legibility and legitimation" and the struggle against "disciplinarity," bypassing its broader, non-academic political concerns and its own historical-political context, which I've tried to highlight.[92] We've already noted that "the archive" of Halberstam's book doesn't actually include any archival material. Thus, to turn Foucault's lecture back on Halberstam, if we think about queer theory as a specialized domain of scholarship, as a discipline, one that often actively subordinates, overly aestheticizes or simply does without archival evidence, then I think we can say, following Foucault, who insisted that only theory in conjunction with 'historical contents' was up to the task of critique, that queer theory (and not the queer archive) is all the more impoverished and its ability to provide effective critique diminished to the extent it keeps its distance from historical evidence, which may also help to explain its negligible presence on the political scene.

Not to be deterred, Halberstam theorizes failure as a radical politics of resistance and refusal, and the text is peppered with references to Gramsci and counter-hegemony. But the analysis remains focused on "eccentric allegories" and "utopian narratives." Of course, animating utopias is an important step along the path to living otherwise, as Muñoz taught us, but Halberstam is silent on how we join the chicken's revolt ("The chickens are revolting!" is a line from *Chicken Run,* one of the animated films in Halberstam's "silly archive"). Put differently, what are the activist politics of the silly archive? It is hard to say given that Halberstam throws us back on the textual, on "narrative opportunities" (but how, to use an ugly neoliberal word, to 'operationalize' these narrative and allegorical opportunities?) and the aesthetic (the 'art' of the

[92] Halberstam, *The Queer Art of Failure*, 10-11. I'm picking on Halberstam because I take their invitation at face value: "If we want to make the antisocial turn in queer theory we must be willing to turn away from the comfort zone of polite exchange in order to embrace a truly political negativity" (110).

book's title). The failure to live up to the normative is, from a queer perspective, something to be embraced, and this is of course what Halberstam has in mind. One is tempted to go for the low blow: only a tenured professor at Columbia University living *la vie bohème* in Manhattan could seriously advocate for "failure as a way of life" and a viable politics.[93] Which is another way of saying the politics of failure, as opposed to its animated representation in *Finding Nemo,* remain insufficiently grounded in a material context. Halberstam's failure, like it or not, is also part of a bigger failure – the failure of the banks, of the auto industry, of the mortgage and housing market, of pension plans, of entire national economies – in short, the failure of capitalism. Halberstam is fully aware of this and it doesn't go unmentioned in the text, but a political and economic problem of this magnitude will not be adequately addressed by aestheticizing failure, by turning it into an artform, no matter how queer. And the queer notion of failure cannot depend for its difference from capitalist forms of failure simply by revalorizing failure, because capitalism, at the same time as it regards those who fail to accumulate and achieve as losers, also valorizes failure as absolutely central to the venture of capital.[94]

Like numerous others, Halberstam builds on Muñoz's "queerness in the realm of the aesthetic," but, also like many others, fails to fully follow up. For Muñoz, "Turning to the aesthetic in the case of queerness is nothing like an escape from the social realm" into, say, the 'narrative opportunities' of the representational realm. Rather than defer politics yet again, Muñoz doesn't shy away from reading off of queer aesthetic and ephemeral evidence "blueprints and schemata" to "map future social relations." As already noted, Muñoz is able to do this by

[93] Halberstam, *The Queer Art of Failure*, 20 and 186.
[94] Take, for example, the Canadian business publication called, with no apparent trace of irony, *Backbone Magazine* and the title of a typical article: "Have a Vision, Be Stubborn, Embrace Failure" (April/May 2012): 16.

drawing on the resources of cultural Marxism and because his "theoretical project has had an important activist component."[95]

Foucault had some interesting ideas about the relationship among aesthetics, theory, and politics. First off, Foucault was suspicious of theory for theory's sake, of theory produced within academia and cut off from politics, which he believed left it at an aesthetic level. Speaking to his audience at the Collège de France exactly two years after his lecture on subjugated knowledges, Foucault said: "[In] the theoretical domain, the imperative discourse that consists in saying 'love this, hate that, this is good, that is bad, be for this, beware of that,' seems to me, at present at any rate, to be no more than an aesthetic discourse that can only be based on choices of an aesthetic order … [and this] seems to me to be very flimsy when delivered from a teaching institution or even just on a piece of paper." Channeling Lenin, Foucault goes on to remark that "the dimension of what is to be done can only appear within a field of real forces," and he wants his own theoretical analysis to be underpinned by "tactical pointers": "If you want to struggle, here are some key points, here are some lines of force, here are some constrictions and blockages." These represent more than aesthetic choices because they are rooted in and emerge from practical political activity: "Of course, it's up to me, and those who are working in the same direction, to know on what fields of real forces we need to get our bearings in order to make a tactically effective analysis … [T]his is, after all, the circle of struggle and truth," or, we could say, the reciprocal relations between political practice and theory.[96]

Unbecoming and Hoping

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[95] Muñoz, *Cruising Utopia*, 1 and 17.
[96] Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-1978*, ed. Michael Senellart, trans. Graham Burchell (Basingstoke, UK: Palgrave Macmillan, 2007), 3.

We all choose to struggle on different fields of force, in which the archive plays different roles, or no role at all. As I suggested in chapter 4, Black Lives Matter, and organizing by queer and trans people of colour more generally, is about one of the only activist games in town at present. Yet, the relationship between this activism and the archive is fraught. On the one hand, someone like Snorton prefaces their "book's archive" with Black Lives Matter and the necropolitics of black and trans death, paradoxically breathing new political life into the archive.[97] On the other hand, and as I have written elsewhere, many queer and trans people of colour "offer a thanks-but-no-thanks to the archival impulse and its status-conferring discriminations."[98] Instead, they question "what rises to the status of an archive" and highlight "how queer archives celebrate white queer subjects as the only historic subjects."[99] This erasure of queer people of colour, however, is never complete and can be countered with oppositional archival forms. At the same time, we might ask, what is the relationship between thriving trans archives, a new wave in community-based archiving, and (white) trans archive theory, which, like a lot of queer theory, puts off politics for another day?

I have tried to get my political bearings in relation to the archive by locating it on the field of force of liberal state governance. The examples I've offered in this dissertation are the Toronto Police Museum (described in chapter 3) and the federal government's gay apology (chapter 4). One of the problems I identified with the gay apology is that it was a demand without a movement, and in this way reflects and reproduces the demobilization of queer

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[97] Snorton, *Black on Both Sides*, vii-xiv.
[98] Maynard, "'A New Way of Lovin'': Queer Toronto Gets Schooled by Jackie Shane," in *Any Other Way: How Toronto Got Queer*, ed. Stephanie Chambers et.al. (Toronto: Coach House Books, 2017), 19.
[99] Jin Haritaworn, Ghaida Moussa, and Syrus Marcus Ware, with Alvis Choi, Amandeep Kaur Panag, and Rio Rodriguez, "Marvellous Grounds: QTBIPOC Counter-Archiving against Imperfect Erasures," in *Any Other Way: How Toronto Got Queer*, 219.

constituencies in homonormative times. If queer politics in the 1990s was a failed effort to invent a new politics amid the ruins of identity politics, it was at least an effort. How to organize now in the absence of a meaningful movement, how not to succumb to political pessimism or produce theory that merely defers the political, remains a pressing question, perhaps *the* question. I do not hold up my approach as the one, true way forward. Many of us keenly feel the absence of vibrant social movements; this merely represents my own effort to think and act in that context, and I do so inspired by Foucault and the thinking about queer relationality.

As I understand the politics of shared separation or estrangement, it is the decision (or not) to come together on a provisional basis, temporarily suspending not transcending all the differences that separate us (this was the fatal flaw of identity politics, imagining difference could be overcome if we just 'processed' it long enough). It is a model of politics not predicated on shared identities. Indeed, we agree to occupy the space not of my identity or yours but the space between us, which is the space of the finite political project we share. It is what, in his discussion of archival activism, Nyong'o refers to as "[t]he incommensurable [that] points to the spaces between us, across which we touch and are touched. It sounds a little poetic, but that is my preferred image for how queer activism and art can encounter each other without becoming each other."[100] It is not about building coalitions nor producing community. It is a form of what Ricco calls "unbecoming community."[101] It is a non-contractual, unlicensed relationality harnessed for short-term political ends. It shares some of the same features of what Foucault called a "necessarily temporary" "community of action," in which there is no "we" or community prior to or after a particular political problem demands its formation.[102]

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[100] "Queering Archives: A Roundtable Discussion," 226.
[101] Ricco, *The Decision Between Us*, 25.
[102] Foucault, "Polemics, Politics, and Problemizations," in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon, 1984), 385.

What might this look like on the ground? Sticking with the gay apology, I might point to "the four historians," that is, the small group of us who came together to pressure the federal government to amend Bill C-66, its proposed legislation to allow for the expungement of records of those convicted of historically unjust same-sex offences. Now that it appears the bill will pass in the Senate with no amendments, despite all our efforts to get changes to the legislation made, our little group would appear to be dissolving. Despite one (okay, the youngest) of us urging *la luta continua* – there's a related bill coming down the pipe – several others, myself included, are more skeptical about prolonged 'working from within' and are looking to turn to other battles. This is not a problem, for there was no assumption or obligation that our gang of four would be ongoing or have any permanence. Neither did our group try to suppress or surmount our differences of historical and political interpretation. No 'basis of unity' here (even if one member of the group still occasionally appeals to such language). On the contrary, differences were not only raised but sometimes publicly aired even as we continued to work in the same direction. For instance, one in our group, Gary Kinsman, took exception to my interpretation of the apology as a process emanating primarily from above and an example of homonationalism.[103] In contrast to what Kinsman regards as my blanket application of homonationalism over the whole process, he locates present-day apology seekers in a longer history of resistance to the war on queers. To my mind, this lays what Kinsman acknowledges as the homonational dimensions of the apology solely on the steps of Parliament Hill, that is, at the level of the state. But what about those queer people who feel wronged and want an apology because all they ever wanted was to serve their country, and here I'm referring to people in 2018, not 1958? To answer this question, I find

[103] Gary Kinsman, "The Apology from 'Above' and 'Below,'" http://radicalnoise.ca/2017/12/05/the-apology-from-above-and-below-expanded-version/ (accessed 15 May 2018).

Halberstam helpful: "What happens when we find multiple examples of gays or lesbians who collaborate with rather than oppose politically conservative or objectionable regimes? As I have suggested, one tactic has been to ignore the signs of collaboration in favor of a narrative of victimization."[104] This is, I think, exactly what we see at work in the gay apology, in which those seeking apology are represented as victims while their pronounced nationalism, militarism, etc. cannot be questioned.

At the same time, everyone in the group acted out of a shared belief in the power of the queer archive, even if not all share my preferred language of 'the insurrection of subjugated knowledges.' As I've argued here, Foucault could be moved, in both affective and embodied ways, by the beauty of what can be found in the archive, but his was no archival *ars erotica*. For Foucault, the point of the laborious digging up of archival evidence is to use it in the critique of and struggle against institutions, be it an asylum, prison, government, or even a museum-archives. This has been my approach. I rallied my perverts from their archival resting place to engage them in a public and political battle – to show up the limitations of the government's apology and expungement process.[105] I won't retrace the entire argument here, but take Thomas and Leo's case – and I mean literally, their archival court record – as an example. Were they to apply for expungement of their criminal records – unlikely, I realize, since they are both presumably dead, although Bill C-66 does allow for family and other interested parties to apply on behalf of deceased persons – they would most likely be denied. C-66 operates by extending back in time the 1969 definition of homosexuality: consensual sex with one and only one other age-appropriate person in the privacy of a bedroom. In the case of Thomas and Leo, their sexual

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[104] Halberstam, *The Queer Art of Failure*, 151.
[105] See, for example, Maynard, "Trudeau's apology to LGBT public servants is straightforward. Expunging criminal convictions is not," *CBC News*, http://www.cbc.ca/news/opinion/trudeau-apology-1.4422195 (accessed 15 May 2018).

encounter took place in a so-called public space; the intrusion of the police and the law, turning Thomas and Leo into adversaries, muddies the question of consent in the surviving records (and C-66 requires archival proof of or a sworn affidavit attesting to consent); and, because C-66 applies a discriminatory age of consent – 16, when the age of consent at the time was 14 – there could be problems because the court record suggests some ambiguity about Leo's age. Despite trying to demonstrate to legislators, for example, the arbitrary definition and historically unequal criminalization of "public sex," they simply fall back on the book: if it remains in the *Criminal Code* today, no expungement. Thomas and Leo are out of luck. Or, let's say somehow their expungement application was successful. The legislation calls for the destruction of all records of the case, another serious problem we pointed to, creating the possibility that future researchers would never know what Thomas and Leo got up to in the backseat of that car.

Pointing out these kinds of evidentiary problems doesn't sit well with impatient politicians and their queer supporters, who share a different view of the content and purpose of the queer archive. For them, the archive should be a transparent window onto sexual identity (and here Lewis's argument against transparency and for opacity is dead on). In his apology speech, Prime Minister Trudeau called it "LGBTQ2," while Egale prefers "LGBTQI2S." My own favourite example of the reduction of the queer past to identity terms during the apology campaign is contained in the media headline, "Don't destroy gay-sex records."[106] If we can be certain of little about what we know of the queer past, I'm pretty sure it's safe to say Thomas and Leo did not imagine they were having "gay sex." The federal government and Egale also share a belief that the queer archive should be put to the pragmatic use of what in the debates over C-66

[106] "Don't destroy gay-sex records, historians urge as feds move bill through Commons," *National Observer* (11 December 2017), https://www.nationalobserver.com/2017/12/11/news/dont-destroy-gay-sex-records-historians-urge-feds-move-bill-through-commons (accessed 15 May 2018).

got called "incremental change" (and in their minds this is a positive thing, in case that's not clear). While the "four historians" and a number of queer organizations called for substantial change to C-66, a piece of legislation rare in its focus on the queer archive, Egale opted to support the government. This common approach to the queer archive on the part of the federal government and Egale is another manifestation of what in chapter 4 I describe as the close fit between liberal hegemony and homonormative/national politics. The most recent example: Egale plans to present their leadership award at their upcoming conference, "Identity - Canadian Perspectives on LGBTQI2S," sponsored by the Toronto-Dominion Bank, to Prime Minister Justin Trudeau "in recognition of outstanding contributions towards inclusion for LGBTQI2S people in Canada."[107]

Thomas and Leo aren't likely to be poster boys for the government when it roles out its expungement process. But rather than stuff the inconvenient Thomas and Leo back in their archival box to pull out a more acceptable pair, "real victims" of the state's anti-queer apparatus more deserving of state forgiveness, I plan to stick with Thomas and Leo and the rest of *mes petits pervers*. They're not always what you'd call positive-role models, but they do an effective job at showing up the limits of dominant, liberal constructions of sexuality and homonormative politics. As Cvetkovich puts its, "The archive can become an extension of neoliberal and homonational strategies when inclusion is about assimilation and equality and not about alternative and absent voices or transformative knowledge …The goal is … critical engagement with existing practices."[108] I have aimed for the latter.

[107] Announcement contained in personal communication to author, 9 May 2018.
[108] "Queering Archives: A Roundtable Discussion," 222.

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My current approach to archives has evolved over a period of three decades, and it will likely shift again in the future. If I had to characterize this change, I'd say I've moved from an approach rooted in lesbian/gay identity and community, in which the link between historical knowledge and politics was more often asserted than activated, to one, guided by Foucault, that dwells not on queer archives but on what a queer in the archives can do, conscripting evidence not for minoritizing or aestheticizing purposes but to critique state institutions and practices of liberal governance.

In the absence of flourishing movements, the ideal model of the politics of shared estrangement may be that of friendship, with all its rewards and risks.[109] After our shared political goal is achieved, or even if it is not, we may become/remain friends, or not; we may work together again, or not. This can't be known in advance, for it only exists in "the then and there of queer futurity," what Muñoz terms "queerness as horizon." We stand, side by side, each of us up against the space between us, our shared separation, facing forward, facing the horizon with "hope," Muñoz urges, a mode of thinking and acting that is "nothing short of necessary in order to combat the force of pessimism" and the "political impasse that characterizes our present," a present governed by "gay neoliberals who sell a cheapened and degraded version of freedom."

Shared estrangement may seem a poor substitute to those of us old enough to remember participating in groups that felt connected to something bigger, to a movement. In the absence of

[109] Tom Roach, *Friendship as a Way Life: Foucault, AIDS, and the Politics of Shared Estrangement* (Albany, NY: SUNY Press, 2012).

thriving social movements "queerness is that thing that lets us feel that this world is not enough, that indeed something is missing." Against the impoverished pragmatics of present-day gay politics, "we must dream and enact new and better pleasures, other ways of being in the world, and ultimately new worlds. Queerness is a longing that propels us onward," speaks us into eternity, as Brenda Brooks might say. [110] Such a queer utopian impulse seems worth holding onto, particularly if queer longing brings us together and springs us into action when necessary, archival evidence at the ready.

[110] Muñoz, *Cruising Utopia*, 32, 4, 28, 32, and 1.