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Conceive and Control: Cultural-Legal Narratives of American Privacy and Reproductive Politics

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CONCEIVE AND CONTROL: CULTURAL-LEGAL NARRATIVES OF AMERICAN
PRIVACY AND REPRODUCTIVE POLITICS

DISSERTATION

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in English in the
College of Arts and Sciences
at the University of Kentucky

By
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2023

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ABSTRACT OF DISSERTATION

CONCEIVE AND CONTROL: CULTURAL-LEGAL NARRATIVES OF AMERICAN PRIVACY AND REPRODUCTIVE POLITICS

Law and literature share a foundation in narrative. The literary turn in legal scholarship recognizes that the law itself is a form of narrative, one that simultaneously reflects socio-cultural norms and creates social and political regulations with a complex matrix of power. Cultural narratives from the 1950s to the mid-1970s pertaining to reproductive politics, domesticity, and national identity both produce and are productive of legal rulings that govern and restrict private acts of sexuality and speech. The Supreme Court used cases concerning sex and reproduction to enumerate, explicate, and complicate the right to privacy, which appears nowhere in the U.S. Constitution or the Bill of Rights yet formed perhaps the most crucial legal issue of the second half of the twentieth century. But with the Court's continuous "refinement" and clarification of the right to privacy, the Court has demonstrated how privacy is a Lyotardian *differend* which, in dividing the inside from the outside, dismantles the logic of both through deconstruction of the margin. Law-determining rulings protecting this right demonstrate a logical impossibility: the Court has made privacy a "right" in such a way that the conditions for exercising it are subject to state surveillance. To be a subject of the law is to relinquish privacy, and privacy requires that the individual subject him/herself to the law by placing the right to privacy within the public domain. Rules-governed practices are entangled in ways both inextricable and unresolvable with notions of privacy. Legal narratives of the right to privacy, therefore, provide a genealogy of failed supplementation, consistent with an array of cultural narratives reflected in contemporaneous literature, film, drama, and political discourse. The Supreme Court's continual "refinements" of privacy expose the tenuousness of the authority upon which it is based, with the female body positioned as the site of contradiction upon which narratives of domesticity, sexuality, and subjectivity are made legible.

KEYWORDS: Narrative, Privacy, Reproductive Politics, Postmodernism, Contraception, Abortion

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DEDICATION

To Mary C. Naser

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I would imagine that it's a rare occurrence for a doctoral candidate to wish so wholeheartedly that they had been wrong about the entire argumentative trajectory of their dissertation. But the last year has made this dissertation simultaneously more timely and more horrifying for that timeliness. I was fortunate enough to have enough people to ground me and maintain some perspective. My dissertation director, Alan Nadel, whose scholarship has been the single most influential factor in my own thinking and teaching, provided indispensable feedback and guidance on this project at every stage. He advocates for his graduate students in a way that receives far too little acknowledgement. I also wish to acknowledge the other members of my dissertation committee—Michelle Sizemore, DaMaris Hill, Melissa Stein, and Deborah Nelson—for their insights and constant support. I was honored to work with Deborah Nelson, whose *Pursuing Privacy in Cold War America* inspired my project in critical ways.

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CHAPTER 1. INTRODUCTION: WELCOME TO THE POST-PILL PARADISE?

*The study of law must be informed by an examination of the socio-cultural narratives that shape legal meaning and empower legal norms; conversely, the study of culture requires an understanding of the law as a normative edifice and coercive system.*¹

-Guido Calabresi, "Note from the Editors"

*Welcome, she said, to the post-pill paradise.*²

-John Updike, *Couples*

Law and literature share a foundation in narrative. The literary turn in legal scholarship recognizes that the law itself is a form of narrative, one that simultaneously reflects socio-cultural norms and creates social and political regulations with a complex matrix of power. As Guido Calabresi, Senior Judge of the United States Court of Appeals for the Second Circuit, indicates in the editors' introduction to the inaugural issue of the *Yale Journal of Law and the Humanities*, the law is not merely a symptom of cultural attitudes, but a signifier of how norms produce and are produced by the larger cultural narratives that the law, in turn, codifies and facilitates. My project on cultural-legal narratives of American privacy and reproductivity interrogates legal and cultural narratives from the 1950s to the 1970s, as they pertain to reproductive politics, domesticity, and national identity. The Supreme Court uses cases concerning sex and reproduction to enumerate, explicate, and complicate the right to privacy, which appears nowhere in the U.S. Constitution or the Bill of Rights yet formed perhaps the most crucial legal issue of the second half of the twentieth century.

¹ Guido Calabresi, "Note from the Editors," *Yale Journal of Law and the Humanities* 1 (1988), v.

² John Updike, *Couples* (New York City: Random House, 1968, 2012), 63.

With its continuous “refinement” and clarification of the right to privacy, the Court has demonstrated how privacy is a Lyotardian *differend* which, in dividing the inside from the outside, dismantles the logic of both through deconstruction of the margin. Law-determining rulings protecting this right demonstrate a logical impossibility: the Court has made privacy a “right” in such a way that the conditions for exercising it are subject to state surveillance. To be a subject of the law is to relinquish privacy, and privacy requires that the individual subject him/herself to the law by placing the right to privacy within the public domain. Rules-governed practices are entangled in ways both inextricable and unresolvable with notions of privacy. Legal narratives of the right to privacy therefore provide a genealogy of failed supplementation, consistent with an array of cultural narratives reflected in contemporaneous literature, film, drama, and political discourse. By employing deconstructive analysis, I examine how the Supreme Court’s continual “refinements” of privacy expose the tenuousness of the authority upon which it is based. My work, then, draws on Supreme Court cases concerning access to contraception and abortion to demonstrate how the Court has articulated ultimately illogical narratives concerning privacy by using the female body as the site for its crisis of interpretation.

The legislation and regulation of female sexuality in the form of laws and governmental regulation of birth control and other modes of contraception and the decriminalization of abortion have developed extensively in the United States since the 1950s. As laws and policy on female sexuality have evolved at the political and legal levels, representations of female sexuality and reproductivity in literature, media, and culture have similarly shifted or reconfigured themselves to reflect new social

understandings and attitudes toward women, sex, and reproductive autonomy.

Representations of female sexuality within literature, media, and culture have reflected the changing political and legal landscapes on reproductive technologies that enable women within the era of the nuclear family to make a seemingly revolutionary choice: the choice *not* to have children. In short, privacy was built on bodies—it is defined by what these bodies can do, where they can do it, and with whom. Privacy law delimits where bodies can be where the state cannot, replete with loopholes and exceptions that enlist us, whether we want to be enlisted or not, to monitor each other. The category of “woman,” with its many reconfigurations and usurpations, both defines and destabilizes the legal conception of privacy, and the history of privacy law in the second half of the 20th century rewrites and makes legible “woman” as a historically and legally specific entity defined by how and where she may be unsurveilled—which, as we shall see, is nowhere. This dissertation argues that the Supreme Court’s articulation and continual refinement of the right to privacy through the site of the reproductive female body is a response to a breakdown in cold war cultural narratives of containment and the rise of Vietnam-era narratives of anti-authority and individual subjectivity. These narratives, which embodied an American cold war political and social landscape preoccupied with domesticity, sexuality, and privacy, operated not only at the legal level but also within a wide spectrum of cultural life. My project, then, links legal conceptions of privacy and surveillance with both “high” and popular culture and shows how the logical impossibility of privacy within a surveillance state becomes part of a nation’s cultural agenda and a source of meaning for the American populace.

I approach the study of law and cultural narrative from the theoretical perspective of deconstruction and postmodernism. This theoretical framework serves not as a series of lenses through which I merely read legal cases and cultural products, but rather as a means of positioning and interrogating the law and texts in conversation with each other. The law depends for its authority on its intended infinite reproducibility. It derives its regulatory power specifically because it purports to articulate a universal truth that reflects the fundamental values of the nation whose courts enumerate it. And I should note that when I speak of "the law" as a monolithic entity, that is precisely my intention, because that is precisely how the legal system seeks to position itself. It would appear as if postmodern theory, which concerns itself with fragmentation, heterogeneity, and the rejection of "grand narratives," would be anathema to this particular conception of the law as monolithic, universal, and infinitely applicable. However, the fact that the Supreme Court has had to continually refine its privacy doctrine with respect to contraception and abortion reveals not that the original ruling was incomplete or inaccurate, but rather that the original ruling's very underpinnings lack the logical coherence to support the doctrine as a whole.

The three decades after World War II experienced massive changes in literary and cultural representations of birth control and abortion specifically, and female sexuality and reproductivity generally, that resulted in major shifts both in social attitudes and legal and governmental regulatory regimes. Birth control's modern, medicalized history began in 1950, when Margaret Sanger underwrote the research for the first commercial birth

control pill.³ The publication of Alfred Kinsey's *Sexual Behavior in the Human Female*⁴ in 1953 challenged dominant assumptions about normative sexuality by revealing the wide range of pre-marital sexual activity, up to and occasionally including intercourse, in which both women and men participated on a regular basis. The Kinsey Report and the 1966 publication of *Human Sexual Response*⁵ by William H. Masters and Virginia Johnson defined the cultural climate in which birth control was developed, debated, and regulated. Enovid, the first commercially available birth control pill, received FDA approval and entered the medical market in 1960, but states remained free to regulate or deny access to the pill.⁶

Historical and cultural analyses of birth control and abortion abound within the social sciences, although a majority of these studies focus either on preemptive birth control (such as the pill) or abortion without engaging in a detailed investigation of how their histories work in tandem. Works that deal with preemptive birth control trace the massive social, political, and legal repercussions of the development and commercial availability of the pill; as Elizabeth Siegel Watkins notes, "in 1968, a popular writer ranked the pill's importance with the discovery of fire and the developments of tool-making, hunting, agriculture, urbanism, scientific medicine, and nuclear energy. Twenty-five years later, the leading British weekly, the *Economist*, listed the pill as one of the

³ Elaine Tyler May, *America and the Pill: A History of Promise, Peril, and Liberation* (New York: Basic Books, 2010), 22.

⁴ Alfred Kinsey, *Sexual Behavior in the Human Female* (Bloomington: Indiana University Press, 1953).

⁵ William H. Masters and Virginia E. Johnson, *Human Sexual Response* (New York: Little, Brown & Company, 1966).

⁶ May, *America and the Pill*, 34.

seven wonders of the modern world.”⁷ Linda Gordon’s *The Moral Property of Women: A History of Birth Control Politics in America*⁸ tracks the development of contraception from its prehistory in folk medicine to its incorporation into the political rhetoric of second-wave feminism. Birth control’s acceptability depends upon a moral orientation that separates sex from reproduction. From the birth control’s movement as a campaign for “voluntary motherhood” in the 1870s to the new organizational phase of 1910-1920 that produced the term “birth control” to the liberal reform movement for “planned parenthood” from 1920-1970 to its reconfiguration as a key component of a woman’s right to bodily autonomy under the rubric of “reproductive rights” in the 1970s, political and social discourses surrounding birth control and abortion indicate broader changes in sexual attitudes and practices. These evolutions concerning dominant positions toward and popular conceptions of birth control reflect complex matrices of political, economic, and social developments of the historical moments that produced these changes. Gordon claims:

Throughout history, birth control use has increased through two sets of dynamics: the impact on individuals, families, and gender systems of large-scale, structural economic and social changes, which served to lower mortality rates and made rearing children much more expensive; and rapid social and legal transformations resulting from major social movements such as feminism....In some periods, usually brief and intermittent, birth control has been presented successfully as a value-neutral, technical, or medical aid to whatever family or sexual forms then appear conventional. But more often, birth control has been embedded in ideological, political, and social conflicts.⁹

⁷ Elizabeth Siegel Watkins, *On the Pill: A Social History of Oral Contraceptives, 1950-1970* (Baltimore: Johns Hopkins University Press, 1998), 1.

⁸ Linda Gordon, *The Moral Property of Women: A History of Birth Control Politics in America* (Champaign: University of Illinois Press, 2007).

⁹ Gordon, *Moral Property*, 359-360.

These final two stages in political and social attitudes toward contraception, which entail a shift from the “control” element of birth control to second-wave feminist calls for sexual and bodily freedom as an inherent component of reproductive rights, occupy much of the existing literature on contraception, including not only Gordon’s tome but also Elaine Tyler May’s *America and the Pill*, Watkins’s *On the Pill: A Social History of Oral Contraceptives 1950-1970*, and Rickie Solinger’s *Pregnancy and Power*.¹⁰ May places the advent of the first commercially available oral contraceptive within its historical context, considering how the dual rhetoric of control on the one hand and sexual freedom on the other depended on and responded to the widespread concerns about the spread of communism, a rapidly rising global population, the baby boom, and an emerging youth culture that challenged the repressive status quo that characterized the United States in the 1950s and 1960s. Amidst this period of social and cultural upheaval, “the pill took its place not as the miracle drug that would save the world, but as an important tool in women’s efforts to achieve control over their lives.”¹¹ The story of birth control, then, acknowledges that the pill played two roles: a key tool for reproductive self-determination and an enabler of greater sexual autonomy for women. Watkins echoes May’s focus on the birth control pill as a “magic bullet” in the political imaginary of 1950s and 1960s America, where fears of a global population boom led not only to governmental support for scientific research on contraceptives but also to the formation

¹⁰ Rickie Solinger, *Pregnancy and Power: A Shorty History of Reproductive Politics in America* (New York: New York University Press, 2005).

¹¹ May, *America and the Pill*, 6.

of the Population Council, a new generation of demographers, and institutional attention to eugenics.¹²

As the pill became a normalized fact of American life, concerns grew in continuing media coverage about the possibility for the pill to enable the expansion of women's sexual liberation. Watkins notes:

At the extremes, depending on the editorial stance of the publication, single women in the pill spelled either progress or doom for contemporary civilization. Other writers took more moderate positions, including the pill as yet one more factor contributing to the new openness about sex. Some recognized that the availability of the pill compelled not only young women, but also the rest of society, to confront the role and regulation of sexuality in everyday life.¹³

The pill, then, shifted from a symbolic cure-all for global population concerns to a potential harbinger of greater sexual license for women. Changing cultural narratives about contraception reinforce the conclusion that “even this most private act—using a contraceptive—carries historically constructed meanings and ethical implications that are influenced by class relations, racial formations, and gender systems.”¹⁴

If scholarship on preemptive contraception demonstrates that birth control eventually became incorporated into the daily fabric of life for most Americans, either for better or worse, then works on abortion reveal that, although the rhetoric and cultural narratives about pregnancy termination similarly experienced historically contingent shifts, abortion never achieved the same quotidian or normative status. Although the American Law Institute drafted a model state abortion law in 1959 that would repeal the

¹² Watkins, *On the Pill*, 3-4.

¹³ Watkins, *On the Pill*, 65.

¹⁴ Gordon, *Moral Property*, 360.

provisions of the 1873 Comstock Act that criminalized abortion,¹⁵ abortion did not become legal under any circumstances until 1966, when Mississippi legalized abortion in cases of rape, and 1967, when Colorado decriminalized abortion in cases of rape or incest, or when continuing the pregnancy would endanger the life of the mother.¹⁶ The following year, President Johnson's Committee on the Status of Women called for all states to follow Colorado's example and decriminalize abortion,¹⁷ and in 1970 the Family Planning Services and Public Research Act provided federal funding for family planning assistance, including education on legal methods of pregnancy termination, to low-income women.¹⁸ Leslie J. Reagan's *When Abortion Was a Crime: Women, Medicine, and the Law in the United States, 1867-1973* triangulates the interactions among medical professionals, state authorities, and women in the practice, policing, and politics of abortion from abortion's initial criminalization in 1867 until its legalization in *Roe v. Wade* in 1973. The landmark Supreme Court case declared all individual state bans on abortion during the first trimester of pregnancy unconstitutional, as these bans violated the individual right to privacy established in *Griswold v. Connecticut*¹⁹ as a component of the Fourteenth Amendment's due process clause. Nevertheless, the Court allowed states to regulate but not prohibit second-trimester abortions as long as states could articulate a compelling interest for limiting the right to privacy. States remained free to proscribe

¹⁵ Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973* (Berkeley: University of California Press, 1998), 220-221.

¹⁶ C.W. Tyler, "The public health implications of abortion," *Annual Review of Public Health*, 4 (1983): 245.

¹⁷ Stephanie Brzuzy and Amy Lind, *Battleground: Women, Gender, and Sexuality* (Santa Barbara, CA: ABC-CLIO, 2007), 3.

¹⁸ Family Planning Services and Public Research Act, 42 U.S.C., ch. 6A (1970).

¹⁹ *Griswold v. Connecticut*, 381 U.S. 479 (1965).

third-trimester abortions except in cases in which abortion would be in the best interest of the woman's physical or mental health. *Roe* therefore articulates a complex narrative of protected privacy on the one hand and a continuing state interest in violating this right in some as-yet-unnamed cases on the other.

Sole consideration of the legal framework regulating abortion provides only a partial picture of how the law works in practice, how public policy comes into being, and who enforces these regulations on the state's behalf. While statutes and case law provided strict rules prohibiting women from procuring abortions and doctors from performing them, voluntary agents and individuals rather than the government carried out much of the on-the-ground regulation. Abortion, restricted in law and performed widely in practice, therefore provides a lens through which we can understand how the power of law materially affects the daily lives of American women. Other works, such as Kristin Luker's *Abortion and the Politics of Motherhood*²⁰ and Marvin Olansky's *Abortion Rites: A Social History of Abortion in America*,²¹ approach the history of abortion thematically, considering its development in public discourse in terms of its relationship to changing conceptions of motherhood in the American midcentury and its shifting representations in popular media coverage during the periods of criminalization and reform. Furthermore, Maureen Muldoon's *The Abortion Debate in the United States and Canada*²² considers the various stakeholders in public discourses about abortion and traces how these

²⁰ Kristin Luker, *Abortion and the Politics of Motherhood* (Berkeley: University of California Press, 1985).

²¹ Marvin Olasky, *Abortion Rites: A Social History of Abortion in America* (Wheaton, IL: Crossway, 1992).

²² Maureen Muldoon, *The Abortion Debate in the United States: A Source Book* (New York: Garland, 1991).

stakeholders articulated their positions in terms of medical necessity, maternal health, religion or morality, and reproductive freedom. As these studies show, even while statutes outlawing abortion remained the same until *Roe* overturned them, “the meaning of the law and the legality and illegality of abortion changed over time. Law is not fixed, but fluid....The illegality of abortion has hidden the existence of an unarticulated, alternative, popular morality, which supported women who had abortions.”²³ As such, although abortion remained taboo in law and dominant political discourse, while birth control shifted from its initial championing to a cause for concern, the histories of both birth control and abortion unveil how cultural narratives around female sexuality and reproductivity are fluid, flexible, and responsive to historical contingencies.²⁴

The interdisciplinary field of law and literature considers law as necessarily emerging from a larger social and cultural context that gives it value and meaning. Whether an individual scholar focuses on *law in literature*, which seeks to understand enduring legal issues as they are represented through literary texts, or *law as literature*, which applies literary analysis to legal texts, the field as a whole views both legal and literary texts as reflections and facilitators of cultural attitudes. James Boyd White’s *The Legal Imagination*²⁵ compares literary and legal texts in the ways that they constitute the identities of characters and the interpretations of key concepts. White notes that the law:

²³ Reagan, *Abortion*, 5-6.

²⁴ For example, Kristin Luker notes, “[W]omen come to be pro-life and pro-choice activists as the end result of lives that center around different definitions of motherhood....These beliefs and values are rooted in the concrete circumstances of women’s lives—their educations, incomes, occupations, and the different marital and family choices they have made along the way—and they work simultaneously to shape those circumstances in turn.” Luker, *Abortion*, 214.

²⁵ James Boyd White, *The Legal Imagination* (Chicago: University of Chicago Press, 1985).

is not merely a system of rules (or rules and principles), or reducible to policy choices or class interests, but it is rather what I call a language, by which I do not mean just a set of terms and locutions, but habits of mind and expectations—what might also be called a culture. It is an enormously rich and complex system of thought and expression, of social definitions and practices, which can be learned and mastered, modified or preserved, by the individual mind. The law makes a world.²⁶

In making this world, the law depends on the dual exercise of language and political power; this interplay “structures sensibility and vision.”²⁷

Other early participants in the law and literature movement, including Richard Weisberg and Robert Weisberg, read works by authors such as Franz Kafka, Herman Melville, and Charles Dickens to assert that narratives centered on legal conflict could offer lawyers and judges insights into the universal “nature of law” that might become obfuscated in traditional legal rhetoric. As the movement progressed, focus shifted to the law-as-literature perspective, which seeks to enhance legal studies by applying literary analysis methodologies to legal texts, essentially viewing written law as another literary genre. White and constitutional lawyer Ronald Dworkin argued in favor of this position over the law-in-literature perspective for its ability to give lawyers and judges tools for reading legal texts for their social and cultural nuances. For Dworkin, law constitutes an “interpretive concept” such that legal interpretation requires creative operations of analysis.²⁸ Robin West applies a similar approach to interpreting the narrative voice in law and jurisprudence in *Narrative, Authority, and Law*,²⁹ as does Randy Gordon when

²⁶ White, *Legal Imagination*, xiii.

²⁷ White, *Legal Imagination*, xiii.

²⁸ Ronald Dworkin, *Law's Empire* (London: Hart Publishing, 1998), 87.

²⁹ Robin West, *Narrative, Authority, and Law* (Ann Arbor: University of Michigan Press, 1993).

he argues, “[A] narrative must be exemplary...if it is to sustain a claim or defense under a legal rule....[A] narrative that is exemplary (in the noteworthy sense) can actually reshape a legal rule that forms the basis of a claim or defense. It is through this dance of narratives that the law develops.³⁰

However, these perspectives maintain a focus on the law specifically, either as the *urtext* of universal attitudes or values articulated through literature or as objects of literary analysis themselves. Neither of these approaches considers the symbiotic relationship between law and culture as mutually creating, disseminating, and solidifying dominant social attitudes. On the contrary, Daniela Carpi approaches the law and literature field from the perspective of “law as/in culture,” which she characterizes as entailing the acknowledgement that “both fields are brought up inside powerful systems of value which are inevitable and ideological. Literature and law rely on the values and habits that culture ratifies.”³¹ She relies primarily on Lawrence Friedman’s assertion “that legal culture and even individual judicial decisions exist only through reference to customs, values, ways of thought, and behaviors of the society at large. The question is how cultural concerns shape the law and, vice versa, how the law influences cultural schemas embedded in institutions.”³² Carpi’s law-as/in-culture approach decenters law by shifting analytical attention away from official opinions and decisions to the quotidian and commonplace locations like workplaces, homes, and communities where law serves as but one dependent variable in a larger social system of other dependent variables. As

³⁰ Randy Gordon, “Institutionalizing Exemplary Narratives: Stories as Models for and Movers of Law,” *Law and Literature*, 25.3 (2013): 337-338.

³¹ Daniela Carpi, “Focus: Law, Literature, and (Popular) Culture,” *Polemos*, 8.1 (2014): 1.

³² Carpi, “Focus,” 1.

such, Carpi conceptualizes legality as an interpretive cultural framework that contributes to how individuals understand their lives within the greater structures of social relations.

She argues:

[T]he texts of law refer to a cultural world beyond themselves. Moreover, culture functions as a structure of limits and movement at the same time: it is characterized by improvisation, experiment, and exchange. It is rooted in a particular network of negotiations which bring about a constant shifting of perspectives. Thus the juridical system must constantly readapt itself to the changeable social situation....The law is the voice of the *Zeitgeist*....That is to say that law is one of the many choral voices that shape society.³³

Richard Delgado echoes Carpi's focus on the narrative potential of legal texts and the need to place the law within its larger social context: "Stories, parables, chronicles, and narratives are powerful means for destroying mindset—the bundle of presuppositions, received wisdoms, and shared understandings against a background of which legal and political discourse take place."³⁴ According to Delgado, stories and counterstories can both reveal a common culture of shared understanding and unveil unjust or exclusionary allocations of power. As a result, they contribute to the construction of social reality, a project in which the law similarly engages by concretizing and further facilitating dominant cultural attitudes.

Some scholarship provides literary or textual criticism perspective on female reproductivity, particularly Beth Widmaier Capo's *Textual Contraception: Birth Control and Modern Fiction*,³⁵ which analyzes representations of birth control in American

³³ Carpi, "Focus," 3-4.

³⁴ Richard Delgado, "Storytelling for Oppositionists and Others: A Plea for Narrative," *Michigan Law Review*, 87.8 (1989): 2413.

³⁵ Beth Widmaier Capo, *Textual Contraception: Birth Control and Modern American Fiction* (Columbus: Ohio State University Press, 2007).

literature from the late 1800s through the 1930s. Additionally, many sociological, historical, and legal accounts trace the development of birth control and the decriminalization of abortion in the United States. However, no comprehensive study considers both contraception and abortion under the same rubric, and no scholarship exists that pairs an analysis of the evolution of legislation and regulation of female sexuality and reproductivity with an accompanying study of representations of contraception and abortion in literature, media, and cultural ephemera. Placing legal and regulatory developments in critical conversation with literary and cultural analysis can clarify the wider conversation that was taking place during the 1950s through the 1970s and reveal a greater understanding of the historical and cultural context in which these regulations arose. Legal developments are notoriously slow to follow social or cultural shifts in attitudes and perspectives, so attending to representations of female sexuality and embodiment in culture can enliven our understanding of the broader landscape in which laws and regulations were passed. Furthermore, the ways in which female sexuality and embodiment are portrayed in literature can have material effects on the female body.

Chapter 1, titled “Enter Your Chambers and Shut Your Doors Behind You: Bodily Containment, Proliferation, and the Right to Privacy in *Griswold v. Connecticut* (1965),” interrogates cultural narratives concerning sex, birth control, and the marital home in the 1960s. These narratives employ gothic rhetorical registers of haunted domesticity and monstrous sexuality to reinscribe gendered cold war strategies of containment and anxieties of proliferation. In *Griswold*, the Supreme Court first articulates the fundamental right to privacy and attempts to neutralize this apprehension

through protections of personal privacy, positioning the home as the safe container for female sexuality and fertility. The Court's reliance on the containment narrative reveals an ironic anxiety about the potential porousness of the domestic space—while the Court reiterates cultural conceptions of the home as under siege and no longer entirely within the exclusive domain of the private family, it simultaneously relies on the marital home as a space of autosurveillance. Contemporary texts, however, countered this dualistic construction of “safe interior-uncontrollable exterior” by portraying the boundaries between inside and outside as artificial and porous. In light of their relationship to legal narratives concerning sexual containment, representations of the nuclear family and the domestic home space in Tennessee Williams's *Cat on a Hot Tin Roof* (1955),³⁶ Alfred Hitchcock's *The Birds* (1963),³⁷ and George A. Romero's *Night of the Living Dead* (1968)³⁸ complicate broader cultural conceptions of birth control as a form of protection for the impenetrable marital home. The right to privacy, then, depends upon lingering rhetorical strategies of containment that align domesticity and the nuclear home with safety from external threats, an alignment that films from the 1960s destabilize through gothic narratives of infiltrated houses and incestuous families.

A brief note—when it became clear that this chapter would be heavily concerned with the physical space of the marital home during the high cold war, the mass-produced suburb was the most evident choice as a touchstone for reading postwar American anxieties about domesticity. I'm thinking specifically about works like Kate Baldwin's

³⁶ Tennessee Williams, *Cat on a Hot Tin Roof* (New York: New Directions Books, 1955, 2004).

³⁷ *The Birds*, directed by Alfred Hitchcock (1963; Universal City, CA: Universal-International Pictures, 2005).

³⁸ *Night of the Living Dead*, directed by George R. Romero (1968)

The Racial Imaginary of the Cold War Kitchen,³⁹ Robert Beuka's *SuburbiaNation: Reading Suburban Landscape in Twentieth Century American Film and Fiction*,⁴⁰ and Rosalyn Fraad Baxandall and Elizabeth Ewen's *Picture Windows: How the Suburbs Happened*⁴¹ as diving deeply into questions of how midcentury housing design reflected cultural narratives of containment, domesticity, and surveillance during the suburban boom. But the texts that I work with for this chapter deviate from the suburbs. These texts do not so much displace the suburb as that symbol of cold war domesticity, but rather highlight how the suburb functions purely as that—they are a symbol in which we have invested all of these midcentury anxieties about the family and security without entirely displacing those anxieties from other home spaces like the kinds represented in these texts. In this sense, it is not the suburbs which are ahistorical, but rather their ideological underpinnings.

Chapter 2, “Virginia Woolf Relates to a Carrot: *Eisenstadt v. Baird* (1972) and Explicit Language’s Tragic Absurdities,” charts the larger cultural reimaginings of modes of subjectivity and of explicit language in the years between the Supreme Court’s decision in *Griswold* and its decision in *Eisenstadt v. Baird*,⁴² in which the Court inherited the right to privacy in the individual rather than in the marital home. In the late 1960s and early 1970s, subjectivity shifted from being implicit to explicit. The Supreme Court in *Griswold* attempted to allow and police private acts by relying on the cold war logic

³⁹ Kate A. Baldwin, *The Racial Imaginary of the Cold War Kitchen: From Sokol’niki Park to Chicago’s South Side* (Chicago: University of Chicago Press, 2016).

⁴⁰ Robert Beuka, *SuburbiaNation: Reading Suburban Landscape in Twentieth Century American Film and Fiction* (New York: Springer Publishing, 2016).

⁴¹ Rosalyn Fraad Baxandall and Elizabeth Ewen, *Picture Windows: How the Suburbs Happened* (New York: Basic Books, 2000).

⁴² *Eisenstadt v. Baird*, 405 U.S. 438 (1972).

whereby “the explicit” could remain private within the unregulable, yet impliedly decent, container of the marital home. *Griswold* attempted to address a “freer” society while still retaining the mechanisms of the surveillance state. Its reliance on the marital home as the proper container for privacy places the onus of regulating privacy on the flawed supposed “decency” of marriage itself. Furthermore, its use of implication and innuendo makes its negotiation between protection and policing flawed—should marriage fail to contain what should remain private, the Court indicates no other proper mechanism for regulating privacy. Cultural products from the 1960s, including Edward Albee’s *Who’s Afraid of Virginia Woolf* (1962),⁴³ John Updike’s *Couples* (1969),⁴⁴ and Paul Mazursky’s *Bob & Carol & Ted & Alice* (1969),⁴⁵ exemplify the logical impossibilities and expose the problems inherent in *Griswold*’s proposed solution.

As literature and film from the late 1960s show, space fails as a container, revealing the precarity of the Court’s logic in *Griswold*. Domestic melodramas such as *Virginia Woolf* demonstrate how antiquated cold war logics of containment failed to reflect cultural norms and reveal the marital home’s failure to contain sexual energies. When the Court reconsidered access to contraception in 1972’s *Eisenstadt v. Baird*, it relied instead on explicitly enumerated rules or guidelines as a mechanism for both allowing the right to privacy and enabling state surveillance of subjects. *Eisenstadt*, then, catches up to contemporary cultural attitudes regarding privacy, sexuality, and explicitness and addresses the query left unanswered by the collapse of sexual

⁴³ Edward Albee, *Who’s Afraid of Virginia Woolf?* (New York: New American Library, 1962, 2006).

⁴⁴ John Updike, *Couples* (New York: Random House, 1968, 2012).

⁴⁵ *Bob & Carol & Ted & Alice*, directed by Paul Mazursky (1969; Culver City, CA: Columbia Pictures).

containment as a norm: what happens to sex when it is not contained? But in the Court's response to this question, it is the explicitness itself—the acts of making privacy explicit and of mandating disclosures—that makes speech no longer free and privacy no longer private. If Eve Kosofsky Sedgwick's *Epistemology of the Closet* (1990)⁴⁶ articulates the prevailing logic of both Supreme Court decisions regarding privacy and larger cultural attitudes toward simultaneously compulsory and forbidden disclosures, then cultural texts like *Virginia Woolf* navigate space's failure as a policeable container for privacy and expression and its replacement with rules-based regulations in the years between *Griswold* and *Eisenstadt*, making *Griswold*'s reliance on containment even less socially relevant. Alison Lurie's *The War Between the Tates* (1974)⁴⁷ and Cyra McFadden's *The Serial: A Year in the Life of Marin County* (1977)⁴⁸ interrogate the shift from implicit allusions and innuendos to female sexuality to explicit discussions of sexual experimentation. But reliance on rule-governed regimes to regulate privacy overlooks a logical impossibility: what is explicit cannot be private, for by making the private explicit, it is no longer private. This logical impossibility of making privacy explicit, thereby both reifying and neutralizing it as an individual right, informs cultural texts in ways both tragic and comic.

One year after the Supreme Court transplanted the right to privacy from the zone of the home to the purview of the individual, it rendered a decision that simultaneously marked the Court's most controversial extension of privacy and its first retraction of it.

⁴⁶ Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley: University of California Press, 1990, 2008).

⁴⁷ Alison Lurie, *The War Between the Tates* (New York: Random House, 1974).

⁴⁸ Cyra McFadden, *The Serial: A Year in the Life of Marin County* (New York: Apostrophe Books, 1977, 2012).

Chapter 3, “Don Corleone Gives Justice to Jane Roe: Supplementation, the Failure of Language, and the Mythic Foundation of Authority in *Roe v. Wade* (1973),” begins a two-chapter arc concerning perhaps the most mythologized—and currently most culturally relevant—Supreme Court case—1973’s *Roe v. Wade*.⁴⁹ *Eisenstadt* demonstrates the impossibility of an individual right to privacy because the enjoyment of the right depends on a forced confession. Implicit in *Eisenstadt*, however, is that women’s bodies serve as the site upon which containment is delimited, destabilized, and dismantled. *Roe* makes the links between privacy and women’s bodies explicit. In professing not merely to preserve the right to privacy but to expand it to include the right to procure an abortion, the Court in fact removes privacy from the individual woman altogether. Even in the first trimester, when the State ostensibly cannot impede a woman’s right to an abortion, such a right lies not with the woman, but with her physician. The pregnant female body demarcates the unstable border between public and private, which becomes entangled with the boundaries between the individual and the state in *Roe*. *Roe v. Wade*, then, is explicit about the absence of a governing, or even guiding authority. What was implicit in *Griswold* and *Eisenstadt*—that authority is always reliant on unstable and artificial borders between what falls under its purview and what does not—becomes not only explicit, but in fact the basis itself for the Court’s decision in *Roe*. Finding no governing authority for its decision regarding how or whether the right to privacy extends to the right for a woman to have an abortion, the *Roe* Court draws upon this authoritative vacuum not to recognize the state’s limitations in policing privacy, but to embed privacy further within the purview of state authority.

⁴⁹ *Roe v. Wade*, 410 U.S. 113 (1973).

Contemporary cultural texts, including Dalton Trumbo's film *Johnny Got His Gun* (1970),⁵⁰ Francis Ford Coppola's *The Godfather* (1971),⁵¹ Kurt Vonnegut's *Breakfast of Champions* (1973),⁵² and John Ashbury's "Self-Portrait in a Convex Mirror" (1975),⁵³ trace the variable and arbitrary exercises of authority, representing the unstable borders between the center and the margin as an unbalanced relationship of investment and exchange.

Chapter 4, "The Power of Christ Compels Who?: Negotiating the 'When' of Privacy and the Masculine Appropriation of the Female Voice in *Roe v. Wade*," argues that the Court adopts a complex regulatory mechanism based on the three trimesters of pregnancy to circumvent its authoritative vacuum and navigate the mandatory exchanges of the right to an abortion. If *Griswold* clarifies the "where" of the right to privacy—the marital home—and *Eisenstadt* the "who"—the individual—then *Roe* rules on the "when." It complicates this "when," moreover, by representing the infringements on the right to privacy not as a matter of state restrictions but rather as a matter of when one "life," or potential life, merits state protection to another life's detriment. The question of when the right to privacy inheres in a living woman depends on the unanswerable question of when a fetus becomes a "person." In lieu of an answer, and therefore unable to state definitively when a legal subject may enjoy the right to privacy, the Court must qualify the right to privacy by delineating its trimester structure to ascertain when a

⁵⁰ *Johnny Got His Gun*, directed by Dalton Trumbo (New York: Ciniemation Industries, 1971).

⁵¹ *The Godfather*, directed by Francis Ford Coppola (Los Angeles: Paramount Pictures, 1972).

⁵² Kurt Vonnegut, *Breakfast of Champions* (New York: Dial Press, 1973, 2011).

⁵³ John Ashbery, "Self-Portrait in a Convex Mirror," in *Ashbery: Collected Poems 1956-1987* (New York: Literary Classics of the United States, 2008), 474-487.

state's public interest in protecting fetal life overrides a woman's private reproductive interests. *Roe*'s time-based structure for determining when a private action becomes no longer private defines and delimits individual autonomy for speech, ultimately inhering the authority for speech with the state rather than the subject. Far from isolating itself in its attempts to harden the hazy boundaries of time as a compensatory regulatory mechanism, the *Roe* Court reinscribes and reiterates larger cultural preoccupations with temporal instability and the tenuous authority upon which the right to assert one's privacy is based. Disquiet about the gendered implications of linking privacy with sexuality—and both with the regulation of speech—operated within a wide spectrum of cultural life to deprive the female subject of autonomy over both sex and language. Cultural texts such as Joan Didion's *Play It As It Lays* (1970),⁵⁴ Terence Malick's film *Badlands* (1973),⁵⁵ and William Friedkin's film *The Exorcist* (1973)⁵⁶ challenge the Supreme Court's gendered narrative of linear and divisible temporality and reveal the implications on autonomous speech of the *Roe* Court's application of the right to privacy specifically to a female body.

⁵⁴ Joan Didion, *Play It As It Lays* (New York: FSG Classics, 1970, 2005).

⁵⁵ *Badlands*, directed by Terence Malick (Burbank, CA: Warner Brothers, 1973).

⁵⁶ *The Exorcist*, directed by William Friedkin (Burbank, CA: Warner Brothers, 1973).

CHAPTER 2. ENTER YOUR CHAMBERS AND SHUT YOUR DOORS BEHIND YOU: BODILY CONTAINMENT, PROLIFERATION, AND THE RIGHT TO PRIVACY

On September 18, 1964, the macabre family sitcom *The Addams Family*¹ premiered on ABC. Six days later, CBS aired the first episode of its own horror-infused comedy about the American family, *The Munsters*.² While both shows capitalized on their 1930s monster flick inspirations and highlighted such cheesy horror tropes as the haunted ancestral home, magical mishaps, and animate disembodied limbs, their narratives centralized the almost mundane quotidian life of the American family. The Addamses and the Munsters sent their children to public school, attempted crash diets that coincided with Thanksgiving, and suffered comical romantic misunderstandings. Morticia (Carolyn Jones) and Lily (Yvonne de Carlo) may have donned black silk and favored long raven hair, while their televised counterparts Donna Stone (Donna Reed) and June Cleaver (Barbara Billingsley) sported housedresses and coiffed beehive hairstyles. Herman Munster (Fred Gwynne) may have been mistaken by Russian spies for a cryptozoological cross between man and fish, while the most stressful challenge that Danny Williams (Danny Thomas) faced was dealing with the aftermath of insensitive jokes in his nightclub act. The source of humor in *The Addams Family* and *The Munsters* lay not with their gothic monstrosity, but rather with their utter ordinariness. The advent and popularity of *The Addams Family* and *The Munsters* revealed not that the American

¹ *The Addams Family*, season 1, episode 1, “The Addams Family Goes to School,” directed by Arthur Hiller, written by Seaman Jacobs and Ed James, aired September 18, 1964, in broadcast syndication.

² *The Munsters*, season 1, episode 1, “Munster Masquerade,” directed by Lawrence Dobkin, written by Joe Connelly, Bob Mosher, and Norm Liebmann, aired September 24, 1964, in broadcast syndication.

family had become gothic, but rather that the American family and the restrictive domestic structure that mandated it were already, and in fact always had been, gothic. They did not impose a monstrous narrative on top of the family sitcom; instead, they revealed the extant monstrosity within the family *as it already existed*.

Law and literature share a foundation in narrative. Law reflects cultural norms and creates social and political regulations within a complex matrix of power. The Supreme Court uses cases concerning sex and reproduction to establish, and then restrict, the right to privacy, which appears nowhere in the Constitution or the Bill of Rights yet formed perhaps the most crucial legal issue of the second half of the twentieth century. But to be a subject of the law means giving up privacy. By making privacy a protected right, the Court requires that we place the most intimate aspects of our lives in the public domain, for only by revealing that which is private can we ask the state to protect it. Contemporary literature and film both produce and are produced by legal and cultural narratives of reproduction, domestic spaces, and the individual to show how privacy in the United States requires constant surveillance, with the female body at the center of that state-controlled gaze. The shared specter of invasion into a secure space by proliferating bodies haunts Alfred Hitchcock's 1963 film *The Birds*³ and George A. Romero's 1968 horror film *Night of the Living Dead*.⁴ Cultural narratives concerning sex, birth control, and the marital home in the 1960s deployed gothic rhetorical registers of haunted domesticity and monstrous sexuality to reinscribe gendered cold war strategies of

³ *The Birds*, directed by Alfred Hitchcock (1963; Universal City, CA: Universal-International Pictures, 2005), DVD.

⁴ *Night of the Living Dead*, directed by George A. Romero (1968; Image Ten, 1998), DVD.

containment and anxieties of proliferation, strategies that underpin the Supreme Court's logic of privacy as a fundamental right in *Griswold v. Connecticut* (1965).⁵ Disquiet about the spread of non-normative social and demographic shifts operated within a wide spectrum of cultural life to contain sexuality and fertility within the domestic home. *Griswold* attempted to neutralize these apprehensions through protections of personal privacy and positioned the home as the safe container for female sexuality and fertility. Contemporary films, however, countered this dualistic construction of "safe interior-uncontrollable exterior" by portraying the boundaries between inside and outside as artificial and porous.

The midcentury American home depended in popular imagination on its simultaneously private and porous borders, in which the illusion of privacy that the families within those homes enjoyed was only possible through the constant surveillance of these spaces. The political ideology of containment transferred into the social and cultural sphere as a means of controlling troublesome libidos, thereby demarcating the marital home as the proper container for sexuality, particularly female sexuality. The right to privacy depends upon lingering rhetorical strategies of containment that align domesticity and the nuclear home with safety from external threats, an alignment that films from the 1960s destabilize through gothic narratives of infiltrated houses and incestuous families. The Court's decision solidifies the marital home and its implied decency as an impenetrable fortress in which to contain female sexuality. *The Birds* reiterates the Court's reliance on the nuclear family as the proper outlet for women's libidos but questions the security of the home itself as their container. *Night of the Living*

⁵ *Griswold v. Connecticut*, 381 U.S. 479 (1965).

Dead, however, dismantles both the sexual containment and the “marital home as container” narratives by depicting the home as internally dangerous specifically because of the confinement of potentially incestuous sexual energies within its walls. Both *The Birds* and *Night* reconfigure the imaginary “home” within the home invasion filmic tradition, for rather than the invasion itself posing the primary threat to the family unit, the invasion for Hitchcock and Romero exposes the threat that always already resides within the penetrated home.

2.1 *Griswold v. Connecticut*, Sexual Containment, and the Home Invasion Film

The United States sustained a “gendered imagination”⁶ during the postwar decades, imagining women as wives and mothers rather than autonomous rights-bearing citizens, such that women became simultaneously glorified and feared.⁷ Children offered both security and emotional fulfillment, thereby satisfying both sides of the postwar domestic equation.⁸ Female sexuality constituted a particularly dangerous site of uncontrollable proliferation. “The problem,” as Alan Nadel notes, “is that within the dominant discourse of the 1950s, female sexuality was almost always not reconcilable with domestic security. Or if it was, there seemed no acceptable discourse that could make the concept consistent with domesticity.”⁹ The family itself, Nina Leibman argues:

⁶ Rickie Solinger, *Pregnancy and Power: A Short History of Reproductive Politics in America* (New York: NYU Press, 2005), 140.

⁷ Michael Paul Rogin, *Ronald Reagan The Movie, and Other Episodes in Political Demonology* (Berkeley: University of California Press, 1988), 238.

⁸ See Tom Engelhardt, *The End of Victory Culture: Cold War America and the Disillusioning of a Generation* (Amherst: University of Massachusetts Press, 1995), 69-70.

⁹ Alan Nadel, *Containment Culture: American Narratives, Postmodernism, and the Atomic Age* (Durham: Duke University Press, 1995), 126. See also Elaine Tyler May,

can be understood as a regulatory construct....[T]he family was the forum for social control and systematic conformity. The successful family was portrayed as a group which understood the importance of gender-proscribed behaviors and practices, which saw itself as a self-operating unit, and which mirrored societal norms and promoted pro-social behavior.¹⁰

This cult of domesticity functioned as a form of political and social containment for the sexual energies of post-World War II teenagers and young adults, congruent to and commensurate with the American foreign and domestic policy of containing communism. The responsibility for this containment fell on women, whose role was to resist and channel the "natural" sexual energies of men. Female sexuality had the burden of supporting the monolithic goals of cold war America through the practice of duplicity: women had to attract and stimulate male sexual drives but not gratify them.¹¹ Female sexuality was thus always double, and American women became the conflicted site upon which the nature of sexual license was both encoded and delimited.¹² In this vision of the atomic age family, women were the focus of concern. "The mother in domestic ideology made the family a refuge and spread its influence throughout society," Michael Rogin argues; "mothers were called upon to shelter their families from marketplace stress and to replicate male personalities that could safely be loosed upon the world."¹³ It was important to recognize women's increasing sexual and economic emancipation, but to channel those energies into the family. Outside the home (or even inside the home

Homeward Bound: American Families in the Cold War Era (New York: Basic Books, 2008), 4.

¹⁰ Nina C. Leibman, *Living Room Lectures: The Fifties Family in Film and Television* (Austin: University of Texas Press, 1995), 93.

¹¹ May, *Homeward Bound*, 114.

¹² Nadel, *Containment Culture*, 117.

¹³ Rogin, *Ronald Reagan The Movie*, 241.

without a strong male authority), they would become a dangerous, destructive force. This duality, then, “unsettled the line between public and private. By wiping out the truly private, domestic ideology threatened the family it was supposed to support.”¹⁴ Tom Engelhardt characterizes the early days of the cold war as defined by “the feeling of entrapment in abundance.”¹⁵

Even within the space of the home, female sexuality could pose a destabilizing threat to the nuclear family’s security. This destructive force, improperly managed, thereby fell under the family’s regulating jurisdiction, such that sexuality and reproductivity acquire the status of a public concern. It is this public governance of private sexuality—what Justice William O. Douglas would later refer to as the “police in the bedroom”¹⁶—that Tennessee Williams critiques in *Cat on a Hot Tin Roof* (1955), with the body of Margaret “Maggie the Cat” Pollitt as the core that could determine the dynasty’s survival or death. So familiar to contemporary audiences was the social need to monitor female sexuality that Williams built surveillance into the play’s very structure. Williams designed the set for the Pollitt plantation with penetrability in mind. Maggie and Brick’s bedroom, the play’s sole setting, “is along an upstairs gallery which probably runs around the entire house; it has two pairs of very wide doors opening onto the gallery, showing white balustrades against a fair summer sky that fades to dark and night during the course of the play.”¹⁷ Transoms adorn every door, and Williams instructs the designers that “the walls below the ceiling should dissolve mysteriously into air; the set

¹⁴ Rogin, *Ronald Reagan The Movie*, 241.

¹⁵ Engelhardt, *The End of Victory Culture*, 22.

¹⁶ Griswold, 485.

¹⁷ Tennessee Williams, *Cat on a Hot Tin Roof* (New York: New Directions Books, 2004), 15.

should be roofed by the sky.”¹⁸ The Notes for the Designer specify that such a set “give[s] the actors room to move about freely (to show their restlessness, their passion for breaking out),”¹⁹ but the bedroom’s exaggerated openness, to the extent of lacking a ceiling, also highlights the room’s suitability for sexual surveillance. The room’s “very wide doors” and connection to the rest of the house, via both interior and exterior passages, renders the sacred space of the bedroom simultaneously the house’s core and its thoroughway.

The characters pass through the room constantly, often using the easy access that it affords the rest of the house as an excuse to eavesdrop on private conversations: “There’s five rooms off this front gall’ry that you could go through. Why do you go through this one?”²⁰ Stage directions indicate that the audience often hears action occurring in other spaces on the plantation, the noise of Big Daddy’s birthday celebration an uninvited yet unavoidable soundtrack to Maggie and Brick’s marital discord. For example, when Maggie tries to coax Brick into an open conversation about their lack of a sex life, “[t]here are sounds of croquet on the lawn below: the click of mallets, light voices, near and distant;”²¹ and when Brick reveals to Big Daddy that Big Daddy is dying, “[a] song, ‘Pick a Bale of Cotton,’ is heard,” as the field hands sing a birthday tribute to their employer. Maggie compares Brick’s silent refusal to discuss his relationship with Skipper to “shutting a door and locking it on a house on fire in hope of

¹⁸ Williams, *Cat*, 16.

¹⁹ Williams, *Cat*, 16.

²⁰ Williams, *Cat*, 96.

²¹ Williams, *Cat*, 30.

forgetting that the house is burning.”²² Maggie and Brick’s fire—the “secret” that they are childless because Brick will no longer sleep with Maggie—spreads throughout the house specifically because the room designed to contain it was also designed to enable external surveillance. But surveillance in *Cat on a Hot Tin Roof*, as in broader cultural narratives of privacy and sexuality, is highly gendered, such that Maggie is granted no reasonable expectation of privacy—“We mustn’t scream at each other, the walls in this house have ears”²³—while Big Daddy insists upon it—“I want some privacy here, while I’m having a confidential talk with my son Brick....Because I hate eavesdroppers, I don’t like any kind of sneakin’ an’ spyin’.”²⁴ Everything that occurs under Big Daddy’s roof falls under his jurisdiction—as Big Mama claims, “Nothing’s going to be said in Big Daddy’s house that he caint hear if he wants to”²⁵—and therefore becomes not only his concern, but also his responsibility to regulate and safeguard.

The United States Supreme Court reified the narrative encapsulated in *Cat* of the marital home as an impenetrable yet surveillable container for sexuality and reproduction in its first decision concerning oral contraception, 1965’s *Griswold v. Connecticut*. Until the Supreme Court’s decision in 1965, Connecticut criminalized both the use and the provision of contraceptive drugs, articles, or devices to any individual.²⁶ In 1964, Estelle Griswold, the Executive Director of the Planned Parenthood League of Connecticut, and Dr. C. Lee Buxton, the center’s medical director, were convicted as accessories for giving

²² Williams, *Cat*, 32.

²³ Williams, *Cat*, 33.

²⁴ Williams, *Cat*, 84.

²⁵ Williams, *Cat*, 139.

²⁶ *Griswold*, 480.

a married couple information and medical advice on how to prevent conception and, following a physical examination, prescribing a contraceptive device or material for the wife's use. The state fined each \$100 for illegally providing contraception. Griswold and Buxton appealed to the Supreme Court of Errors of Connecticut, arguing that the statutes violated the Fourteenth Amendment of the United States Constitution. The Connecticut court upheld their conviction, so Griswold and Buxton appealed to the U.S. Supreme Court. In a 7-2 decision, the Court held that the Connecticut statute forbidding the use of contraceptives violated the due process clause of the Fourteenth Amendment because, as Justice Douglas wrote for the majority, "the right to marital privacy...is within the penumbra of specific guarantees of the Bill of Rights."²⁷

Douglas's majority decision justifies the Court's expansion of the Bill of Rights, particularly the First, Fourth, and Fifth Amendments, relying on the Constitution's spirit rather than its text. "[T]he State may not," Douglas writes, "consistently with the spirit of the First Amendment, contract the spectrum of available knowledge....In other words, the First Amendment has a penumbra where privacy is protected from governmental intrusion."²⁸ Douglas argues that, by virtue of the Constitution's protection of the freedom of association, the Court can infer the existence of an unenumerated right to privacy whose "existence is necessary in making the express guarantees fully meaningful."²⁹ In other words, "specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and

²⁷ *Griswold*, 481.

²⁸ *Griswold*, 482-483.

²⁹ *Griswold*, 483.

substance....Various guarantees create zones of privacy.”³⁰ The right to privacy, then, exists not as a core constitutional liberty but rather as a form of radiation, an enforceable and fundamental byproduct of the Constitution’s articulated guarantees.

The “penumbras and emanations” that the Court references as the source of the right to marital privacy echo cold war language concerning radiation, with the Constitution itself forming the core. As such, the case deals with issues of spreadage, seepage, and potentially “leaky” rights. *Griswold* attempts to create a “pure space of the family”³¹ in which “proliferation [that] flows from the ‘spillage of the personality’”³² can be regulated and safely confined. The Court’s holding clearly delineates the spatial and relational boundaries of privacy protection. Specifically, the decision centers married couples, and the marital home, as the sole beneficiaries of this newly enumerated protection. To justify its expansion of the Fourth and Fifth Amendments to include privacy protections, the Court cites the 1886 case *Boyd v. United States*, in which the majority described these amendments as protection against all governmental invasions “of the sanctity of a man’s home and the privacies of life,” a protection the *Boyd* Court called a “sacred right.”³³ In holding that Connecticut’s law prohibiting the use of contraceptives violates the Constitution, Douglas writes that the law “seeks to achieve its goals by means of having a maximum destructive impact upon [the marital]

³⁰ *Griswold*, 484.

³¹ Nicholas Royle, “This is Not a Book Review: Esther Rashkin: Family Secrets and the Psychoanalysis of Narrative,” *Angelaki* 2.1 (1995): 34.

³² David Punter, *Gothic Pathologies: The Text, the Body, and the Law* (New York: St. Martin’s Press, 1998), 211.

³³ *United States v. Boyd*, 378 U.S. 39 (1964), 630.

relationship.”³⁴ He questions how far Connecticut would go in order to enforce its use prohibition: “Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives?”³⁵ This “area of protected freedoms,” then, lies at the center of “notions of privacy surrounding the marital relationship,”³⁶ specifically the homes and bedrooms of heterosexual couples. The majority opinion concludes by reaffirming the *Boyd* Court’s characterization of the right to privacy for the marital home as a sacred right:

Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred. It is an association that promotes a way of life, not causes; a harmony in living, not political faiths; a bilateral loyalty, not commercial or social projects. Yet it is an association for as noble a purpose as any involved in our prior decisions.³⁷

The Court thus locates its newly enumerated right to privacy in the domestic space, specifically the marital bedroom, and thereby limits legal privacy protections to heterosexual married couples. This articulation of a fundamental right that exists solely by virtue of radiation from the core of the Bill of Rights simultaneously creates a dualism in which this radiating right only exists within a specifically delineated container. The Court’s reliance on the containment narrative reveals an ironic anxiety about the potential porousness of the domestic space—while it reiterates cultural conceptions of the home as under siege and no longer entirely within the exclusive domain of the private family, it simultaneously relies on the marital home as a space of autosurveillance. “The national security and insecurity were merging in the home, too,” Engelhardt explains; “the

³⁴ *Griswold*, 485.

³⁵ *Griswold*, 485.

³⁶ *Griswold*, 486.

³⁷ *Griswold*, 486.

children of the suburban dream were coming to seem both threatened and threatening. There was, in fact, something ominous in the multiplicity of everyday valences to which the idea of the enemy could now attach itself.”³⁸

“In the 1950s,” Nina Leibman observes, “a new type of drama began to dominate major studio output, a drama in which representations of family life began a strange and pronounced journey into stylistic excess, patriarchal omnipotence, and the depiction of controversial social issues.”³⁹ These family melodramas⁴⁰ interrogate the family unit itself while simultaneously positioning it as the solution to social ills.⁴¹ Within the cold war melodrama, the family maintained the primary responsibility for “preserving the moral order from a largely external threat” even when it also faced extreme polarization of values (“good vs. evil, virtue vs. corruption, heroism vs. villainy”) within.⁴² The problems families faced remained family problems, but in the context of the high cold war, even those situations which were not explicitly domestic transformed into familial

³⁸ Engelhardt, *The End of Victory Culture*, 41. See also Laura Mulvey, “Melodrama Inside and Outside the Home,” in *Visual and Other Pleasures* (Bloomington: Indiana University Press, 1989), 69-70.

³⁹ Leibman, *Living Room Lectures*, 6. See also Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam Books, 1987).

⁴⁰ See Jackie Byars, *All That Hollywood Allows: Re-Reading Gender in 1950s Melodrama* (Chapel Hill: University of North Carolina Press, 1990), 38-39.

⁴¹ See Leibman, *Living Room Lectures*, 16. See also Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, Melodrama, and the Mode of Excess* (New York: Columbia University Press, 1985). See also John G. Cawelti, *Adventure, Mystery, and Romance: Formula Stories as Art and Pop Culture* (Chicago: University of Chicago Press, 1976).

⁴² David N. Rodowick, “Madness, Authority, and Ideology: The Domestic Melodrama of the 1950s,” in *Home is Where the Heart Is: Studies in Melodrama and the Woman’s Film*, ed. Christine Gledhill (London: British Film Institute, 1987), 276.

issues.⁴³ The solution, furthermore, resided within the family itself, such that the 1950s melodrama replaced the individual with the family unit as the crucial factor in social survival. Cold war films, Rogin argues, “promote the takeover of the private by the falsely private. They politicize privacy in the name of protecting it and thereby wipe it out.”⁴⁴ If the family itself served a regulatory purpose, then the 1950s family melodrama “functioned as a kind of regulatory ideal.”⁴⁵ Cold war cinema deepened cultural narratives of radiation, permeation, and penetration by presenting the domestic space as “threatened by invasion from without and seduction from within.”⁴⁶

Since *Psycho* (Hitchcock, 1960),⁴⁷ Robin Wood argues, “Hollywood cinema has implicitly recognized horror as both American and familial.”⁴⁸ Gender in the horror film becomes inextricably bound up in the genre’s interrogation of borders, specifically border crossings. The concept of the border, Barbara Creed claims, “is central to the construction of the monstrous in the horror film; that which crosses or threatens to cross the ‘border’ is abject.”⁴⁹ These abject things “highlight the ‘fragility of

⁴³ See Thomas Elsaesser, “Tales of Sound and Fury: Observations of the Family Melodrama,” *Monogram* no. 4 (1972): 2-15.

⁴⁴ Rogin, *Ronald Reagan The Movie*, 245.

⁴⁵ Leibman, *Living Room Lectures*, 93.

⁴⁶ Rogin, *Ronald Reagan The Movie*, 267.

⁴⁷ *Psycho*, directed by Alfred Hitchcock (1960; Hollywood: Paramount Pictures, 2020), Blu-Ray.

⁴⁸ Robin Wood, “An Introduction to the American Horror Film,” in *Robin Wood on the Horror Film: Collected Essays and Reviews*, ed. Barry Keith Grant (Detroit: Wayne State University Press, 2018), 94. See also James B. Twitchell, *Dreadful Pleasures: An Anatomy of Modern Horror* (Oxford: Oxford University Press, 1985), 42. See also David J. Skal, *The Monster Show: A Cultural History of Horror* (New York: Faber and Faber Inc., 1993).

⁴⁹ Barbara Creed, “Horror and the Monstrous-Feminine; An Imaginary Abjection,” in *The Dread of Difference: Gender and the Horror Film*, ed. Barry Keith Grant (Austin:

the law' and...exist on the other side of the border that separates out the living subject from that which threatens its extinction."⁵⁰ Horror films of the nuclear age, Jane Caputi claims, interrogate "the shifting border between death and life"⁵¹ by centralizing questions of radiation and uncontainable sexuality. Cold war horror demonstrates significant anxiety about the home's loss of "prelapsarian purity" and the safety of the surrounding space, particularly for women.⁵² But whereas the midcentury melodrama positioned the family home as both problem and solution, cold war horror portrayed the domestic space as a contemporary manifestation of the gothic "Terrible Place," in that "what makes these houses terrible is not just their...decrepitude but the terrible families—murderous, incestuous, cannibalistic—that occupy them."⁵³ Robert Wise's *The Haunting* (1963)⁵⁴ and Roman Polanski's *Rosemary's Baby* (1968),⁵⁵ for instance, derive

University of Austin Press, 2015), 42. See also Julia Kristeva, *Powers of Horror: An Essay on Abjection* (New York: Columbia University Press, 1984), 4.

⁵⁰ Creed, "Horror and the Monstrous-Feminine," 41. See also See Patricia Murphy, *The New Woman Gothic: Reconfigurations of Distress* (Columbia: University of Missouri Press, 2016), 27. See also Linda Williams, "When a Woman Looks," in *The Dread of Difference: Gender and the Horror Film*, ed. Barry Keith Grant (Austin: University of Austin Press, 2015), 34-35. See also Wood, "Introduction" 75-84.

⁵¹ Jane Caputi, "Films of the Nuclear Age," *Journal of Popular Film and Television* 16.3 (1988): 102.

⁵² See Kate Ellis Ferguson, *The Contested Castle: Gothic Novels and the Subversion of Domestic Ideology* (Urbana: University of Illinois Press, 1989), ix-xi. See also Wood, "Introduction" 73. See also Tania Modleski, "The Terror of Pleasure: The Contemporary Horror Film and Postmodern Theory," in *Film Theory and Criticism: Introductory Readings*, ed. Leo Braudy and Marshall Cohen (New York Cit: Oxford University Press, 2009), 617-626.

⁵³ Carol J. Clover, "Her Body, Himself: Gender in the Slasher Film," in *The Dread of Difference: Gender and the Horror Film*, ed. Barry Keith Grant (Austin: University of Austin Press, 2015), 80. See also Murphy, *The New Woman Gothic*, 22-23.

⁵⁴ *The Haunting*, directed by Robert Wise (1963; Beverly Hills: Metro-Goldwyn-Mayer 2013), Blu-Ray.

⁵⁵ *Rosemary's Baby*, directed by Roman Polanski (1968; Hollywood: Paramount Pictures, 2012), DVD.

their horrors from depictions of women imprisoned within the patriarchal home space. The horrific families of cold war horror implicate equally domestic space, familial structure, and bourgeois patriarchy as interlocking and mutually constitutive sources of a specifically cold war iteration of the Terrible Place,⁵⁶ such that the source of horror itself is any kind of “grand-scale chaos that threatens ‘the order of things,’”⁵⁷ a disruption of the capitalist and patriarchal relations and values that undergird them.

But the home, as Derrida contends, becomes an “impossibility”⁵⁸ when the machine of the government penetrates physical spaces. “What constitutes a space of controlled and circumscribed property,” Derrida argues, “is just what opens intrusion.”⁵⁹ The home invasion film, then, literalizes this erasure of the border between private and public as the antagonist crosses the threshold.⁶⁰ The mere presence of an invader within the home space unsettles the public/private binary, but the home invasion film further problematizes the normative underpinnings of “home” by destabilizing conceptual understandings of internal and external, with the threatened family as the lynchpin. If, as Gaston Bachelard argues, the home occupies a central position within the modern Anglo

⁵⁶ Lucy Fischer, “Birth Traumas: Parturition and Horror in *Rosemary’s Baby*,” in *The Dread of Difference: Gender and the Horror Film*, ed. Barry Keith Grant (Austin: University of Austin Press, 2015), 454. See also Murphy, *The New Woman Gothic*, 175. See also Clover, “Her Body, Himself,” 94.

⁵⁷ Vivian Sobchak, “Bringing It All Back Home: Family Economy and Generic Exchange,” in *The Dread of Difference: Gender and the Horror Film*, ed. Barry Keith Grant (Austin: University of Austin Press, 2015), 172.

⁵⁸ Jacques Derrida and Anna Dufourmantelle, *Of Hospitality* (Stanford, Stanford University Press, 2000), 59.

⁵⁹ Derrida and Dufourmantelle, *Of Hospitality*, 65.

⁶⁰ Michael Fiddler, “Playing *Funny Games* in *The Last House on the Left*: The uncanny and the ‘home invasion’ genre,” *Crime Media Culture* 9.3 (2013): 282.

imaginary,⁶¹ the home invasion film converts the “sparkling, clean, well-lit world of the suburban middle-class family” into a unit “under siege...assailed by those Others who reside in the shadows, under the surface, or at the edges.”⁶² The home invasion film portrays a reversal of power in which the host becomes the hostage⁶³ and “subverts, problematizes, and reaffirms these categories and identities in equal measure.”⁶⁴ The home in the home invasion film, as John Rennie Short claims, becomes “a place of loathing and longing.”⁶⁵ In containing, the house also conceals and obscures. From the genre’s silent era inception with shorts like D.W. Griffith’s *The Lonely Villa* (1909)⁶⁶ and *The Lonedale Operator* (1911)⁶⁷ and Lois Weber and Phillips Smalley’s *Suspense* (1913)⁶⁸ to postwar iterations like *Key Largo* (Huston, 1948),⁶⁹ *Sorry, Wrong Number* (Litvak, 1948),⁷⁰ and *The Desperate Hours* (Wyler, 1955),⁷¹ the home invasion film violates the household threshold to interrogate its assumptive security. The genre relies

⁶¹ Gaston Bachelard, *The Poetics of Space* (Boston: Beacon Press, 1958), 8.

⁶² Steve Macek, *Urban Nightmares: The Media, the Right, and the Moral Panic Over the City* (Minneapolis: University of Minnesota Press, 2006), 234.

⁶³ See Derrida and Dufourmantelle, *Of Hospitality*, 53.

⁶⁴ Fiddler, “Playing *Funny Games*,” 283.

⁶⁵ John Rennie Short, “Forward,” in *At Home: An Anthropology of Domestic Space*, ed. Irene Cieraad (Syracuse: Syracuse University Press, 2006), ix. See also Mulvey “Melodrama” 69-70.

⁶⁶ *The Lonely Villa*, directed by D.W. Griffith (1909; New York: Biograph Company).

⁶⁷ *The Lonedale Operator*, directed by D.W. Griffith (1911; New York: Biograph Company).

⁶⁸ *Suspense*, directed by Lois Weber and Phillips Smalley (1913; Universal City: Universal Film Manufacturing Company).

⁶⁹ *Key Largo*, directed by John Huston (1948; Burbank, CA: Warner Bros. Studios, 2018), DVD.

⁷⁰ *Sorry, Wrong Number*, directed by Anatole Litvak (1948; Hollywood: Paramount Pictures).

⁷¹ *The Desperate Hours*, directed by William Wyler (1955; Hollywood: Paramount Pictures).

on implicitly sexual and often gendered violence,⁷² although later iterations such as Douglas Heyes's *Kitten with a Whip* (1965)⁷³ and Walter Grauman's *Lady in a Cage* (1964)⁷⁴ introduce a more explicitly sexual component.⁷⁵ But even in reversing the roles of host and hostage, the genre upholds the nuclear family as that which the home may not necessarily protect, but which, by virtue of its shared spatial identity,⁷⁶ must survive the intrusion.

Where Fiddler argues that the antagonist of the home invasion film is “not an *absolute* outsider, but rather they were always and already clearly *within*,”⁷⁷ the antagonists of *The Birds* and *Night of the Living Dead* problematize the home invasion film's reliance on blurred boundaries to render monstrous the cultural work that the boundaries of the home perform. For the families whose homes have been breached by an outsider in these films, it is precisely their containment rather than the failure of that containment that destroys them. William Paul places both films within the home invasion genre, calling *Night of the Living Dead* “practically a remake” of the final act of *The*

⁷² Short silent films from Griffith and Weber and Smalley, for example, depicted female—and in the case of *Suspense*, a new mother—as victims, and Western films featured similar narrative tropes of sexualized violence and the heteronormative “race-to-the-rescue” that motivated the action in early home invasion films. Terence Young's *Wait Until Dark* problematizes this tradition of unspoken sexual violence by centering a blind woman as the victim of a threat she literally cannot see. *Wait Until Dark*, directed by Terence Young (1967; Burbank, CA: Warner Bros. Studio, 2003), DVD.

⁷³ *Kitten with a Whip*, directed by Douglas Heyes (1964; Universal City: Universal Pictures).

⁷⁴ *Lady in a Cage*, directed by Walter Grauman (1964; Hollywood: Paramount Pictures, 2005), DVD.

⁷⁵ See also Clover, “Her Body, Himself,” 80-81.

⁷⁶ See Fiddler, “Playing *Funny Games*,” 284.

⁷⁷ Fiddler, “Playing *Funny Games*,” 284.

Birds.⁷⁸ The birds and the ghouls “have their origins in (are the physical projection of) psychic tensions that are the product of patriarchal male-female or familial relationships.”⁷⁹ Despite their representations of the secure home under siege, however, *The Birds* and *Night* diverge in their treatment of the threatened families. *The Birds*, Paul notes, “move[s] toward the formation of a more tightly knit group in a newly constituted family. It is precisely within the family,” he continues, “that the most threatening danger proves to be lurking in *Night of the Living Dead*.”⁸⁰ *The Birds*, as Wood claims, crosses the “revenge of nature” film with the family melodrama, highlighting through the birds’ attacks the sexual tensions that the domestic space contains.⁸¹ The patriarchal family, Kyle William Bishop claims, poses a greater threat to Melanie Daniels (Tippi Hedren) than the titular birds,⁸² such that, as Christopher D. Morris argues, the birds function less as antagonist than as a “metaphor for reading,”⁸³ a catalyst whose unexplained presence propels the gothic narrative of the Brenner family’s melodrama. When the birds invade the Brenner home, they do not disrupt a stable family but rather expose the sexual

⁷⁸ William Paul, *Laughing Screaming: Modern Hollywood Horror and Comedy* (New York: Columbia University Press, 1994), 260. See also Robin Wood, “Apocalypse Now: Notes on the Living Dead,” in *Robin Wood on the Horror Film: Collected Essays and Reviews*, ed. Barry Keith Grant (Detroit: Wayne State University Press, 2018), 161-169.

⁷⁹ Wood, “Apocalypse,” 162.

⁸⁰ Wood, “Apocalypse,” 162.

⁸¹ Wood, “Introduction,” 90. See also Kyle William Bishop, “The Threat of the Gothic Patriarchy in Alfred Hitchcock’s *The Birds*,” *Rocky Mountain Review* 65.2 (2011): 135. See also Laura Mulvey, “Visual Pleasure and Narrative Cinema,” in *Visual and Other Pleasures* (Bloomington: Indiana University Press, 1989), 23-26.

⁸² Bishop, “The Threat of the Gothic Patriarchy,” 135.

⁸³ Christopher D. Morris, “Reading the Birds and *The Birds*,” *Literature Film Quarterly* 28.4 (2000): 251.

instability between mother and son.⁸⁴ Romero's film, on the other hand, "constitutes a full-scale criticism of American values"⁸⁵ and makes a "provocative argument about the nature of the American dream in the postcountercultural age."⁸⁶ *Night* constitutes a "wholesale refusal to resolve fear or to hold sacred traditionally cherished social myths, heroes, and institutions."⁸⁷ The film has been read as a critique of American involvement in Vietnam,⁸⁸ the death of 1960s countercultural aspirations,⁸⁹ the Nixonian "silent majority,"⁹⁰ white supremacy,⁹¹ and the family under capitalism⁹² in its presentation of a

⁸⁴ See Murray Pomerance. *Alfred Hitchcock's America* (Cambridge: Polity Press, 2013), 245.

⁸⁵ Reynold Humphries, *The American Horror Film: An Introduction* (Edinburgh: Edinburgh University Press, 2002), 113.

⁸⁶ Kendall R. Phillips, *Projected Fears: Horror Films and American Culture* (Westport, CT: Praeger, 2005), 83. See also R.H.W. Dillard, "Night of the Living Dead: 'It's Not Like Just a Wind That's Passing Through,'" *American Horrors: Essays on the Modern American Horror Film*, ed. Gregory A. Waller (Urbana: University of Illinois Press, 1987), pp. 14-29; see also Adam Lowenstein, "Living Dead: Fearful Attractions of Film," *Representations* 110.1 (2010): 105-128.

⁸⁷ Caputi, "Films of the Nuclear Age," 102.

⁸⁸ See Kim Paffenroth, "Zombies as Internal Fear or Threat," in *Generation Zombie: Essays on the Living Dead in Modern Culture*, ed. Stephanie Boluk and Wylie Lenz (Jefferson, NC: McFarland and Company Publishing, 2011), pp. 18-26. See also Steven Shaviro, "Contagious Allegories: George Romero," in *Zombie Theory: A Reader*, ed. Sarah Juliet Lauro (Minneapolis: University of Minnesota Press, 2017), pp. 7-19.

⁸⁹ See Tyson E. Lewis, "Ztopia: Lessons in Post-Vital Politics in George Romero's Zombie Films," in *Generation Zombie: Essays on the Living Dead in Modern Culture*, ed. Stephanie Boluk and Wylie Lenz (Jefferson, NC: McFarland and Company Publishing, 2011), pp. 90-100.

⁹⁰ See Ruth Ellen Covington, "'The World is Quieter Now': The Threat of Silence in *Night of the Living Dead* and *I Am Legend*," in *Reading Richard Matheson: A Critical Survey*, ed. Cheyenne Matthews and Janet V. Haedicke (Lanham, MD: Rowman and Littlefield Publishers, 2014), pp. 45-58.

⁹¹ See David L. Moody, *The Complexity and Progression of Black Representation in Film and Television* (Lanham: Lexington Books, 2016), pp. 35-44.

⁹² See Sean Moreland, "Shambling towards Mount Improbable to Be Born: American Evolutionary Anxiety and the Hopeful Monsters of Matheson's *I Am Legend* and Romero's *Dead Films*," in *Generation Zombie: Essays on the Living Dead in Modern Culture*, ed. Stephanie Boluk and Wylie Lenz (Jefferson, NC: McFarland and Company

“brutally Hawksian” world in which survival itself requires philosophical detachment.⁹³

Whereas the avian attacks in *The Bird* enable Melanie and the Brenners to reconstitute the family unit free from Oedipal sexual tensions, Romero’s ghouls represent the wholesale “disintegration of the social microcosm, the patriarchal family” to allegorize the “cultural disintegration of the nation.”⁹⁴

2.2 The Penetrable Home Site in *The Birds* (1963)

Alfred Hitchcock established himself as the master of the Oedipal family horror with 1960’s *Psycho* and followed three years later with the gothicized thriller *The Birds*. The film, argues Jack Halberstam, “refuses to locate fear or monstrosity in a singular or isolable body.”⁹⁵ However, throughout the film, all types of birds become associated with women. The first attack occurs only after Melanie delivers the lovebirds to Cathy Brenner (Veronica Cartwright), and they increase in frequency and ferocity as she becomes more embedded within the Bodega Bay community and the Brenner family. Melanie establishes herself as an uncontained sexual force in the film’s opening shot, which tracks

Publishing, 2011), pp. 77-89; see also Andrea Wood, “Failed Futurity: Reproductive Anxieties, Undead Children, and Queering Survival in Apocalyptic Zombie Films,” in *Unnatural Reproductions and Monstrosity: The Birth of the Monster in Literature, Film, and Media*, ed. Andrea Wood and Brandy Schillace (Amherst, NY: Cambria Press, 2014), pp. 357-373.

⁹³ Barry Keith Grant, “Taking Back the *Night of the Living Dead*: George Romero, Feminism, and the Horror Film,” in *The Dread of Difference: Gender and the Horror Film*, ed. Barry Keith Grant (Austin: University of Austin Press, 2015), 230.

⁹⁴ Wood, “Apocalypse,” 163.

⁹⁵ Jack Halberstam, *Skin Shows: Gothic Horror and the Technology of Monsters* (Durham: Duke University Press, 1995), 128. Susan Smith similarly argues that the birds’ meaning “alters substantially depending upon which character perspective we consider them through.” Susan Smith, *Hitchcock: Suspense, Humor, and Tone* (London: British Film Institute, 2000), 135.

her progress as she crosses a street and enters the pet shop in Hitchcock's characteristic mimicry of voyeurism. She halts, however, upon hearing a wolf whistle; she turns, and her gaze falls on the surprising appreciative male: a young boy whose whistle seamlessly blends with the cries of the gulls that Melanie then notices gathering in the sky. Her gaze, then, implicitly connects the birds with her own sexuality. With her look to the sky, Melanie enacts a process of identification with the film's primary destabilizing source. "[T]here is a sense in which the woman's look at the monster is more than simply a punishment for looking or a narcissistic fascination with the distortion of her own image in the mirror that the patriarchy holds up to her," argues Linda Williams; "it is also a recognition of their similar status as potent threats to vulnerable male power."⁹⁶

Melanie's initial meeting with Mitch Brenner (Rod Taylor) hinges upon birds. Mitch, who recognizes Melanie, pretends to mistake her for an employee and asks for help finding lovebirds. However, he clarifies and limits exactly the kinds of birds he wants and for what purpose: "These are for my sister, for her birthday, you see, and, uh, she's only going to be eleven. I...I wouldn't want a pair of birds that were too demonstrative....At the same time, I wouldn't want them to be too aloof either. Do you happen to have a pair of birds who are just friendly?" Melanie then removes a canary from its cage and it promptly escapes her grasp, flying toward the ceiling and causing a scene of minor chaos. Mitch, who has known Melanie's true identity the entire time, captures the canary under his hat and replies, "Back in your gilded cage, Melanie Daniels," thereby tying her with yet another bird.⁹⁷ Multiple gazes throughout the film

⁹⁶ Williams, "When a Woman Looks," 25. See also Mulvey "Visual Pleasure," 14-28.

⁹⁷ See François Truffaut, *Hitchcock*, revised ed. (New York City: Simon and Schuster, 1984), 288.

further associate Melanie with birds. When Melanie delivers the lovebirds to Mitch's apartment, the camera follows her progress through the lobby into the elevator while focusing on the cage bumping against her leg. Once Melanie enters the elevator, the camera tilts from the birds to Melanie herself, behind whom we see a man eyeing her with interest. When Melanie drives recklessly along the coastal highway to Bodega Bay, the camera alternates between shots of a self-satisfied Melanie and the caged birds leaning comically upon their post with every swerve. After Melanie stealthily delivers the lovebirds to the Brenner home, Mitch first spies Melanie on the bay as gulls begin to circle her, crying loudly as he gazes at her through binoculars.⁹⁸ It is not entirely surprising, then, that the bird attacks in Bodega Bay commence only upon Melanie's arrival. So evident is this connection that, following the chaos outside the café, a terrified woman accuses Melanie of causing the attacks: "Why are they doing this? Why are they doing this? They said when you got here the whole thing started. Who are you? What are you? Where did you come from? I think you're the cause of all this. I think you're evil. Evil!"⁹⁹

More specifically, the birds embody and weaponize Melanie's uncontained (at least during the movie's first act) sexuality. As is clear from her indulgent smile at the child's whistle, Melanie knows she is sexually appealing, and she uses this appeal to her advantage, not to snare a husband but to amuse herself. Indeed, her notoriety stems largely from her sexual exploits, such as her well-publicized naked dive into a Roman

⁹⁸ See Raymond Bellour. "System of a Fragment (on *The Birds*)," in *The Analysis of Film: Raymond Bellour*, ed. Constance Penley (Bloomington: Indiana University Press, 2000), pp. 28-68. See also Susan Lurie, "The Construction of the Castrated Woman in Psychoanalysis and Cinema," *Discourse* 4 (1981-82): 52-74.

⁹⁹ See Williams, "When a Woman Looks," 25.

fountain. Although she regularly denies that there is anything “going on” between her and Mitch, and even tells Mitch himself that she loathes him, Melanie’s sexual interest in Mitch is obvious, such that everyone who hears that Melanie delivered lovebirds responds with a knowing, “Oh, I see.” However, Melanie makes no indication that her interest in Mitch extends beyond sex, or that she has any plans for a marital future with him. The film’s opening shot clearly indicates that Melanie’s connection with children defies midcentury ideals about a woman’s desires for reproduction.¹⁰⁰ She views the boy not as a child the likes of which she hopes to produce herself, but instead as a miniature man who appreciates her sexuality. Furthermore, Melanie initially views Mitch’s sister Cathy merely as an abstraction, a necessary but as-yet unseen medium which she can use to get closer to Mitch. Melanie thus seems to lack any kind of maternal instinct.

Cathy, however, binds Melanie both to Bodega Bay and introduces her to the joys of motherly care. Melanie arrives in Bodega Bay not knowing Cathy’s name; when she asks the proprietor of the general store the name of “the little Brenner girl,” he assures Melanie that the girl’s name is either Alice or Lois. Melanie then learns Cathy’s real name from her Bodega Bay counterpart, schoolteacher Annie Hayworth (Suzanne Pleshette). Hitchcock immediately asks the audience to compare Melanie with Annie through the women’s many similarities: they seem of similar ages, both are from San Francisco, and both have some kind of romantic or sexual interest in Mitchell. Annie’s job as a schoolteacher and surrogate mother/elder sister to Cathy, however, distinguishes her sharply from Melanie; she exhibits the impulses for maternal caretaking that Melanie

¹⁰⁰ See Ferdinand Lundberg and Marynia F. Farnham, *Modern Woman: The Lost Sex* (New York City: Harper and Brothers Publishers, 1947), pp. 123-127.

clearly lacks. But by giving Melanie Cathy's real name, and later allowing Melanie to rent a room in her house, Annie simultaneously enfolds Melanie into the Bodega Bay community and initiates a crucial change in Melanie's mothering abilities, for once she meets Cathy, Melanie immediately takes to her and begins to occupy a role similar to that of Annie. The growing parallels (and, after a time, friendship) between Melanie and Annie set up the film's primary rivalry: Mitch can only have one lover, and Cathy can only have one mother, so one of the two women must prevail. Of course, the birds have a hand (or a wing) in deciding that outcome.

But what of Cathy's biological mother, Lydia (Jessica Tandy)? Mothering and motherhood throughout *The Birds* represent potentially opposing systems, in which the act of providing motherly affection does not necessarily correspond with a woman's biological status.¹⁰¹ Annie, and later Melanie, dote upon Cathy and the other children affectionately. When the birds attack Cathy's birthday party, Annie and Melanie rescue the children from the gulls and offer them physical comfort.¹⁰² Cathy frequently hugs Melanie and runs to her during subsequent bird attacks. The film presents biological mothers much less sympathetically. Melanie's own mother abandoned her family when Melanie was a child, and Melanie clearly continues to suffer the aftershocks of a motherless upbringing. Lydia, although she clearly cares for Cathy, demonstrates a distant and concerned form of motherhood in which, for example, she frets repeatedly about Cathy's safety at the schoolhouse but sends Melanie to retrieve her rather than

¹⁰¹ See Creed, "Horror and the Monstrous-Feminine," 43. See also Paul Gordon, *Dial "M" for Mother: A Freudian Hitchcock* (Madison, WI: Fairleigh Dickson University Press, 2008), 156-159. See also Tania Modleski, *The Women Who Knew Too Much: Hitchcock and Feminist Theory*, 2d. ed. (New York City: Routledge, 2005), 5.

¹⁰² See Paul, *Laughing Screaming*, 256.

going herself. She laments her inability to understand her children, to “enter into” their worlds.

Lydia’s relationship with her daughter, however, becomes subordinated throughout the film to her relationship with Mitch, which Melanie’s arrival threatens.¹⁰³ Lydia instantly dislikes Melanie for her brazenness, her overt sexual interest in Mitch, and her reputation as a “loose” party girl. After the dinner at the Brenners’ house, Melanie asks Annie to explain Lydia’s suspicion and imperiousness toward her. Just as Annie effectuates Melanie’s introduction to Cathy, so too does she enable Melanie’s beginning understanding of Lydia. “She was afraid....Afraid of any woman who would give Mitch the one thing Lydia can’t give him: love.” Annie describes her initial icy encounter with Lydia, laying the foundation for Oedipal drama. When Melanie counters Annie’s description of Lydia, “That adds up to a jealous, possessive woman,” Annie replies, “No, I don’t think so. You see, she’s not afraid of losing Mitch. She’s only afraid of being abandoned.” Melanie suggests, “Someone ought to tell her she’d be gaining a daughter,” to which Annie retorts, “No, she already has a daughter.” Lydia’s sexual desire and jealousy regarding Mitch and the women in his life are coded as her fear of abandonment; Mitch has become a substitute for Lydia’s deceased husband. The Brenner home conceals the implications of emotional incest—and the titular birds crack those sheltering walls open. When Lydia telephones the owner of the general store to complain that her chickens are behaving strangely, Melanie’s gaze draws attention to the portrait of the late Mr. Brenner hanging in pride of place in the living room. Later, after the

¹⁰³ See David Humbert, “Desire and Monstrosity in the Disaster Film: Alfred Hitchcock’s *The Birds*, *Contagion: Journal of Violence, Mimesis, and Culture* 17 (2010): 89.

sparrows invade through the chimney, a dead bird falls from the frame around the portrait. The birds, then, call attention to the family's paternal absence and, by extension, the inherent risk of incest that underlies the cultural mandate of containing sexuality within the family. "The cold war containment metaphor," as Deborah Nelson argues, "was not simply an expression of foreign policy, or domestic ideology, but a figure of the impossible coherence of masculine authority."¹⁰⁴

Although Melanie has intruded upon an Oedipal drama and the bird attacks initiated by her presence destabilize the status quo, the attacks ultimately reconfigure the family's dysfunctional relationships into an arrangement more closely resembling that of the midcentury nuclear family (despite Cathy's still occupying a role more akin to Mitch's daughter than his sister). "Within all of the main attack scenes in the film," Halberstam claims, "the birds' aggressiveness seems to be inspired by the attempts of the characters to cohere as a family within a romantic nature."¹⁰⁵ The bird attacks follow Melanie's growing intimacy with the Brenners, but rather than driving her away, the attacks enable Melanie to recognize her maternal instincts and create a functional family with Mitch, Cathy, and Lydia. Following the gulls' first attack on Melanie, the birds specifically target children at Cathy's party and outside the school, where the birds gradually flock on playground equipment as Melanie waits to take Cathy home. These attacks force Melanie to protect the children, inviting us to compare her behavior with the youngsters of Bodega Bay with her earlier interaction with the whistling boy. She solidifies her role as ersatz mother to Cathy in the aftermath of the attacks; she bonds

¹⁰⁴ Deborah Nelson, *Pursuing Privacy in Cold War America* (New York: Columbia University Press, 2001), xviii.

¹⁰⁵ Halberstam, *Skin Shows*, 133.

with Lydia following Lydia's gruesome discovery of her neighbor Dan Forcet's body; and she shares a passionate kiss with Mitch while warning him to be careful as he leaves to investigate with the sheriff. Furthermore, the birds conveniently eliminate the sole threat to Melanie's new position within the Brenner family, as Annie sacrifices herself to the birds while protecting Cathy.

This is not to say that Melanie is not punished for her earlier transgressions; the birds target her just as they did Annie when Melanie investigates a mysterious flapping noise in, of all places, Cathy's bedroom. But even as the birds peck, claw, and scratch Melanie into a bloody, comatose mess, Melanie's only concern is for Cathy's safety; through her cries of pain, she clearly orders Mitch, "Get Cathy out of here!" Throughout the film, then, the bird attacks effectuate Melanie's transition from "a monstrous aggressor" to "a maligned victim,"¹⁰⁶ whose survival is now imperative to the healthy reorganization of the Brenner family. After Melanie's attack, Lydia affectionately comforts her as Melanie earlier comforted Cathy, indicating that she has accepted Melanie as the second daughter that Annie claimed she didn't want. At the movie's closing, Mitch drives Melanie's car away from the house to take Melanie to the hospital, with Melanie safely lying in Lydia's lap in the backseat and the harmless caged lovebirds settled on Cathy's lap. Melanie's attack, then, is necessary to solidify her place within the family. The film's final act of violence illustrates Halberstam's argument that "[a] film like *The Birds* actually exposes the ways in which the law does not work for women as long as men symbolically represent the law and its limits."¹⁰⁷

¹⁰⁶ Murphy, *New Woman Gothic*, 2.

¹⁰⁷ Halberstam, *Skin Shows*, 132-133.

The law in question in *The Birds*, to return to the film's cold war context, is the law of the container. While the film reinforces the political and cultural necessity of containing female sexuality within the nuclear family, it calls into question the inherent stability or safety of the marital home as a container. It sheds doubt not on the underlying rationale of sexual containment per se, but rather on the logic of the container itself. Just as the family is perhaps not the safe container that sexual containment narratives would assume, the physical container of the family home is perhaps not wholly immune from dangerous penetration.¹⁰⁸ Although the characters parrot the logic of containment, Hitchcock subverts it at every turn. Most of the attacks take place in the open—on the bay, at the birthday party, outside the schoolhouse, outside the café—and the characters respond by seeking shelter. Melanie tells her father over the telephone, “The birds didn’t attack until the children were outside the school,” and the worried mother in the diner advises, “Why don’t you all go home and lock your doors and windows?” Annie dies on her own front steps, having pushed Cathy back into the house, and when Melanie cannot bear to leave Annie’s ravaged body in the open, Mitchell moves her inside. The film’s final sequence largely consists of Mitch and Melanie nailing boards on the doors and windows of the Brenner house as the birds amass outside.

These boards become necessary because of the birds’ unnatural escalation after the birthday party, when, for the first time, they enter the Brenner house through the chimney and drive the family outside. Mitch emphasizes the intentionality behind this assault when he informs the sheriff, “The birds invaded the house!” The sheriff counters, “What’s more likely, they got in the room and just panicked,” to which Mitch retorts,

¹⁰⁸ See Bishop, “The Threat of the Gothic Patriarchy,” 138.

“All right, I’ll admit a bird will panic in an enclosed room, but they didn’t just *get* in, they *came* in, right down the chimney!” During this exchange, Lydia gently cleans up broken wedding china and straightens Mr. Brenner’s portrait, attempting to erase the evidence of the birds’ unnatural attack on the marital home.¹⁰⁹ The next morning, Lydia discovers Dan Forcet’s corpse lying in his bedroom, a victim not only of the birds’ violence but also of their refusal to respect the boundaries of the home. Following these events, Lydia no longer takes the home’s safety for granted. Worried about Cathy’s safety at the schoolhouse, she tells Melanie, “I keep seeing Dan’s face. And they have such big windows at the school. All the windows were broken at Dan’s place. They broke all the windows.” While the sight of Dan’s bloody face certainly horrified her, the idea that the birds violated his safe haven with such violence that they shattered the windows shocks Lydia more. In this way, Hitchcock reveals the home as an object of vulnerability. The birds can get inside through windows, chimneys, or any space not actively protected from them, and they seek unprotected spots, such as the attic roof.

The birds’ intrusions, combined with their apparent intentionality, destabilizes the binary of inside/safe, outside/dangerous upon which the residents of Bodega Bay rely. After the attack on the schoolhouse, patrons at the café discuss the recent events with increasing panic; a drunk man proclaims that it’s the end of the world, while another man argues that the only cure would be to shoot all the birds from the sky. On the other end of the spectrum, local ornithologist Mrs. Bundy (Ethel Griffies) flatly refuses to believe Melanie’s tale of what happened at the schoolhouse despite Melanie’s eyewitness account. She claims that birds are not intelligent enough to launch a mass attack,

¹⁰⁹ See Bishop, “The Threat of the Gothic Patriarchy,” 140-141.

comparing the events in Bodega Bay with an earlier occurrence in San Francisco in which birds—to whom Mrs. Bundy refers as “poor things”—became lost in the fog and, as is their nature, flew toward the light and accidentally smashed into buildings. Her expertise reinforces the unnaturalness of the Bodega Bay birds’ behavior, as their biological unnaturalness underscores the unnaturalness of their invasion of the sacred home space.

Mrs. Bundy provides a key piece of evidence that connects the unnaturalness of the attacks at Bodega Bay with both Melanie’s earlier interactions with Mitch at the San Francisco pet shop and the underlying logic of sexual containment. As part of her case against Melanie’s account of the schoolhouse attack, Mrs. Bundy argues, “I have never known birds of a different species to flock together. Why, the very concept is unimaginable.” Birds, according to Mrs. Bundy, would not only remain outside; they would confine themselves to interactions with their own species. Her argument echoes Melanie’s rationale for keeping the birds in separate cages at the pet shop. Looking for the lovebirds, Mitch comments, “Doesn’t this make you feel awful? Having all these poor little innocent creatures caged up like this?” to which Melanie replies, “Well, we can’t just let them fly around the shop, you know.” Accepting this logic, Mitch continues, “Is there an ornithological reason for keeping them in separate cages?” Despite her apparent lack of expertise, Melanie quickly responds, “Well certainly. It’s to protect the species.” She refers to the molting season, during which Mitch teasingly implies birds are feeling especially erotic, as “a particularly dangerous time.” The risk of unnatural interspecies mating, then, justifies the birds’ confinement. Outside of a cage, the birds could proliferate and join forces, violating the laws of nature and posing an insurmountable

threat to humanity. Even Mrs. Bundy acknowledges this risk: “If that were to happen, why, we wouldn’t have a chance! How could we possibly hope to fight them?”

The only nonthreatening birds in the film are the lovebirds, who remain caged for the entire movie. The camera emphasizes the lovebirds’ confinement repeatedly, from the aforementioned shots of the cage at Mitch’s apartment to a dimly lit shot of the birds innocently gazing at Mitch through the bars while he barricades the house. While waiting for the final attack, Cathy asks to bring the lovebirds into the living room, which Lydia immediately refuses. “But Mom, they’re in a cage!,” Cathy argues, connecting their confinement with their lack of threat. Lydia, however, remains steadfast: “They’re birds, aren’t they?” However, after Melanie’s attack, Cathy repeats her request to bring the birds to the hospital, asserting, “They haven’t harmed anyone.” This time, Mitch assents, for Cathy is correct—the lovebirds, imprisoned in their cage, have injured nobody. Indeed, they have actively brought Melanie into the Brenner family and thereby converted Melanie from the “too demonstrative” kind of lovebird into a “friendly” one appropriate for an eleven-year-old girl. “Hitchcock sees the house in historical terms,” Camille Paglia argues, “as both safe haven and female trap.”¹¹⁰ *The Birds* implies, then, that the only truly safe container for sexual purity and for the safety of the family is a cage.

2.3 The Imprisoning Family in *Night of the Living Dead* (1968)

Griswold upheld the connection between marriage, the domestic space, and privacy, such that the marital home becomes a legally protected space insulated against

¹¹⁰ Camille Paglia, *The Birds* (London: BFI Publishing, 1998), 34.

exterior invasions. It established a relationship between core and periphery, between the center and its extensions, such that interiority necessarily indicates safety while the exterior brings the potential dangers of unchecked fecundity and proliferation. However, *The Birds* troubles this binary by questioning whether the interior, specifically the family home, promises the safety located there by political narratives. After *Griswold*, American cinema further complicated the Supreme Court's basic assumptions not only by presenting the family home as susceptible to external penetration, but also by representing the home as the source of danger itself. "If it does not want to become a synonym for a terrible house arrest," Michele de Certeau advises, "separated from the living, the private space must know how to open itself up to the flow of people coming in and out."¹¹¹ This assumed binary between interior and exterior, open and closed, living and dead, specifically forms the basis of critique in George A. Romero's *Night of the Living Dead* (1968). The contradictory construction of safety and privacy as simultaneously proliferating yet safely contained converts the Pennsylvania farmhouse that shelters the refugees from the ghoul apocalypse into a protected space that is simultaneously under siege from outside forces and "leaking" beyond its walls. Romero highlights the interior-exterior dichotomy and explores the seepage of anxiety, information, violence and—most importantly—bodies across barricades that purport to contain those threats. *Night of the Living Dead* thus dismantles the lingering rhetorical strategies of containment that align domesticity and the home with managed fertility and the protection of the nuclear home against external invasion.

¹¹¹ Michel de Certeau, *The Practice of Everyday Life*, Vol. 2, trans. Timothy J. Tomasik (Minneapolis: University of Minnesota Press, 1998), 148.

Night of the Living Dead embodies cold war anxieties about domestic containment, uncontrolled proliferation, and unbounded fertility in the form of the mysteriously reanimated dead. It offers, says Scott Poole, “a vision of horror that could not be contained. The beast could not easily be slain or the social order restored to the *status quo ante-monstrum*.”¹¹² The film, portrays the apocalypse as an emergency of unchecked proliferation, of endlessly multiplying bodies that overwhelm and suffocate the innocent remainders of the old world order. Romero further positions this apocalypse outside a quintessential American farmhouse, where the crushing mass of reanimated bodies gradually inches closer to, and ultimately invades, the home’s barricaded threshold. This standoff between the proliferating crowd and the contained few therefore manifests as a battle between interior and exterior, with the home at its center. Within this home, locked in its core in the cellar, is the Cooper family, whose marital drama suffuses the dynamics of the entire group and whose progeny embodies the undead’s infiltration into the home’s superficial safety. The film, with its frequent descriptors of the ghouls as an “army” and their actions as an “explosion” or “epidemic” of mass murder, along with speculation that extraterrestrial radiation caused the mass awakening of unburied (i.e., uncontained) corpses, invests the film in high cold war terminology and anxieties. But, like *The Birds*, *Night* interrogates the logic both of containment as a strategy and of the container as a metaphor.

The film revolves around the horror of the family and the child who becomes dangerous precisely because of her confinement within the supposedly safe domestic

¹¹² W. Scott Poole, *Monsters in America: Our Historical Obsession with the Hideous and the Haunting* (Waco: Baylor University Press, 2011), 200.

space.¹¹³ “Rather than serving bourgeois patriarchy as a place of refuge from the social upheavals of the last two decades...the family has become the site of them—and now serves as a sign of their representations.”¹¹⁴ While the ghouls slither increasingly closer to the farmhouse, an even more insidious threat germinates inside. Romero narrativizes Berenice Murphy’s assertion that “family ‘togetherness’ so often proves claustrophobic and home is seldom the safest place to be.”¹¹⁵ *Night of the Living Dead* abounds with broken families. The movie commences with Barbara (Judith O’Dea) and Johnny (Russell Streiner) making a day-long pilgrimage to place flowers on the grave of a father they barely remember. While Barbara performs the rituals of grief, Johnny taunts her and reminisces about their grandfather, who taught Johnny to torment his sister with monster impersonations. Johnny complains that their mother, who insists upon this yearly sojourn, remains safely at home while they must drive three hours to go through the motions of mourning. The only indication of familial affection between the siblings comes when the first ghoul attacks Barbara. Johnny rushes to his sister’s defense but quickly dies in the fight. Now alone, Barbara flees to the deserted farmhouse, the film’s central symbol of the ruined family, resplendent with a television, radio, large kitchen, and other trappings of a midcentury nuclear home. It is, however, utterly devoid of any trace of the family it is designed to shelter, other than the notable exception of a half-eaten corpse at the top of the stairs.

¹¹³ See Robin Wood, “What Lies Beneath?” in *Robin Wood on the Horror Film: Collected Essays and Reviews*, ed. Barry Keith Grant (Detroit: Wayne State University Press, 2018), 402.

¹¹⁴ Sobchack, “Bringing It All Back Home,” 174.

¹¹⁵ Bernice M. Murphy, *The Suburban Gothic in American Popular Culture* (London: Palgrave Macmillan, 2009), 106.

Romero constantly draws our attention to the distinctions between interior and exterior, only to subvert those distinctions by revealing the barrier between them to be penetrable and, ultimately, illusory. The urgent, brass-heavy music that accompanies Barbara's flight from the ghoul stops immediately as she enters the farmhouse. If this sudden silence initially heralds Barbara's safety, both the silence and the safety are short-lived. Despite boasting no barriers beyond the usual doors and windows, the farmhouse appears to stymie the ghoul pursuing Barbara. Unable to penetrate the threshold, he lumbers outside while Barbara surveys her new shelter. She quickly discovers, however, that while the house may keep the initial ghoul out, it harbors other indications of a horror within. As Barbara wanders into a sitting room, the same stinger that accompanied the ghoul's attack resounds as Barbara spies a set of stuffed and mounted animal heads. This appearance of creatures that are dead but look alive, and that are inside the house when they should be out in the wild, disrupts her shaky sense of security.

Nevertheless, both Barbara and, when he arrives and jumps into action, Ben (Duane Jones) invest their security in their belief that being inside the farmhouse will protect them from the ghouls outside. While Ben initially advises Barbara that the best course of action would be to go someplace with other people, he quickly changes his tune after witnessing the growing mass of ghouls outside the house. "They know we're in here now," he tells Barbara. "There'll be a lot more of them once they find out about us." Facing this proliferating threat, he commences securing the home. Like Mitch and Melanie in *The Birds*, Ben and Barbara board up the windows and doors. "We'll be all right here," Ben assures Barbara, and praises the house's many amenities, including food and ammunition, that will enable them to stay holed up inside until the threat outside

passes. Barbara takes childish comfort in items of frivolous domesticity—a music box, a lace tablecloth, a doily—while Ben destroys the house’s more utilitarian items—furniture and firewood—in order to secure it. A series of point of view shots alternate between Ben’s perspective as he gazes through the boarded windows at the ghouls and the ghouls themselves watching Ben. These shots feature the boards themselves, superimposed over human faces to emphasize the barriers between Ben and the ghouls. As Ben works, he hears the first series of radio broadcasts, which confirms Ben and Barbara’s initial impulse to barricade themselves in the house. The broadcaster advises, “Do not venture outside for any reason until the nature of this crisis has been determined and until we can advise what course of action to take.” Office and factory workers are being urged to stay in their places of employment, and “the safest course of action,” according to the radio, “is simply to stay where you are.”

Ben should realize, however, because of the nightmare that brought him to the farmhouse in the first place, that this course of action is flawed. Ben tells Barbara that when the ghouls appeared outside Beekman’s Diner and people took refuge inside, the ghouls surrounded them and killed everyone inside because no one could escape. “The entire place had been encircled,” he recalls. “There wasn’t a sign of life left except...By now there were no more screams. I realized that I was alone.” A subsequent broadcast echoes Ben’s tale of fatal imprisonment: “This whole ghastly story began two days ago with the story of a slaying of seven in their rural home.” The farmhouse shortly proves as penetrable as Beekman’s, as Harry (Karl Hardman) and Tom (Keith Wayne) burst from the cellar door, revealing that they have been in the house the entire time. Shortly after Ben and Barbara learn that Tom, Judy (Judith Ridley), and the Coopers have been hiding

in the cellar, the officially recommended course of action changes: “Make your way to the nearest rescue station as soon as possible,” the radio advises. Helen Cooper (Marilyn Eastman), caring only for her daughter Karen’s (Kyra Schon) health, wishes to leave at once, and Ben supports her, declaring, “It’s obvious, our best move is to try to get out of here.” What once was believed to be a safe container is now a death trap that must be fled.¹¹⁶

But while Ben and Tom prepare to launch an assault against the ghouls outside in order to forge a path to safety, a more tenacious threat persists. Harry repeatedly insists that Ben has not secured the house, that the ghouls possess the strength and numbers to breach the barricades, and that the windows, which Ben insists provide the advantage of showing them what’s going on outside, pose a major point of weakness on the house’s main floors. He maintains that the cellar is the safest place because a steel bar secures the lone door and it lacks any windows for the ghouls to break. Ben, however, recognizes these supposed signs of entrapment: “I’m not boxing myself in down there.” Harry’s faith in the cellar’s security, his surety in the safety of the container so fanatic that he literally burrow underground rather than risk a hint of exposure, renders him willing to make cruel sacrifices to ensure his own and his family’s survival. When Ben accuses him of ignoring Barbara’s cries, Harry retorts, “I’m not gonna take that kind of a chance when I’ve got a safe place!” He vows to lock the cellar door and open it for no one under any circumstances. Arrogantly self-righteous about the cellar’s safety, he brags to Helen, “Let

¹¹⁶ See Tony Williams, *The Cinema of George A. Romero: Knight of the Living Dead* (New York: Columbia University Press, 2003), 28.

them stay upstairs. Let them. Too many ways those monsters can get in up there. We'll see who's right. We'll see, when they come begging me to let them in down here."

Harry overlooks, however, the double insecurities already present in the cellar: his contentious marriage and his ailing daughter. Harry and Helen obviously loathe one another. In response to Harry's boasts, Helen replies, "That's important, isn't it? To be right, everybody else to be wrong?" She disagrees with his decision to remain in the cellar, telling him, "We may not enjoy living together, but dying together isn't going to solve anything. Those people aren't our enemies." Helen views the presence of others in the house as a potential source of strength, while Harry continues to view them as a threat. Even after hearing the new recommendation to find rescue stations, Harry insists that staying in the house is the better plan. Although he reluctantly acquiesces to help Ben and Tom put gas in the truck and escape, largely at Helen's urging, he chooses to remain in the house and toss Molotov cocktails from the window to distract the ghouls while Ben and Tom (with the fatal last-minute addition of Judy) venture outside. After Tom and Judy die in an explosion, Harry barricades the front door and refuses to allow Ben back inside; instead, Harry runs toward the cellar. While he does unlock the door for Ben, Harry's priorities are clear: he will preserve his own safety in the cellar at the cost of others' lives. His investment in upholding an unbreachable security vacuum, a container that began as a refuge to protect his family, ultimately outweighs any sense of obligation he initially felt toward that family. When the ghouls launch their final attack, Ben shoots Harry and Harry stumbles to the cellar, leaving Helen upstairs.

But family, it turns out, is precisely the source of the danger that Harry sought shelter in the cellar to avoid.¹¹⁷ Throughout his and Helen's comings and goings between the cellar and the rest of the house, Harry left his daughter Karen in the place he thought was safest. While he does not demonstrate the same fervent devotion to Karen as Helen, who describes her daughter as "all I have," he does display care for Karen's welfare that he does not show for Helen's. Part of his initial argument against joining Ben and Barbara upstairs depends upon Karen's delicate state; he claims that she cannot handle the "racket," to which Ben, who sees Karen's confinement as the risk it is, snaps, "It is tough for the kid her old man is so stupid." However, Ben considers entrapment in the cellar during a ghoul attack to be the largest risk to Karen's safety. No one realizes that Karen is already a danger herself. Karen embodies dual gothic tropes, first of the innocent imprisoned daughter and second of the demonic child. While undead-Karen would pose a danger regardless of her specific location, the threat she presents to the rest of the farmhouse refugees arises specifically because her father has essentially imprisoned her within the cellar.

Her imprisonment, furthermore, manifests heavy sexual overtones. The cellar transforms into the domain under total control of the law of the father; Harry insists that Karen remain downstairs, where he assumes she would be safer but in fact becomes isolated and under his sole authority. Karen's underground prison recalls the gothic tradition not only of false imprisonment, but also of live burial, and specifically reiterates the taboo nature of such hidden locations. "Sex, nature, passion are driven literally, that is

¹¹⁷ See Robin Wood, "The Woman's Nightmare: Masculinity in *Day of the Dead*," in *Robin Wood on the Horror Film: Collected Essays and Reviews*, ed. Barry Keith Grant (Detroit: Wayne State University Press, 2018), 320.

by the word of law, into the suppressed chain of signifiers,” Botting argues, “the gloomy, underground subtexts, into the vaults, labyrinths and darkened spaces of illegitimate, Gothicized images and anti-social passions, take their place in a network of power, its limit and definitive antithesis.”¹¹⁸ Until she reanimates as a ghoul, Karen lies prone on a table in the cellar, an immobile victim. Karen speaks one sentence in the film: “I hurt.” The fact that “hurt” can be a transitive or an intransitive verb creates ambiguity that conflates physical pain and murderous inclinations, thus signaling the dual nature of the child within the American family as both victim and source of harm. Thus, Karen’s complaint both indicates her painful condition and foreshadows her transformation into a creature who will fatally assault her parents.

If Karen’s violence, moreover, evokes as monstrous the incestuous drama in *The Birds*’s fatherless Brenner family, Lydia’s possessiveness is desexualized as a fear of abandonment and resolved with Melanie’s becoming an appropriate mate for Mitch. In *Night*, however, the Freudian conflict between Karen and her parents culminates in erotic displays of consumption and gore, making the violence in *Night of the Living Dead* a more explicitly sexual threat than the bird attacks in Hitchcock’s film. For example, Barbara describes the initial graveyard ghoul attack as a rape: “He held me and he ripped at my clothes!” When the ghouls finally penetrate the threshold, moreover, they grope Barbara and Helen before carrying Barbara away to her grisly fate. The female ghouls are even more sexualized than their male counterparts, appearing outside the farmhouse in various states of undress. The cannibalism itself, however, most overtly suggests their

¹¹⁸ Fred Botting, “The Gothic production of the unconscious,” in *Spectral Readings: Toward a Gothic Geography*, ed. Glennis Byron and David Punter (London: St. Martin’s Press, 1999), 25.

eroticism. The radio broadcast describes them as “devouring” and “feasting on the flesh of their victims,” and they consume Tom and Judy’s corpses with indecent pleasure. This combination of cannibalism and the family drama thereby converts the impersonal horror into a commentary on the sexual undertones of the “normal” American family relationship. The ghoul who ultimately captures Barbara, for instance, is her reanimated brother Johnny, who, we assume, feasts on his sister with the same erotic relish displayed by the other ghouls.

A more typically psychoanalytic parent/child drama plays out in the cellar. After Harry is shot and stumbles to the cellar, leaving Helen to be attacked upstairs, he bars the door, unknowingly imprisoning himself with his monster child. But when Helen retreats to the cellar from the onslaught upstairs, she finds a bloody-faced Karen crouched over Harry’s body, enthusiastically munching on her father’s gory organs. This literalization of the Electra Complex reaches its climax as Karen turns her hunger toward her mother, whom she corners and stabs an excessive number of times with an almost comically phallic gardening trowel. Despite Harry’s insistence that the cellar, the most secure container in the farmhouse, would most securely protect his family, his devotion to the container rather than the humans it contained made it the death trap that Ben predicted it would become. By imprisoning his injured daughter, supposedly to ensure her safety, Harry converts Karen’s death into a Freudian nightmare.

In a nihilistic twist, Harry turns out to be correct about the cellar’s safety: as the ghouls overwhelm the main floor, Ben must, against his better judgment, retreat to the cellar. Like Harry, he barricades the door and, after discovering the reanimated corpses of Harry and Helen, delivers the necessary headshots to send them back to the grave.

Crouching in a shadowed corner as far from the door as possible, Ben becomes the only survivor of the night of the living dead. But his temporary survival becomes meaningless, because retreating to the cellar makes Ben indistinguishable from a ghoul, and the film ends with the militia unceremoniously shooting him and throwing him onto a pyre beside the undead man who had attacked Barbara at the outset. Ben's death, then, was inevitable; if he remained on the main floor, he would have been killed by the ghouls, and if he remained inside the house by locking himself in the cellar, he would be shot by the militia because, inside the house, they cannot tell if he is alive or undead.¹¹⁹ The film ends with grainy photographs of the militia entering the house, echoing earlier shots of the ghouls entering the house. If this dual breach of the threshold emphasizes the inevitable breakdown of the family home as a secure space, Karen's crimes in the cellar dramatize the danger that lurked in the house from the start. Karen's murder of her parents enacts, Woods argues, "the film's final judgment on them and the norm they embody."¹²⁰ Romero, then, takes Hitchcock's criticism of the logic of sexual containment and the security of the marital home to new heights. "Withdrawing oneself into a private space, removing oneself from social congress," according to Nelson, "has become an antisocial act that provokes suspicion."¹²¹ Whereas Hitchcock presents the container as penetrable but the family it supposedly protects as salvageable so long as female sexuality remains confined within it, Romero dismantles both the container and its contents, presenting the interior/safe, exterior/dangerous binary as fictional and the family as the site of "safe sexuality" as an insidious myth.

¹¹⁹ See Wood, "Apocalypse," 164.

¹²⁰ Wood, "Apocalypse," 163. See Williams, "When a Woman Looks," 32.

¹²¹ Nelson, *Pursuing Privacy*, 86.

Together, *The Birds* and *Night of the Living Dead* challenge the cultural narrative that de-weaponized female sexuality within the space of an impenetrable marital home by presenting this home as both violable to external threats and, simultaneously, a potential source of sexual danger. While *Griswold v. Connecticut* revived the narratives of sexual containment and the cult of domesticity that dominated conversations about reproduction and the family in the 1950s, films such as these illustrate the illusory nature of these narratives. As Misha Kavka argues, “The Gothic may indeed be materialized as a threat coming home from without, but it always voices to anxieties from within—both within the subject and within the culture at large.”¹²² By problematizing the horror film’s preoccupation with gender as an abject border and, equally, the home invasion film’s reliance on the protective sanctity of the nuclear family, Hitchcock and Romero unsettle the logic of containment whereby the marital home serves as the proper regulatory site for sexuality. The domestic intrusions in *The Birds* and *Night*, then, cast doubt upon the family’s ability to isolate and surveille itself, an unquestioned assumption of the Court’s articulating privacy as a fundamental right.

¹²² Misha Kavka, “Gothic on Screen,” in *The Cambridge Companion to Gothic Fiction*, ed. Jerrold E. Hogle (Cambridge: Cambridge University Press, 2002), 211.

CHAPTER 3. VIRGINIA WOOLF RELATES TO A CARROT: *EISENSTADT V. BAIRD* (1972) AND EXPLICIT LANGUAGE'S TRAGIC ABSURDITIES

"I'll play the charades like you've got 'em set up," Nick spits at George during an impromptu game of Get the Guests in Edward Albee's 1962 drama *Who's Afraid of Virginia Woolf*. "I'll play in your language....I'll be what you say I am." George, amused at Nick's ire, calmly retorts, "You are already. You just don't know it yet."¹ Get the Guests, in which George reveals through a dark fairy-tale narrative that Nick has divulged the secret of his wife Honey's hysterical pregnancy, encapsulates the painful lucidity of a rules-governed game that forces the players to expose parts of themselves that they might rather keep hidden. The frankness with which George forces Nick to admit his indiscretion aligns with larger cultural reimaginings of explicitness and language.

In the late 1960s and early 1970s, the Supreme Court played a prolonged game of catch-up to inscribe in its legal regime of privacy and reproduction the shift from implicit to explicit language. The Supreme Court in *Griswold v. Connecticut* (1965)² attempted to allow and police private acts by relying on the cold war logic whereby "the explicit" could remain private within an unregulable, yet impliedly decent, container—the marital home. *Griswold* attempted to address a "freer" society while still retaining the mechanisms of the surveillance state. However, the Court relied on outdated conceptions of the security of the marital home and reiterated 1950s containment logic that, by the time the Court rendered its decision, had already outlived its usefulness. Its reliance on

¹ Edward Albee, *Who's Afraid of Virginia Woolf?* (New York: New American Library 1962, 2006), 167.

² *Griswold v. Connecticut*, 381 U.S. 479 (1965).

the marital home as the proper container for privacy places the onus of regulating privacy on the flawed supposed “decency” of marriage itself. The Court in *Griswold* decision attempted to revive this logic, arguing that wholly unregulable rights destabilize national and domestic security; containment allowed the state to “regulate” privacy even while professing to insulate it from state interference. But as cultural products from the late 1960s show, space fails as a container, revealing the precarity of the Court’s logic in *Griswold*. Furthermore, the Court’s use of implication and innuendo makes its negotiation between protection and policing flawed—should marriage fail to contain what should remain private, the Court indicates no other proper mechanism for regulation of privacy. Texts from the late 1960s, including *Virginia Woolf*, exemplify these logical impossibilities and expose the problems inherent in *Griswold*’s proposed solution. Domestic melodramas such as *Virginia Woolf* demonstrate how antiquated cold war logics of containment failed to reflect cultural norms and reveal the marital home’s failure to contain sexual energies. When the Court reconsidered access to contraception in 1972’s *Eisenstadt v. Baird*,³ it relied instead on explicitly enumerated rules or guidelines as a mechanism for both allowing the right to privacy and enabling state surveillance of subjects. *Eisenstadt*, then, catches up to contemporary cultural attitudes regarding privacy, sexuality, and explicitness and addresses the query left unanswered by the collapse of sexual containment as a norm: what happens to sex when it is not contained? But in the Court’s response to this question, it is the explicitness itself—the acts of making privacy explicit and of mandating disclosures—that makes speech no longer free and privacy no longer private.

³ *Eisenstadt v. Baird*, 405 U.S. 438 (1972).

3.1 Reviving Sexual Containment and the Tenuous Logic of Implicitness in *Who's Afraid of Virginia Woolf* (1962)

By reviving outdated cold war norms, the *Griswold* decision views privacy through a heteronormative lens, with the marital family as its proper container. The decision, however, rested upon a right not enumerated in the Constitution, which the Court deals with implicitly in the vague language of penumbras and emanations. Individuals enjoy the right to privacy, as it relates to access to contraception, not by virtue of their existence as individuals, but implicitly on their membership in a heterosexual marriage, since the right inheres in the space of the marital home. Clearly uncomfortable speaking about sexual topics, the majority's reliance on vagueness and euphemisms renders the decision one of the strangest in the American legal canon.⁴ *Griswold* uses "penumbras" and "emanations" to justify the unarticulated right to privacy. In oral arguments, the justices and both parties' attorneys (all men) appear noticeably self-conscious; rather than naming the specific devices for which the appellants had been convicted of providing, they refer to "contraceptives" or, more frequently, "they" when forced to address the topic directly. For example, Justice Stewart asks, "Do you have any data as to the breadth of the use of *these devices* back in the late eighteenth century when the Ninth Amendment was adopted?," [emphasis added] and later inquires, "I think we can—it is true that there's been a good deal of technological development in *this area* in recent years, isn't it?" [emphasis added].⁵ When questioning

⁴ Douglas's bizarre majority decision has become something of a longstanding judicial joke. In 2003, an article in *The Nation* reported that a sign reading "Please don't emanate in the penumbras" hangs in the chambers of Supreme Court Justice Clarence Thomas (Garrow).

⁵ Thomas I. Emerson, "Oral Argument—March 29-30, 1965." Oyez, available at <https://www.oyez.org/cases/1964/496>.

the attorney for Connecticut, Justice Black makes efforts to spare the attorney's delicate sensibilities: "Is the device which you're talking about here described in the record?....I won't ask you to describe it. [Laughter]."⁶

The Court's reliance on coyness is a symptom of its flawed logic that privacy can be both protected and policed. Innuendo and euphemism function as a mechanism of containing the potentials of explicit sexuality within the cultural imaginary of what Timothy Melley calls the covert sphere, "a cultural apparatus for resolving the internal contradictions of democracy in an age of heightened sovereignty."⁷ This mechanism relies on the implicit decency of the imaginary marital home to insulate the implications of establishing a right to privacy. If containment was a predominant metaphor for national, social, and sexual security during these years, then the symbol of the "closet" served as containment's operational sibling. Eve Kosofsky Sedgwick opens *Epistemology of the Closet* (1990)⁸ by explaining how the Oxford English Dictionary definitions of "closet" highlight the space's inherent privacy and secrecy, qualities that the strategy of containment sought to ensure. "Secrecy can function as the subversive practice in which the oppositions of private/public, inside/outside, subject/object are established, and the

⁶ Joseph B Clark, "Oral Argument—March 29-30, 1965." Oyez, *available at* <https://www.oyez.org/cases/1964/496>. During this same oral argument, the attorney for Connecticut appears to deride the entire concept of birth control devices, citing "a Boston gynecologist [who] has come up with a method of being able to pinpoint ovulation to one day in a cycle" (Clark OA). The Justices then make reference to the "rhythm system" as something that could one day be purchased (Clark OA).

⁷ Timothy Melley, *The Covert Sphere: Secrecy, Fiction, and the National Security State* (Ithaca: Cornell University Press, 2012), 5.

⁸ Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley: University of California Press, 2008).

sanctity of their first term kept inviolate,” D.A. Miller argues.⁹ Both containment and the closet mandates that subjects construct their identities along the private/inside axis on the premise that subjectivity must be protected from mandatory public disclosure. Sedgwick notes that the demarcation of homosexuality “has been impelled by the distinctively indicative relation of homosexuality to wider mappings of secrecy and disclosure, and of the private and the public, that were and are critically problematic for gender, sexual, and economic structures of the heterosexist culture at large.”¹⁰ The closet, with its “vectors of disclosure at once compulsory and forbidden,”¹¹ informs cultural narratives and political exercises of speech during the high cold war.

But the closet and its governing logic upon which the Court relied in *Griswold* resurrected outdated conceptualizations of language as necessarily implicit, a linguistic construction that governed not contemporary narratives of sexuality and privacy but rather harkened to the earlier communist witch hunts of the high cold war. During the Red and Lavender Scares of the 1950s and 1960s, witnesses before the House Committee on Un-American Activities (HUAC) were forced to confess their affiliations with subversive organizations and set the Committee on the trail of others by naming names of their associates.¹² This double act of speech and performance, of absolving one’s sins

⁹ D.A. Miller, “Secret Subjects, Open Secrets,” in *The Novel and the Police* (Berkeley, The University of California Press, 1989), 207.

¹⁰ Sedgwick, *Epistemology*, 71.

¹¹ Sedgwick, *Epistemology*, 70.

¹² “Only by a witness’s naming names and giving details, it was said, could the Committee be certain that his break with the past was genuine,” Victor Navasky claims. “The demand for names was not a quest for evidence; it was a test of character. Victor Navasky, *Naming Names* (New York: The Viking Press, 1980), ix. Earlier incarnations of the red scare in 1919 relied on the 1918 Immigration Act to establish the precedent for “guilt by association,” a powerful means of confirming an individual’s guilt not through their own actions but by the actions or statuses of their affiliates, which became the

through confession and redirection, forced witnesses implicitly to construct their own identities as loyal Americans. If association and innuendo determined guilt, then speech could render a witness innocent. However, the substantive speech was not giving a negative response to the question, “Are you or have you ever been a member of the Communist Party,” but providing a list of names to the Committee. Identity, then, was constructed through implicit language, by playing along with the Committee. While Justice William O. Douglas characterized the effect of McCarthyism and the purges as the descent of a “Black Silence of Fear,”¹³ speech suffered not from a simple chilling but rather from a complicated doubleness, characterized by innuendo and implication.¹⁴ Both

primary weapon for high cold war government purges. See Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Princeton: Princeton University Press, 1998). In March 1947, President Truman issued an executive order that reiterated the centrality of guilt by association to assessing employee loyalty: “The FBI did not have to produce evidence of illegal or even radical acts. Membership in or ‘sympathetic association’ with an organization designated as subversive on the attorney general’s list was enough to bar one from government service.” Richard H. Pells, *The Liberal Mind in a Conservative Age: American Intellectuals in the 1940s and 1950s* (New York: Harper and Row, 1985), 266-267. Five days of hearings that started on March 24, 1947, in Washington and the first Hollywood HUAC hearing on October 27, 1947, expanded the red scare beyond the purview of potential communist threats in the U.S. government to include investigation of possible subversives with another dangerous platform, the silver screen. See Thomas Doherty, *Show Trial: Hollywood, HUAC, and the Birth of the Blacklist* (New York: Columbia University Press, 2018); Reynold Humphries, *Hollywood’s Blacklist: A Political and Cultural History* (Edinburgh: Edinburgh University Press, 2010); and Larry Ceplair and Steven Englund, *The Inquisition in Hollywood: Politics and the Film Community 1930-1960* (Garden City, NY: Doubleday-Anchor, 1980). Beginning on February 28, 1950, when John Peurifoy denied that the Department of State employed communists but revealed that ninety-one homosexuals had been forced from their jobs as security risks, nearly six hundred federal employees were fired in what some journalists called the “panic on the Potomac” but politicians defended as the “purge of the perverts.” David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2004), 2.

¹³ Schrecker, *Many Are the Crimes*, 368.

¹⁴ For example, at the February 1950 congressional hearing a week after McCarthy’s inflammatory Senate speech on the red threat in the United States government, Peurifoy and his boss, Secretary of State Dean Acheson, explained the Department’s security and

innocence and guilt depended on imputation and alleged affiliation rather than explicit behavior. Speaking, then, became simultaneously compulsory and forbidden; the closet both mandates and prohibits disclosure. As such, what is private must be made explicit, but in the context of the high cold war, in which explicitness threatened the political and social order, explicitly acknowledging the private acquired political dimensions. Both containment and the closet rely on public or open secrecy, a “regime of half-knowledge” that “allows the public to know on the level of fantasy what it cannot know in an operational sense.”¹⁵

Cold war paranoia and epistemological uncertainty about domestic security generated textual strategies and maneuvers for enabling disclosure of the private without explicit acknowledgement. The *Griswold* Court adopted these strategies, but, by relying on innuendo and implication, in fact underscored in its manipulation of language the same logical impossibility that plagues the decision itself: privacy cannot exist within a surveillance state without a mechanism for policing that privacy, but once privacy becomes policed, it ceases to be private. Privacy must be free from restrictions if it is to be truly private, but making privacy’s protections explicit—making clear that the private

screening procedures with the vague reticence with which the Supreme Court discussed contraceptives in *Griswold*. Acheson noted that the Department considered, in addition to a prior history of espionage, divulging classified information, or membership in Communist or Nazi organizations, “other criteria,” including whether “the person has...any defect which would lead him into any of these difficulties” (Johnson 17). A government employee’s status as a subversive depended not necessarily on membership in a subversive organization or actual subversive acts, but rather on assumed susceptibility of subversion because of an imputed, yet not explicitly acknowledged, identity. See also Arthur Schlesinger, Jr., *The Vital Center* (1949), in which Schlesinger argued that Communist Party members interacted with each other in a manner akin to homosexual cruising.

¹⁵ Melley, *The Covert Sphere*, 8.

must remain undisclosed—in fact mandates disclosure. “Speech, like veracity, like the Soviets, like atomic power, has a dual nature, one that implicates the speaker equally with the spoken.”¹⁶ Speech itself, rather than its content, is the conflicted site upon which the cold war closet is encoded and delimited. *Who’s Afraid of Virginia Woolf?* articulates speech’s dual nature as both the mechanism of subject construction and the means of internalizing state mechanisms of surveillance. George and Martha’s marital discord demonstrates the tenuousness of *Griswold*’s governing logic while explicitly interrogating the case’s central concerns with privacy and sexuality. In 1962, then, when Albee’s play was first staged, cultural narratives had already accepted sexual containment as untenable and the marital home as an unstable container for privacy, three years before *Griswold* revived the outdated logic as legal doctrine.

Virginia Woolf’s central conflict revolves around the volatility of containment’s reliance on implicitness. Albee underscores the risk of speaking plainly with the play’s opening line. As he enters the home, George says, “...Shhhhhh....”¹⁷ Ellipses, long silences, and unfinished sentences abound in the play, as if the characters cannot, or dare not, speak unhesitatingly. Martha admonishes George: “You didn’t *do* anything; you never *do* anything; you never *mix*. You just sit around and *talk*” [emphasis original].¹⁸ George, in turn, accuses Martha of being “a devil with language.”¹⁹ The dangerous potential of speaking what should remain unsaid, then, hovers at the boundaries of George and Martha’s evening with Nick and Honey. George routinely draws attention to

¹⁶ Alan Nadel, *Containment Culture: American Narratives, Postmodernism, and the Atomic Age* (Durham: Duke University Press, 1995), 71.

¹⁷ Albee, *Virginia Woolf*, 3.

¹⁸ Albee, *Virginia Woolf*, 8.

¹⁹ Albee, *Virginia Woolf*, 21.

his self-censorship, referring to the bathroom as the “euphemism”²⁰ and admitting that when he referred to Martha’s father’s “staff” he “was going to use another word.”²¹ George implies that speech itself can be a dangerous game when he concludes the story of the boy who accidentally killed his parents, “And I’m told that for these thirty years he has...not...uttered...one...sound.”²²

Individual subjectivities depend upon rigorous adherence to the speech-governing rules that require both disclosure and secrecy. George and Martha use games and wordplay as a mechanism for enabling explicit speech that is nevertheless bound to fail. Their games regulate roles and structure their interactions with Nick and Honey, enabling the players to express themselves while maintaining the plausible deniability that the game affords them. While explicit, therefore, speech in the game is not actually free. If disclosures spoken during the game comply with the rules, they are not explicit, and if they disclose truths that exceed the parameters of the game, they have broken the rules. George and Martha constantly name, and thus create, the rules of the games by which they navigate their tragicomic evening with Nick and Honey, thereby subordinating the couples to the rules they create. Games that mandate disclosure of intimate marital details allow the couples to police each other, with the games themselves functioning as privileged domestic security mechanisms for containment. Humiliate the Host and Get the Guests, intended to provide context and, as George perhaps hopes, limits for the disclosures that Martha, Nick, and Honey may make, serve only to highlight the dubious authority upon which the play’s controlling game, Bringing Up Baby, relies. These are

²⁰ Albee, *Virginia Woolf*, 30.

²¹ Albee, *Virginia Woolf*, 43.

²² Albee, *Virginia Woolf*, 107.

games of open secrets, but according to the games' rules, a secret cannot be open and what is open is no longer a secret. When Nick exclaims, "Hell, I don't know when you people are lying, or what," Martha retorts, "You're damned right," and George adds, "You're not supposed to."²³ The point of the game, then, is to make the truth indistinguishable from a lie. But Nick's reluctance to play Get the Guests and his subsequent irate defiance exemplify the tenuousness of the game's insulation. The games' revelations shatter any illusion of either couples' marital harmony, ultimately showing the marital home as an insufficient container for the individual subjects confined by it.

Innuendo and euphemism are integral to sustaining the assumed decency of the imaginary middle-class home. Albee's drama hinges on the ultimate revelation that George and Martha, for twenty years, have invented an imaginary son to compensate for their infertility. This lie supports their entire marriage, yet the lie can only be sustained if George and Martha never publicly disclose it. As such, speaking frankly or explicitly poses a direct threat to the sanctity of the marital home, for once made explicit, the private becomes open to scrutiny it is unable to withstand. "[T]he phenomenon of the 'open secret' does not, as one might think, bring about the collapse of those binarisms and their ideological effects," Miller argues, "but rather attests to their fantasmatic recovery."²⁴ Words and speech expose that which must never be exposed—that George and Martha have no child—and exposure itself destroys its own object. By speaking about their son to Honey, Martha has in effect "killed" her child. Her words have

²³ Albee, *Virginia Woolf*, 211.

²⁴ Miller, "Secret Subjects," 207.

dismantled the nuclear family she has invented with George, revealing that this family was always imagined. George implicitly invokes the political dimensions of speech as a threat to national and domestic security when he refers to Martha's disclosure as her having "sprung a leak."²⁵ The shared illusion of their son works (as fragilely as it does) only because they avoid vocalizing the truth. Substitution and intimation, then, are the governing mechanisms of George and Martha's marriage, without which it could not be preserved. The play's title, with its dual reference to author Virginia Woolf and the Walt Disney song "Who's Afraid of the Big Bad Wolf," asks "who's afraid of living life without false illusions," as Albee stated in a 1966 interview.²⁶ Before she admits in her final line that she is afraid of Virginia Woolf, Martha pleads with George, "Truth and illusion, George; you don't know the difference," to which George replies, "No, but we must carry on as though we did."²⁷ The play leaves George, Martha, and the audience wondering if carrying on is possible once the games end and the line between truth and illusion is revealed. Martha's final words, punctuated by hesitant ellipses, confirm the couple's fear of living without their enabling rules, and the play ends in silence: "I...am...George...I...am...." [George nods, slowly] [Silence; tableau]."²⁸ The imperative to talk, then, is itself all talk. It is an empty promise that, by designating certain private acts as unpoliceable, the individual actor will be insulated from public scrutiny. If cold war speech relied on strategies of euphemism and vagueness to construct

²⁵ Albee, *Virginia Woolf*, 91.

²⁶ William Flanagan, "The Art of the Theater No. Edward Albee," *The Paris Review*, 4.39 (1966), 12.

²⁷ Albee, *Virginia Woolf*, 214.

²⁸ Albee, *Virginia Woolf*, 256-257.

subjectivity through implication, *Virginia Woolf* underscores the precarity of such implicitness as a mechanism for governing speech and sexuality.

3.2 *Eisenstadt v. Baird*, the Shift to Explicit Speech, and Containment's Collapse in *The War Between the Tates* (1974)

Cultural texts like *Virginia Woolf* navigate space's failure as a policeable container for privacy and expression and its replacement with rules-based regulations in the years between *Griswold* and *Eisenstadt*, making *Griswold*'s reliance on containment even less socially relevant. The sexual revolution of the 1960s and 1970s enabled new experimentation with and openness about sex, in large part thanks to the widespread availability of contraceptives. And while this experimentation took myriad forms, the revolution underscores a central point—that marriage proves an untenable and problematic parameter for distinguishing between sanctioned and unsanctioned behavior. In particular, texts depicting sexual swinging or couple swapping exemplify the logical impossibility of containing sexuality within heteronormative, monogamous marriage. More so than divorce, premarital sex, or free love, swinging as a narrative subject demonstrates marriage's tenuousness, as the couples involved simultaneously preserve their marriages and enjoy sexual freedom outside their legal relationships. For example, John Updike's *Couples* (1968)²⁹ and Paul Mazursky's film *Bob & Carol & Ted & Alice* (1969)³⁰ make legible the ramifications of an implicit, or covert, construction of privacy that relies on the containment logic of the marital home's security and decency. The ten

²⁹ John Updike *Couples* (New York: Random House, 1968, 2012).

³⁰ *Bob & Carol & Ted & Alice*, directed by Paul Mazursky (1969; Culver City, CA: Columbia Pictures).

couples in Updike's novel routinely engage in extramarital affairs with each other, with the result that their private sexual lives become "open secrets" about which everyone knows. The swinging couples discover, however, that "much of what they took to be morality proved to be merely consciousness of the other couples watching them."³¹ It is not the implicit morality of marriage that contains the couples' sexual experimentation—it is surveillance. The couple swapping at the heart of Mazursky's film similarly depends upon their sexual "freedom" remaining unspoken. The eponymous couples ultimately fail to consummate their sexual desires at the exact moment when they explicitly agree to swap. Their intimacy hinges on a moment of silence at the film's conclusion, as the couples make silent eye contact with each other and the crowd around them while Jackie DeShannon croons "What the World Needs Now is Love." The relationship between marriage and privacy breaks down, then, because what should remain private—sex—cannot adequately be contained by marriage.

If marriage fails either to contain or to regulate sex, how can or should sex be policed? In 1972, the Supreme Court issued another decision in a criminal suit involving the unlawful provision of contraception. *Eisenstadt v. Baird* enabled the Court to address explicitly what it had dealt with implicitly in *Griswold*, clarify its rules for policing the right to privacy, and, perhaps most significantly, make legally legible broader cultural attitudes about sex. *Eisenstadt*, in its arguments even more than its decision, reframes the policing of privacy, and indeed the very notion of privacy itself, in ways consistent with the contradictions with which cultural products of the late 1960s and early 1970s are concerned. As such, it is both symptomatic of a shift in cultural narratives toward

³¹ Updike, *Couples*, 192.

explicitness in discussing sex and privacy and performative, in that the Court used explicit language to effectuate a change in policing and jurisprudence that alters social practices. It marks the Court's first attempt to contend with containment's failure and articulate a regulatory mechanism for surveilling uncontained sex.

Eisenstadt appellee William Baird was a reproductive rights advocate who had been jailed eight times in five states during the 1960s for lecturing on birth control and abortion and for distributing Emko vaginal foam samples at malls and public events. In 1967, students at Boston University invited Baird to deliver a lecture on campus challenging Massachusetts's law prohibiting the provision of contraceptives to unmarried persons.³² On April 6, 1967, Baird gave his lecture in the presence of police who had been dispatched to monitor his appearance. He displayed condoms, over-the-counter vaginal foam, and other contraceptive devices during his lecture and invited students to handle the materials following his talk. When Baird handed a can of vaginal foam to a female college student during this informal hands-on session, the officers immediately

³² Massachusetts General Laws Section 21 provided a maximum five-year imprisonment for "whoever...gives away...any drug, medicine, instrument, or article whatever for the prevention of contraception." *Eisenstadt*, 441. Section 21 also forbids the same of "other articles intended to be used for self-abuse" and forbids individuals from providing articles "for the prevention of conception of or for causing unlawful abortion, or [from] advertis[ing] the same, or writ[ing], print[ing], or caus[ing] to be written or printed a card, circular, book, pamphlet, advertisement, or notice of any kind." *Eisenstadt*, 441. Furthermore, Section 21 also prohibited information about "when, where, how, of whom, or by what means such articles can be purchased or obtained, or manufacturers or makers [of] any such article." *Eisenstadt*, 441. Section 21A states, "A registered physician may administer to or prescribe for any married person drugs or articles intended for the prevention of pregnancy or contraception. [And a] registered pharmacist actually engaged in the business of pharmacy may furnish such drugs or articles to any married person presenting a prescription from a registered physician." *Eisenstadt*, 441. This covered public health agencies, registered nurses, and maternity health clinics operated by or in accredited hospitals, although it explicitly prohibited the use of vending machines for contraceptives. *Eisenstadt*, 441.

arrested him for violating the Massachusetts statute.³³ He was convicted on two counts: first, for exhibiting contraceptive articles during his lecture, and second, for giving an unmarried woman the Emko foam at the close of the address.³⁴

The Court, however, held that the Massachusetts statute violated the Equal Protection Clause of the Fourteenth Amendment because it provided dissimilar treatment for married and unmarried persons. Under *Griswold*, Massachusetts was required to allow married couples access to contraceptives devices. The Court, expanding its prior ruling, held that the right to contraceptives, as a component of the right to privacy, must be the same for married and unmarried persons because “the constitutionally protected right of privacy inheres in the individual, not the marital couple, and a prohibition limited to unmarried persons would be underinclusive and invidiously discriminatory.”³⁵ The question hinged, Justice William J. Brennan wrote in the majority decision, on “whether

³³ *Eisenstadt*, 440.

³⁴ *Eisenstadt*, 440. The Supreme Judicial Court of Massachusetts unanimously set aside the conviction for exhibiting the contraceptive articles on the ground that it violated Baird’s First Amendment rights, but it sustained his conviction for giving away the foam under Section 21 of its General Laws by a four-to-three vote. *Eisenstadt*, 440. The Supreme Court notes that the Court of Appeals describes the recipient of the foam as “an unmarried adult woman,” but it recognizes that the state provided no evidence about the woman’s marital status. *Eisenstadt*, 442. Baird’s conviction, then, rests on the fact that he distributed the foam despite not being a registered physician, pharmacist, or any of the other covered classes described in Section 21A.

³⁵ *Eisenstadt*, 440. The Court invalidated each of Massachusetts’s proposed justifications for its statute. First, the deterrence of fornication, which under Massachusetts law was a 90-day misdemeanor, could not reasonably be regarded as the purpose of the statute because the anti-contraceptive statute was riddled with exceptions that made contraceptives freely available for use in premarital sexual relations, and the law’s scope and penalty structure were inconsistent with the purpose of preventing fornication (*Eisenstadt* 443). Furthermore, the Court rejected the state’s argument that it was protecting public health because, if health were the rationale, the statute would be both discriminatory and overbroad. Furthermore, federal and state laws already regulated the distribution of drugs unsafe for use except under the supervision of a licensed physician (*Eisenstadt* 450).

there is some ground of difference that rationally explains the different treatment accorded married and unmarried persons.”³⁶ The Court looked to its 1971 decision in *Reed v. Reed*,³⁷ a landmark decision in which the Court ruled for the first time that the Equal Protection Clause of the Fourteenth Amendment prohibited differential treatment based on sex, where the Court stated, “[T]he Fourteenth Amendment does not deny to States the power to treat different classes of persons in different ways....The Equal Protection Clause of that amendment does, however, deny to states the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute.”³⁸ The *Eisenstadt* Court thus found the statute’s implication that “the same physician who can prescribe for married patients does not have sufficient skill to protect the health of patients who lack a marriage certificate...illogical to the point of irrationality.”³⁹

However, the majority decision in *Eisenstadt* went beyond this baseline requirement when Justice Brennan further argued:

It is true that in *Griswold* the right of privacy in question inhered in the marital relationship. Yet the marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals each with a separate intellectual and emotional makeup. If the right of privacy means anything, it is the right of the *individual*, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child [emphasis original].⁴⁰

³⁶ *Eisenstadt*, 447.

³⁷ *Reed v. Reed*, 404 U.S. 71 (1971).

³⁸ *Eisenstadt*, 446-447.

³⁹ *Eisenstadt*, 451.

⁴⁰ *Eisenstadt*, 453. Brennan relied on two prior majority decisions in shifting the right to privacy toward individuals: *Stanley v. Georgia*, 394 U.S. 557 (1969) (“[A]lso fundamental is the right to be free, except in very limited circumstances, from unwanted governmental intrusions into one’s privacy....[The Framers] sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations”) and *Olmstead v.*

Because *Eisenstadt* relies so heavily on its earlier precedent, it is commonly cited as a footnote to *Griswold*. However, it represents a fundamental shift in the way the Court conceptualizes subjectivity because it shifts the right to privacy from a place—the marital home—to a legal human subject. Although the Court composition remained largely the same, the justices in *Eisenstadt* seem to have replaced the midcentury ideals that they had articulated just seven years earlier with an explicitly individualistic conception of privacy.

Brennan’s majority decision not only expands an unarticulated right, but also takes a step toward a new sexual regime. “*Eisenstadt* is usually treated as nothing more than an afterthought to *Griswold*,” pundit David Frum notes, “but it is in fact the most radical and portentous case of the sexual revolution.”⁴¹ Between *Griswold* and *Eisenstadt*, 1960s and 1970s counterculture made significant headway in challenging midcentury sexual norms; openness to sexual experimentation, including group sex, public sex, homosexuality, free love, and open relationships, proved among one of the most enduring legacies of the decades. Books such as William Masters and Virginia

United States (1928) (“...the right to be let alone—the most comprehensive of rights and the right most valued by civilized man”). *Eisenstadt*, 453-454. He also cited Justice Jackson’s concurrence in the 1949 case *Railway Express Agency v. New York*, 336 U.S. 106 (1949): “[T]here is no more effective practical guaranty against arbitrary and unreasonable government than to require that the principles of law which officials would impose upon a minority must be imposed generally....Courts can take no better measure to assure that laws will be just than to require that laws be equal in operation.” *Eisenstadt*, 454. Note that all three of these cases rested on the First Amendment protection of freedom of speech (obscenity laws, wiretapping, and commercial advertising respectively).

⁴¹ David Frum, *How We Got Here: The 70s: The Decade that Brought You Modern Life (For Better or Worse)* (New York: Basic Books, 2000), 94. We should consider, given David Frum’s political leanings, whether he intends this assessment positively or negatively.

Johnson's *Human Sexual Response* (1966),⁴² David Reuben's *Everything You Always Wanted to Know About Sex (But Were Afraid to Ask)* (1969),⁴³ the Boston Women's Health Book Collective's *Women and Their Bodies* (later reprinted as *Our Bodies, Ourselves*) (1970),⁴⁴ and Alex Comfort's *The Joy of Sex* (1972)⁴⁵ openly addressed previously undiscussed sexual practices. Second-wave feminism and women's involvement in antiwar activism also contributed to shifting ideas about sex, gender, and normative sexuality. Antiwar activism in part depended upon changing attitudes toward sex, often incorporating the language of sexuality directly into its tactics, from a poster of Joan Baez with the slogan "Girls Say Yes to Boys to Who Say No" to Abbie Hoffman and his wife donning Uncle Sam hats and having sex in front of National Guardsmen at the October 1967 protest at the Lincoln Memorial.⁴⁶ Eisenstadt acknowledges the

⁴² William H. Masters and Virginia E. Johnson, *Human Sexual Response* (New York City: Bantam Books, 1966).

⁴³ David Reuben, *Everything You Always Wanted to Know About Sex (But Were Afraid to Ask)* (New York City: Bantam Books, 1969).

⁴⁴ Boston Women's Health Book Collective, *Women and Their Bodies* (Boston: New England Free Press, 1970).

⁴⁵ Alex Comfort, *The Joy of Sex* (New York City: Crown Publishing Group, 1972).

⁴⁶ See Amy Scott, "Patriots for Peace: People-to-People Diplomacy and the Anti-War Movement," in *America and the Vietnam War: Re-Examining the Culture and History of a Generation*, ed. Andrew Wiest (London: Taylor and Francis Group, 2009), 125. Other examples on display during the October 21-22 1967 march on the Pentagon included signs proclaiming "LBJ SUCKS" and "LBJ PULL OUT LIKE YOUR FATHER SHOULD HAVE DONE." Joseph A. Fry, "Unpopular Messengers: Student Opposition to the Vietnam War." *The War That Never Ends: New Perspectives on the Vietnam War*, ed. David L. Anderson and John Ernst (Lexington, KY: University Press of Kentucky, 2007): 231. Of course, this kind of sexual rhetoric worked in the other direction as well. During the early days of Johnson's bombing campaign, he explained to journalists that gradual US bombing was "seduction, not rape." Christian G. Appy, *American Reckoning: The Vietnam War and Our National Identity* (New York: Viking Press, 2015), 163. He later described his approach to Senator George McGovern, "I'm going up her leg an inch at a time....I'll get to the snatch before they know what's happening. Appy, *American Reckoning*, 163. J. Edgar Hoover derided young women activists by describing a female victim at Kent State as having been "sleeping around," arguing that she was "nothing

centrality of women to contraceptive case law in a way that is noticeably absent from *Griswold*. For example, the Court admits, “To say that contraceptives are immoral as such, and are to be forbidden to unmarried persons who will nevertheless persist in having intercourse, means that such persons must risk for themselves an unwanted pregnancy, for the child, illegitimacy, and for society, a possible obligation of support.”⁴⁷ If “*Griswold* was a case about *marriage*...the intimate lives of married couples,” then, as Frum argues, “*Eisenstadt* was a case about sex. The intimate lives of individuals, Justice Brennan held, must also be exempted from scrutiny, not out of deference to marriage, but out of deference to the importance and sacredness of sexuality.”⁴⁸

The Court’s rhetoric and forthright language in *Eisenstadt* also differs drastically from the reticence and anxiety of *Griswold*. Compared with *Griswold*’s squeamishness, *Eisenstadt* reads much more explicitly. On the first page of the decision, the Court specifically lists Emko vaginal foam as the illegal substance in question, then proceeds to repeat the phrase “vaginal foam” ad nauseum in the majority decision and its attendant concurrences and dissents. Justice Douglas’s concurrence in particular abounds with overt reference to the foam,⁴⁹ while in his concurrence Justice White compares vaginal foam with other contraceptive devices that require a physician’s prescription and

more than a whore” anyway. Tom Wells, *The War Within: America’s Battle Over Vietnam* (Open Road Distribution, 2016), 422.

⁴⁷ *Eisenstadt*, 452-453.

⁴⁸ Frum, *How We Got Here*, 94-95.

⁴⁹ Proving once again to be the Supreme Court’s resident oddball, Douglas makes the following analogy: “A person giving a lecture on coyote-getters would certainly improve his teaching technique if he passed one out to the audience; and he would be protected in doing so unless of course the device was loaded and ready to explode, killing or injuring people. The same holds true in my mind for mouse-traps, spray guns, or any other article not dangerous *per se* on which speakers give educational lectures” (*Eisenstadt* 459).

enumerates its functions, benefits, and risks.⁵⁰ Joseph R. Nolan’s oral arguments for Massachusetts repeatedly reference “the can of Emko,”⁵¹ while Joseph D. Tydings for Baird adds to the conversation condoms and “vagina jellies.”⁵² *Eisenstadt*, then, concretizes at the highest court of the land the newfound outspokenness and frankness about human sexuality, an indicator of larger cultural shifts toward explicit conversations about sex.

But the Court’s reliance on rule-governed regimes to regulate privacy overlooks a logical impossibility: what is explicit cannot be private, for by making the private explicit, it is no longer private. This logical impossibility of making privacy explicit, thereby both reifying and neutralizing it as an individual right, informs cultural texts in ways both tragic and comic—or, in the case of Carolyn Heilbrun’s *The Theban Mysteries* (1971),⁵³ in which a society matron literally dies after hearing her daughter reveal their family drama during an informal group therapy session, a little of both. Films such as Woody Allen’s 1972 film adaptation of David Reuben’s wildly popular *Everything You Always Wanted to Know About Sex* (*But Were Afraid to Ask)*⁵⁴ satirizes the inexact borders between the implicit and the explicit and the indeterminate nature of the authority that defines such borders. The vignette “What Are Sex Perverts” in particular jests at the relationship between privacy and disclosure, as four panelists on a *What’s My Line*-style

⁵⁰ *Eisenstadt*, 460.

⁵¹ Joseph R. Nolan “Oral Argument—November 17-18, 1971.” Oyez, available at <https://www.oyez.org/cases/1971/70-17>.

⁵² Joseph D. Tydings, “Oral Argument—November 17-18, 1971.” Oyez, available at <https://www.oyez.org/cases/1971/70-17>.

⁵³ Carolyn Heilbrun (as Amanda Cross), *The Theban Mysteries* (Greenwich, CT: Fawcett Publications, 1971, 2001).

⁵⁴ *Everything You Always Wanted to Know About Sex* (*But Were Afraid to Ask)*, directed by Woody Allen (1972; Beverly Hills, CA: United Artists).

game show titled *What's My Perversion* attempt to guess the contestant's paraphilia—which is ultimately revealed to be liking to expose himself on subways. Similarly, protagonist Gina (Louise Lasser) in “Why Do Some Women Have Trouble Reaching an Orgasm” can only reach sexual climax in public.

Furthermore, while the Court relied on explicit tests to regulate explicit sex, contemporary cultural texts experimented with the boundaries of these rules by engaging in outright obscenity. Novels like Philip Roth's *Portnoy's Complaint* (1969)⁵⁵ and its (in)famous masturbation sequences, *Naked Came the Stranger* (1969)⁵⁶ by fictional composite “Penelope Ashe” and its parodical critique of increasingly vulgar representations of sex in American literature, and Updike's unceremoniously titled poem “Cunts” (1974)⁵⁷ gesture toward larger cultural rejections of rule-governed speech to regulate sex. In the 1970s, debates abounded concerning the government's role in enabling explicitly sexual speech, with Erica Jong's *Fear of Flying* (1973)⁵⁸ and the National Endowment for the Arts grant that funded it exemplifying that conflict. The proper audience for explicitness became a topic for controversy with Judy Blume's young adult novel *Forever* (1975).⁵⁹ In light of the replacement of the Hollywood Code with the MPAA Ratings system in 1968, films such as *Deep Throat* (1972)⁶⁰ and *The Devil in Miss Jones* (1973)⁶¹ heralded upper-middle class and serious critical interest in “porno

⁵⁵ Philip Roth, *Portnoy's Complaint* (New York: Random House, 1969).

⁵⁶ Mike McGrady et al, *Naked Came the Stranger* (New York: Lyle Stuart, Inc., 1969).

⁵⁷ John Updike, “Cunts,” *The New York Quarterly*, 15 (1973): 63-65.

⁵⁸ Erica Jong, *Fear of Flying* (New York: Holt, Rinehart and Winston, 1973).

⁵⁹ Judy Blume, *Forever* (New York: Bradbury Press, 1975).

⁶⁰ *Deep Throat*, directed by Gerard Damaino (1972; Memphis, TN: Bryanston Distributing Company).

⁶¹ *The Devil in Miss Jones*, directed by Gerard Damaino (1973; Las Vegas, NV: VCX Lts. And MB Productions).

chic.”⁶² And theatrical performances of *Hair* (1968) and *O Calcutta!* (1969) featured entirely nude casts.⁶³ Such works rendered their predecessors almost quaint in their hesitation to explore explicitness explicitly. In a cultural milieu in which Portnoy masturbates with his family’s dinner entrée, how could a writer continue to question the rules governing sexual speech when so much speech was now acceptable?

Alison Lurie approaches the dubious logic whereby speech and sex can simultaneously be free and governable by turning attention to generational attitudes toward both in her 1974 novel *The War Between the Tates*.⁶⁴ Lurie recalls the tumultuous upheavals of the late 1960s from the vantage point of the mid-1970s and contrasts the contemporary norms regarding sex and speech with the obsolete norms of containment culture by using the college campus—in this case, a barely-fictionalized Cornell University—as a battleground for the melodramatic clash of generations. When former children’s book author Erica discovers that her husband Brian, a political science professor, has been having an affair with psychology graduate student Wendy Gahagan, their moderate liberal utopia in the college town of Corinth begins to come apart. Motivated largely by his increasingly horrible teenage children, Jeffrey and Matilda, and the sense that his career has flatlined, Brian commences his affair with Wendy as a means of satisfying his unfulfilled sexual desires, establishing himself as the impressive figure of authority he no longer represents in his department and infiltrating Corinth

⁶² See Linda Williams, *Hard Core: Power, Pleasure, and the Frenzy of the Visible* (Berkeley: University of California Press, 1989). and Linda Williams, *Screening Sex* (Durham: Duke University Press, 2008).

⁶³ See Eric Schaefer, ed, *Sex Scene: Media and the Sexual Revolution* (Durham: Duke University Press, 2014).

⁶⁴ Alison Lurie, *The War Between the Tates* (New York City: Random House, 1974).

University's increasingly incomprehensible youth culture. Erica, resentful that Brian has turned her into a bitter spurned wife, rekindles a college friendship with Sandy Finkelstein, who has recently returned to Corinth under the name Zed to open the Krishna Bookshop. Sandy provides for Erica the same insight into an entirely foreign counterculture that Wendy provides Brian, complete with drug trips and sexual disappointments. After over a year of separation and the failures of their respective affairs, Brian and Erica reunite at Corinth's Peace March on the Vietnam Moratorium Day in October 1969 and decide to revive their marriage out of habit, exhaustion, and a realization that they cannot adjust to the brave new world that their hippie lovers represent.

Lurie depicts the widening chasm between implicitness and explicitness along generational lines, allegorizing the slow death of old-school liberalism and its attendant values as the breakdown of a middle-aged marriage. The novel satirizes the weaknesses of moderate liberalism by equating private subjectivity and public life "to suggest the weakness of the Tates' atomistic and essentially elitist view of life."⁶⁵ The titular "war" between Brian and Erica catapults the Tates into a larger confrontation between their Old Liberal intellectual values and radical student counterculture, signaling the dissolution of both the Tates' marital harmony and their governing ideals. This dissolution begins at the Tate family home, a reconverted farmhouse that sits beside a lot where a legion of identical suburban ranch houses are being constructed, and gradually seeps beyond its confining walls to the wider battlegrounds of Corinth. Lurie describes the elder and

⁶⁵ Michael S. Helfand, "The Dialectic of Self and Community in Alison Lurie's *The War Between the Tates*," *Perspectives on Contemporary Literature*, 3.2 (1977): 65.

younger Tates as opposing parties in an epic ideological struggle, one which, like the high cold war that Brian studies, simmers with constant hostilities without, as of yet, erupting into full-scale war. The constant conflicts between Brian and Erica and their children extend beyond intrafamilial teenage disrespect to incorporate clashes over popular culture—Jeffrey is a devotee of *Plastic Man* comic books and Matilda worships the Rolling Stones—and radical political ideologies that have become ingrained into that culture: “Brian and Erica have a reputation to uphold. For many years they have been generally regarded, and have regarded themselves, as democratic, peace- and freedom-loving persons, devoted to decent humanitarian goals.”⁶⁶ (97). The elder Tates’ intellectual liberalism, however, is an insufficient weapon against their more radical children:

Jeffrey and Matilda, on the other hand, do not have to worry about public opinion. They know they are right. They know that any belligerent action they might take will be applauded by their contemporaries, some of whom have already gone even further in terms of overt hostility. The magazines they read, the songs they hear, their whole culture supports them. Even on the enemy side there are many who dare to take their part, repudiating natural adult allegiances in the cause of revolution and truth.⁶⁷

Corinth, as a college town, stands as a microcosm that exposes in sharper relief the increasing untenability—indeed, unwelcomeness—of Brian and Erica’s antiquated brand of liberalism. Brian commences his affair with Wendy because he values “the news Wendy brought of the ‘youth scene.’”⁶⁸ Describing himself as “like a Chinaman in New York,”⁶⁹ Brian finds himself increasingly unable to understand and relate to the students

⁶⁶ Lurie, *War*, 97.

⁶⁷ Lurie, *War*, 97-98.

⁶⁸ Lurie, *War*, 37.

⁶⁹ Lurie, *War*, 37.

who give both the university and the town of Corinth its *raison d'être*. He characterizes the “youth scene” in terms of its unintelligibility, such that it has begun to transform Corinth into someplace foreign where he does not belong:

Brian had known for some time that he and his colleagues were not living in the America they had grown up in; it was only recently though that he had realized they were also not living in present-day America, but in another country or city-state with somewhat different characteristics. The important fact about this state, which can for convenience's sake be called “University,” is that the great majority of its populace is aged eighteen to twenty-two. Naturally the physical appearance, interests, activities, preferences, and prejudices of this majority are the norm in University. Cultural and political life is geared to their standards, and any deviation from them is a social handicap. Brian had started life as a member of the dominant class in America, and for years had taken this position for granted. Now, in University, he finally has the experience of being among a depressed minority.⁷⁰

As a Corinth professor, Brian expects to occupy a high position within his social milieu, for this is the hierarchy of academia as he has always known it. Because Corinth is a college town and the demographics and political philosophies of college students are shifting so radically that he finds himself declining in popular regard. Furthermore, “he can see quite well that the ‘real world’ is growing to resemble University more every year, as the youth culture becomes more dominant.”⁷¹ As Brian becomes “aware that all he has to look forward to is the prospect of joining the most depressed minority group of all, the Old,”⁷² Erica expresses a similar generational malaise, motivated by specifically gendered insecurities about her aging body and declining sexual prowess. On the same day that she observes “[a] woman whom she scarcely recognizes” in the mirror, she tells

⁷⁰ Lurie, *War*, 37.

⁷¹ Lurie, *War*, 37.

⁷² Lurie, *War*, 37.

her friend Danielle, “I don’t care about rock festivals or student revolutions or going to the moon. I feel like an exhausted time traveler. All these new developments they have, maybe they’re interesting or depressing or amazing, but they have nothing to do with real life.”⁷³ She concludes, “[E]verything’s changed, and I’m too tired to learn the new rules. I don’t care about nineteen sixty-nine at all.”⁷⁴ Brian’s affair with Wendy, who leaves him to “live[] completely in the Now,”⁷⁵ and Erica’s dalliance with Zed, whose political and spiritual alignment with youth culture renders him ageless—“Man, he could be anything; he could be maybe thirty, or he could be really old, like even sixty”⁷⁶—are ultimately unsustainable because neither Tate can acclimate to the political and cultural divide.

The Tates’ generational and ideological struggles become apparent at the level of language. Brian and Erica speak in euphemisms, metaphors, and illusions, and it is precisely their linguistic slipperiness that renders them so ill-equipped to contend with the new generation. They not only adhere to poorly aging social values concerning sex and speech, but also remain reticent to express those values plainly. Their polite manner of expressing themselves, so easily overpowered by the brash voices of their children, mirrors their values of respectability and a fragile form of peace that, like with George and Martha in *Virginia Woolf*, depends on certain subjects remaining unspoken. Erica blames the family farmhouse for both muffling her voice and amplifying those of her children; she complains that “[t]here is no one to hear her” while lamenting that the

⁷³ Lurie, *War*, 238.

⁷⁴ Lurie, *War*, 240.

⁷⁵ Lurie, *War*, 355.

⁷⁶ Lurie, *War*, 63.

“acoustical permeability of this old house meant she could always hear Muffy or Jeffo.”⁷⁷

As the children have aged, they have become divorced from the nuclear family ideal that they represented: “Though they considered themselves agnostics, during the course of their marriage, the Tates had worshipped several gods, of whom the most prominent were The Children.”⁷⁸ And the Tates’ loss of the Children-as-concept hinges on the children-as-reality’s increasingly uncontainable voices. The house itself, designed with a mother who needs to hear her young children at all times in mind, now mocks Erica by silencing her and intensifying the children at precisely their stage of development when Erica wishes not to hear them.

Speech, specifically explicit speech, constitutes a major source of alienation from the younger generation and their values—not only with respect to what is said, but also regarding who says what to whom and when. To Erica, language should be inoffensive and unassuming. She bitterly remembers her single working mother as “a remarkable woman—meaning among other things one about whom remarks are made.”⁷⁹ She wishes neither to be this kind of remarkable woman nor to raise children who make remarks. Yet Jeffrey and Matilda tell their parents to “fuck off” regularly, and Matilda’s Rolling Stones lyrics are somehow both incomprehensible and obviously obscene to Brian. Erica notes with disdain the linguistic slippages that her newly single friend, Danielle Zimmern, adopts after she begins teaching at the university: “‘That’s slick.’ When alone, Danielle and Erica use the language of their college years; the once enthusiastic phrases have become a sort of ironic shorthand.... ‘Yeah, man.’ Among the old slang, Danielle, since

⁷⁷ Lurie, *War*, 5.

⁷⁸ Lurie, *War*, 78.

⁷⁹ Lurie, *War*, 24.

she started teaching, mixes that of the present generation.”⁸⁰ Sexual explicitness in particular unsettles Erica. Wendy speaks of sex with a frankness that both eludes and disgusts Erica, but Wendy’s “lack of social shame, her lack of emotional and physical shame, gave her a tremendous advantage in the wars of love.”⁸¹ Erica and Brian’s sexual incompatibility, however, depends largely on her unwillingness to be explicit; she calls Brian’s penis “that thing,” or, when she feels particularly affectionate, “it” or “he.” Brian berates her verbal modesty: “‘My cock, my prick, my penis for God’s sake,’ he had shouted at her once. ‘Can’t you call it by its right name?’ No, she couldn’t. She didn’t like any of those words; she never thought them in her mind and she couldn’t say them.”⁸² To Wendy, Zed, and the Tate children, however, calling something by its right name is a source of freedom, as evidenced by a poster in the Krishna Bookshop that declares, “IF THE WAY CANNOT BE EXPRESSED IN WORDS, IT IS NOT THE TRUE WAY.”⁸³

The Tates’ inability to speak explicitly greatly hinders their ability to relate not only to youth, but also to members of their own generation. After Brian leaves Erica and his affair with Wendy becomes public knowledge, he speaks of his awkward sexual freedom not in words but in vague visual signifiers: he grows a set of “devious” sideburns, an “announcement to the whole world that Professor Tate wishes now to appear younger, and less serious—to be seen as a ‘swinger.’” To Erica, the message is as

⁸⁰ Lurie, *War*, 14.

⁸¹ Lurie, *War*, 59.

⁸² Lurie, *War*, 69.

⁸³ Lurie, *War*, 111.

plain as if her husband had been branded across the face: ADULTERER.”⁸⁴ Erica befriends a group of feminists whom she calls “the Hens,” and while she commiserates with them about men’s general nastiness, her primary qualm with them is their uncouth language: “Another deeply unpleasant male characteristic many of the Hens display, and which more than anything else has made Erica determined not to meet with them again, is the same coarseness of speech that Brian observed in his hate mail. They use the sort of language she abhors in her children, but in an even worse way.”⁸⁵ Even beyond the “fucks” and the “ass-kissing,” however, Erica despises the Hens’ openness in discussing sex: “...far worse to hear educated women use these adjectives as verbs to describe actual occurrences—to listen while they speak in clinical detail of matters which should remain private.”⁸⁶ She regards such language and sexual explicitness to be an unnecessary, and indeed dangerous, break with the past: “[I]n refusing to be ladies, they are throwing away their best, and perhaps their only defense against the natural selfish brutishness of men. Impulsively and foolishly, they are abandoning the elaborate system of fortifications which was built up and maintained by their mothers and grandmothers over centuries.”⁸⁷ The Tates’ social circle adheres to a different governing logic whereby sensitive or potentially scandalous topics should be discussed in private, if at all. At a cocktail party, Erica’s lawyer refuses to speak with Brian’s attorney about the Tates’ divorce settlement because ““I couldn’t ask him now....This is a social occasion.””⁸⁸ So inappropriate is

⁸⁴ Lurie, *War*, 120.

⁸⁵ Lurie, *War*, 232.

⁸⁶ Lurie, *War*, 232.

⁸⁷ Lurie, *War*, 232.

⁸⁸ Lurie, *War*, 269.

Erica's request that the attorney "gives Erica a smile of maternal disapproval mixed with pity, as if she were a child who wanted to bring up some silly old quarrel at a party."⁸⁹

Explicitness exists within the realm of the young, while the Tates' generation relies on increasingly disregarded rules of linguistic propriety.

Uncomfortable expressing themselves in words, Brian and Erica can only comprehend and contend with their private familial struggles by directly comparing them—even intentionally aligning them—with matters of public policy. Lurie frames the Tates' clashes between themselves and with Corinth's youth culture in militant terms. She directly assigns the Tates to ideological and tactical counterparts in the Vietnam conflict, with Brian and Erica playing the role alternately of the United States or the South Vietnamese:

Brian and Erica, like their friends, students, and colleagues, have spent considerable time trying to understand and halt the war in Vietnam. If he were to draw a parallel between it and the war now going on in his house, he would have unhesitatingly identified with the South Vietnamese. He would have said that the conflict, begun a year or so ago as a minor police action, intended only to preserve democratic government and maintain the status quo—a preventive measure, really—has escalated steadily and disastrously against his and Erica's wishes, and in spite of their earnest efforts to end it.⁹⁰

Jeffrey and Matilda, on the other hand, represent North Vietnam, both in their enmity to their parents and in their attitude toward dominant U.S. culture: "From the younger Tates' position, however, the parallel is reversed. Brian and Erica are the invaders: the large, brutal, callous Americans. They are vastly superior in material resources and military experience, which makes the war deeply unfair; and they have powerful allies

⁸⁹ Lurie, *War*, 269.

⁹⁰ Lurie, *War*, 96.

like the Corinth Public School System.”⁹¹ This analogy places Brian and Erica at a distinct disadvantage; they, as foreign invaders, must combat an ideologically fortified enemy whose territory they do not understand.

What this analogy does for Brian and Erica, however unflattering a light it may place them in, is give them a widely debated public conflict through which they can understand their incomprehensible private world. The Tates underscore their own positionalities through constant reference to high cold war political alignments, dependent on gendered strategies of sexual containment. George Kennan haunts Lurie’s novel in a number of ways—Brian is regarded as a Kennan scholar at Corinth University and insists that he and Erica employ Kennan’s separate-spheres strategy in their domestic responsibilities. Before his affair with Wendy, Brian maintained his respectable aloofness as a Corinth intellectual, a strategy that Kennan proposed in his 1968 “Rebels Without a Program” speech at Swarthmore College, in which he argued that the basis of education was “the ideal of the association of the process of learning with a certain remoteness from the contemporary scene.”⁹² Brian has constructed his career and his personal life on the logic of containment, a strategy that Lurie depicts as failing on both the public and private fronts. The Tates’ division of their family into the parties to the Vietnam War, then, signals this logic’s inevitable collapse—in fact, its explicit rejection by an uncontainable youth.

⁹¹ Lurie, *War*, 96.

⁹² George F. Kennan, *Democracy and the Student Left* (London: Hutchinson, 1968), 3. Kennan further recalled the events of 1968 and compared them to the Civil War, i.e., the “War Between the States” (19).

Lurie further intermingles political and sexual containment by construing both Brian's and Erica's affairs as political acts. Brian initiates his affair with Wendy not only to satisfy his unfulfilled sexual needs, but also to earn access to what he has long considered enemy territory—the youth-driven “University” that is spreading to the rest of the “real world.”⁹³ Brian enlists Wendy as a kind of cultural youth ambassador, an inside woman to an increasingly powerful social group whom he fears may soon dominate him and his entire generation. However, Brian desires not to naturalize to University, to become a member of the counterculture itself; he only wants to spy on it, to drift in and out as a kind of intellectual special envoy:

Brian had never attempted to pass as a native of University, although he realized there were certain rewards for doing so. He did not want to become assimilated, and rather despised those of his colleagues who did. He felt no impulse at all to take drugs, curse policemen, wear beads or study Oriental religions. At the same time, as a political scientist, he felt increasingly that it was his job to know something about these developments.⁹⁴

Brian, then, attempts to enjoy the sexual perks of youth while maintaining his Kennan-esque contained detachment. This desire to have it both ways ultimately takes Brian in over his head, verbally committed to both opposing sides of the generational war without genuine ideological commitment to either. He is, in short, a double agent.

Erica, however, does not begin an affair with Zed to recapture lost youth or to dabble in a culture that she does not understand but which exerts significant influence on her life. Instead, Erica launches a rescue mission to recover Zed from the same enemy territory to which her husband's affair has granted him temporary access. Erica

⁹³ Lurie, *War*, 37.

⁹⁴ Lurie, *War*, 37.

approaches sex with Zed as a kind of liberal good deed that requires “greater self-sacrifice than anything she has done yet.”⁹⁵ Her seduction bears more resemblance to *noblesse oblige* than the satisfaction of desire: “If you know of someone who wants your old clothes, your day-old bread, it is wrong to keep them selfishly in the cupboard; she has always believed this.”⁹⁶ Furthermore, Erica views sleeping with Zed as a way to rescue him from the Krishna Bookshop and the counterculture it represents and reintegrate him into polite middle-aged society. Erica “did not mean merely to fill a temporary need, but to deconvert Sandy, to bring him back into the world in every way and show him that it was real and good, so that he would give up his pathetic empty asceticism.”⁹⁷ The reputation of the liberal society that Erica’s generation built rests on Erica’s sexual prowess, for she hopes that sex with her will somehow validate her generation’s entire worldview, a mission that Michael Helfand terms “the return of the Liberal repressed.”⁹⁸

The Tates’ reunion at the Peace March, then, epitomizes the whimper with which their contained high cold war private world ends. Erica and Brian win the battle with each other—or at least agree to a ceasefire⁹⁹—but lose the larger War Between the Tates—the

⁹⁵ Lurie, *War*, 292.

⁹⁶ Lurie, *War*, 292.

⁹⁷ Lurie, *War*, 322.

⁹⁸ Helfand, “The Dialectic of Self and Community,” 70.

⁹⁹ Judie Newman argues, “[T]he shaky alliance between Brian and Erica Tate mirrors the shakiness of the American political consensus. The domestic battle, as they separate, provides an analogy to larger conflicts, as domestic Erica Tate (the Am-Erican State) dissociates herself from the external activities of her husband, Brian, a political scientist who specializes in the study of US foreign policy....As a result, the Tates’ sexual contacts become less marital than martial” Judie Newman, “Sexual and Civil Conflicts: George F. Kennan and *The War Between the Tates*,” in *University Fiction*, ed. David Bevan (Amsterdam: Editions Rodopi B.V., 1990): 104.

war between the two generations living under the Tate roof. Their “reconciliation is thus ironic,” Helfand argues, “an inversion of the traditional happy ending, a denial of growth through self-knowledge.”¹⁰⁰ Their Old Liberal dalliances into youthful counterculture have unsettled the logic upon which they built their private lives and their public personas, for neither political nor sexual containment can withstand the burgeoning shift to explicitness. But while Brian and Erica acknowledge their own growing irrelevance, they are incapable of adapting. As the Peace March commences, Brian watches as the protestors splinter into factions, which he views as a breakdown of midcentury political decorum: “[T]he Peace March is beginning to split into dissident and incongruous factions, physically suggesting to onlookers just the conclusion that Brian has worked so hard to avoid: that responsible liberal antiwar protest is dangerous because it brings in its train freakish, violent, and socially disruptive elements.”¹⁰¹ Lurie leaves Brian and Erica at the rear of the March, concluding their narrative of the slow death of implicit liberalism with a single unanswered question from a child: ““Mommy, will the war end now?””¹⁰²

3.3 Regulating the Open in Cyra McFadden’s *The Serial* (1977)

Lurie, then, questions the logic and tenability that underscores containment’s reliance on implicit speech. Her intergenerational iteration of the campus novel/family melodrama builds on the legacy of *Virginia Woolf* by placing a couple whose marital harmony depends upon containment and keeping mum about sexuality in direct conflict

¹⁰⁰ Helfand, “The Dialectic of Self and Community,” 69.

¹⁰¹ Lurie, *War*, 370.

¹⁰² Lurie, *War*, 372.

with members of a younger generation who speak openly about sex, desire, and relationships. Brian and Erica's eventual reconciliation signals not the triumph of sexual containment, but rather its irrelevance. They reform their relationship to insulate themselves against a culture in which they no longer belong, which no longer espouses their high cold war-era values. If Lurie's novel stands as a transition from the tragedies of *Virginia Woolf* into the anticlimax of containment's waning cultural power, then Cyra McFadden articulates the indeterminate authority of speech itself in *The Serial: A Year in the Life of Marin County* (1977).¹⁰³ Originally a series of soap opera-inspired columns in the alternative newspaper *Pacific Sun*, *The Serial* is, by McFadden's admission, "really a book about language."¹⁰⁴ The narrative centers around Harvey and Kate, a hip Marin County couple who struggle with the typical late-1970s challenges of veganism, open relationships, and a teenage daughter who joins not one, but two cults. Kate struggles to navigate her incipient feminism and the cultural demands of the "liberated" 1970s woman, often seeing her marriage to Harvey, rather than Harvey himself, as the source of her unhappiness. She desperately wants to embody the contemporary ideals of sexual and political freedom, but constantly struggles with whether or not she is doing it right. Harvey, on the other hand, professes little interest in living with the times, often openly deriding the norms of his social milieu. He weakly allows himself to be maneuvered through a cultural scene he does not understand by the women in his life, who care very much about those norms. While the events themselves provide more than sufficient comedy, the work's linguistic manipulation shows language as entirely divorced from

¹⁰³ Cyra McFadden, *The Serial: A Year in the Life of Marin County* (New York: Apostrophe Books, 1977, 2012).

¹⁰⁴ McFadden, *The Serial*, 11.

meaning. The characters speak explicitly about even the dirtiest aspects of their lives, but their words bear no relationship whatsoever to reality. Explicitness has become so commonplace, so expected even, that words lose all signification, such that no one seems to understand anyone else. As the narrative progresses, Kate and Harvey's lives fulfill the prophecy in McFadden's preface: "Thanks to the way words had ceased to be acquainted with meaning, ordinary experiences took stranger and stranger forms."¹⁰⁵

The Serial engages in a double layer of wordplay. On one level, this wordplay consists of turns of phrase and linguistic manipulations that alter the meanings of the words used while still invoking the original significations. Kate refers to her feminist liberation as "coming out of the broom closet,"¹⁰⁶ and McFadden titles one entry "Gnats in the Yogurt," a play on "flies in the ointment" with a specifically late-1970s culinary counterculture twist. Marital relationships serve as the frequent punchline for many of the word games throughout *The Serial*. For example, one of Harvey's separated friends reveals, "My wife kept telling me she wanted an open marriage...and finally I said the subject was closed."¹⁰⁷ Kate, bored with her traditional marriage to the chronically uncool Harvey, decides to pursue an extramarital affair, although the object of such an affair remains undetermined, almost irrelevant: "[S]he had finally decided...to take a lover. Now the question was whose."¹⁰⁸ While she ultimately fails to enact her plans for infidelity, Harvey engages in an affair with a twentysomething and, when Kate finds out

¹⁰⁵ McFadden, *The Serial*, 11.

¹⁰⁶ McFadden, *The Serial*, 50.

¹⁰⁷ McFadden, *The Serial*, 42.

¹⁰⁸ McFadden, *The Serial*, 23.

and kicks him out of the house, he refers to his situation as “his nuclear family having detonated.”¹⁰⁹

As a complement to this allusion-like wordplay, Kate and Harvey pepper their speech with actual literary and filmic references that occasionally function as allusions but often serve as just another form of wordplay. At a bar aptly titled *no name*, Harvey contemplates a disinterested waitress and wonders “whatever happened to Baby Jane Fonda”¹¹⁰ and later leaves the bar with his secretary “for other voices, other rooms”¹¹¹—a secretary that he later learns bases her sex life on “not only Rod McKuen but early Henry Miller, with a little Marquis de Sade on the side.”¹¹² He refers to Kate’s women’s support group as “the Weird Sisters,”¹¹³ while Kate herself reminds him of “Madame Defarge knitting while the tumbrils rolled in the streets.”¹¹⁴ The Marin County social set names their children and their pets after socially important figures of the time, albeit with no indication that the namesakes themselves actually have anything to do with the named. Kate and Harvey share a cat named Kat Vonnegut, Jr., whom Harvey hits with his car in what he refers to as “*Slaughterhouse-Five* in his own damned driveway,” a bit of double wordplay that invokes none of the historical and narrative specificities of the allusive sources.¹¹⁵ Kate’s friend Naomi names her child John Muir Maginnis and her Siamese cat

¹⁰⁹ McFadden, *The Serial*, 40.

¹¹⁰ McFadden, *The Serial*, 30.

¹¹¹ McFadden, *The Serial*, 33.

¹¹² McFadden, *The Serial*, 123.

¹¹³ McFadden, *The Serial*, 115.

¹¹⁴ McFadden, *The Serial*, 147.

¹¹⁵ McFadden, *The Serial*, 162.

Erica Jong;¹¹⁶ a band called Too Loose Lautrec plays at a Marin Christmas party;¹¹⁷ and Kate's friends Martha and Bill have a child named Che who paradoxically rebels against too much unstructured time at Camp Middle Earth, prompting Bill to suggest therapy because "[i]magine a ten-year-old kid that can't handle *freedom*..." [emphasis original].¹¹⁸ In much the same manner that George refers to Martha's father's home as "Parnassus," to Nick's utter ignorance, allusions in *The Serial* miss the mark entirely.¹¹⁹ They are emptied of their specificity such that the audience either fails, like Nick, to get the joke or does not need to understand the referent itself to appreciate the superficial cleverness of the reference.

On a broader scale, words in even everyday conversation have been emptied of their traditional meanings such that characters often have no idea how to speak to one another. When Angela Stein, wife of Harvey's coworker Sam, tells Sam about Kate and Harvey's daughter Joan joining the Moonies, she says, "[Joan] just called Kate and laid this trip on her about how she'd found God."¹²⁰ Sam responds, "They already have a dog," to which Angela clarifies, "No—God....You know, like religion?"¹²¹ Sam later repeats this exact exchange when he tells Harvey about Joan's defection: "She says she's found God.' 'We already have a dog,' Harvey said. 'No, man—*God*.'"¹²² The generation

¹¹⁶ McFadden, *The Serial*, 173.

¹¹⁷ McFadden, *The Serial*, 198.

¹¹⁸ McFadden, *The Serial*, 177.

¹¹⁹ Albee, *Virginia Woolf*, 31-32. Similarly, George's devastating game of Bringing Up Baby bears little relation beyond wordplay to the 1938 Howard Hawks screwball comedy.

¹²⁰ McFadden, *The Serial*, 72.

¹²¹ McFadden, *The Serial*, 72.

¹²² McFadden, *The Serial*, 74.

gap exacerbates the linguistic confusion; when speaking with Joan and her friends, Kate and Harvey must force themselves to translate their own words into the foreign language of teenage slang. Before she joins her first cult, Joan hosts a party that Harvey refers to as “a mini Winterland: Alice Cooper thundering out of the stereo, the brush-fire smell of pot heavy in the air, and a mass of writhing bodies, from which issued an occasional cryptic cry of ‘Get down!’”¹²³ In an effort to, as their therapist at Rites of Passage advised, “keep the lines of communication open,”¹²⁴ Harvey asks Joan’s boyfriend, “‘Listen...what’s going on here?’ Spenser stared at him blankly. ‘I mean, what’s going down?’”¹²⁵ Spenser then asks if Harvey has “‘any bread, man,’” which Harvey interprets in its current youth culture meaning: “‘Filthy capitalist. Money, Spenser?...I thought you didn’t touch the stuff.’” Spenser “rolled his eyes heavenward, appealing to a higher authority for patience. ‘No, you know. Bread. For toast.’”¹²⁶ Harvey then rages about Spenser’s motorcycle, which Spenser has parked in the den, in ridiculous double-speak, his confrontation with a different language leading him to talk in circles: “‘Do you know how many years it took us to convert that garage into a family room? What do you think it is, a goddamn garage?’”¹²⁷

Even with their own friends, however, Harvey and Kate find themselves plagued by words that ultimately mean nothing. A colleague, who earlier admonished that Harvey

¹²³ McFadden, *The Serial*, 37.

¹²⁴ McFadden, *The Serial*, 37.

¹²⁵ McFadden, *The Serial*, 38.

¹²⁶ McFadden, *The Serial*, 39.

¹²⁷ McFadden, *The Serial*, 39. Another of Joan’s friends asks Harvey, “‘Could you relate to a carrot?’” McFadden, *The Serial*, 39. McFadden states in her preface that she first thought to write a narrative about the divorce of language from meaning when a butcher asked her, “‘Could you relate to a pork roast?’” McFadden, *The Serial*, 11.

was acting “‘really dumb’” but that “‘I don’t believe in making value judgments,’”¹²⁸ tells Harvey, “‘Sure, you’ve been *together*, Harvey, but in this really fragmented way’” [emphasis original].¹²⁹ And Kate tells Martha about the commune she moves into after leaving Harvey, “‘You know, when I found this place, I just *literally* fell over dead. I mean, I *literally* had a heart attack’” [emphasis original].¹³⁰ So insufficient is language at actually communicating meaning that, when Kate makes a list to define her expectations for her relationship with Harvey, Naomi advises her to “‘[s]tick to one-syllable words.’”¹³¹

Because words bear little relationship to their meanings in *The Serial*, it is perhaps unsurprising that the characters see no contradiction in that their express intentions of living explicitly and freely are governed by rules with which they must strictly comply. In the absence of rules regulating speech, social performances with clear significations provide the structure for interpersonal interactions. Preparing for lunch with a friend who has recently revealed her homosexuality, Kate worries about wearing a “‘terrifically low’” neckline because “‘I thought Carol might think I was trying to make, like, a *statement*’” [emphasis original].¹³² Woman, Kate’s roommate at the commune, later admonishes, “‘I wish you’d stop shaving your goddamn legs. You might not know it, but you’re making a *statement*’” [emphasis original].¹³³ And Joan’s English teacher tells her

¹²⁸ McFadden, *The Serial*, 84.

¹²⁹ McFadden, *The Serial*, 160.

¹³⁰ McFadden, *The Serial*, 167.

¹³¹ McFadden, *The Serial*, 190.

¹³² McFadden, *The Serial*, 107.

¹³³ McFadden, *The Serial*, 164.

that “‘role-playing was a pre-req or something and I had to take it so I could take body language.’”¹³⁴

But beyond replacing speech rules with meaning-laden social performances, the Marin County set has more significantly intertwined freedom and rules to such an extent that one cannot exist without the other. When Kate moves to the commune, for example, she must attend a meeting “[n]ot to acquaint her with the rules, of course, because there weren’t any. Just to give her some *guidelines*” [emphasis original].¹³⁵ The commune purports to be a space for free and authentic living, but it is in fact governed by strict rules regarding refrigerator space and guests in order to facilitate such freedom. After this meeting, Kate questions the commune’s supposed lawlessness, wondering, “Was this what Virginia had meant when she wrote about ‘a room of one’s own?’”¹³⁶ If the commune needs rules to be free, then it is not really free, even though the rules may go by the thin disguise of “guidelines.” Martha and Bill’s relationship falls victim to the same contradiction: “Not only had they agreed on an open marriage, they’d even worked out a contract before they made a permanent commitment. Kate hadn’t actually seen this document, but Martha had told her how incredibly liberating it was because it spelled out *exactly* what she and Bill could expect from each other” [emphasis original].¹³⁷ Martha and Bill’s marriage is supposedly open, but they have made a “permanent commitment.” Martha’s liberation comes not from the openness itself, but from the clear enumeration of expectations in a binding contract.

¹³⁴ McFadden, *The Serial*, 137.

¹³⁵ McFadden, *The Serial*, 154.

¹³⁶ McFadden, *The Serial*, 158.

¹³⁷ McFadden, *The Serial*, 76.

This ludicrous inconsistency reveals itself for the paradox it is when Martha and Bill argue: ““Wow, I can’t *believe* this. You know that contract is just a general agreement. Just a sort of broad overview. I mean, it’s not exactly words to live by or anything. Boy, talk about your copout...,”” to which Bill retorts, ““Yeah, well, that’s not the way you interpret it when it’s time to take the garbage out.””¹³⁸ Unaware of this private argument, Kate and Harvey ultimately decide to renew their wedding vows with a “Celebration of Open Commitment,”¹³⁹ complete with their own contract. The reaffirmation ceremony concludes *The Serial* and brings the narrative’s many contradictions to a climax. The reverend repeatedly refers to Harvey as “Harry” and presides over a ritual in which Harvey and Kate recommit themselves to each other ““to give each other space to grow.””¹⁴⁰ At the end of the ceremony, the reverend pronounces Kate and Harvey ““conjoined persons”” and immediately “signaled that they could break the chain,”¹⁴¹ apparently seeing no irony in his blatantly opposing statements. After leaving the party, Kate, too drunk, and Harvey, too high on Valium, find that neither can drive their car, but they cannot return to the wedding because ““that’s tacky. I mean, wow, what are we gonna *do*?”” [emphasis original]¹⁴² With no other options remaining in the aftermath of their commitment-to-be-uncommitted farce, Harvey makes the only suggestion he can: ““Hang loose?””¹⁴³

¹³⁸ McFadden, *The Serial*, 113.

¹³⁹ McFadden, *The Serial*, 204.

¹⁴⁰ McFadden, *The Serial*, 210.

¹⁴¹ McFadden, *The Serial*, 211.

¹⁴² McFadden, *The Serial*, 211.

¹⁴³ McFadden, *The Serial*, 211.

As cultural texts from the late 1960s demonstrate, the implicit reliance on marriage as a sufficient mechanism for regulating privacy in lieu of overt state surveillance proved untenable. The seven years between *Griswold v. Connecticut*, with its reliance on high cold war narrative strategies of containment and implicitness, and *Eisenstadt v. Baird* saw a significant shift in modes of existence and the language with which individuals express their sexuality. What the Court expressed implicitly in *Griswold*—the right to privacy, implied rather than constitutionally articulated—it handled explicitly in *Eisenstadt*, clearly inhering the right to privacy directly in individuals. As the cooling of the high cold war purge fever demonstrates, the openness and clarity with which the Supreme Court handled contraception in *Eisenstadt* is indicative of a larger cultural shift from implicit to explicit speech. But making the right to privacy explicit entangles the notion of privacy inextricably and unresolvably with rule-governed mechanisms of surveillance. With its supposed expansion of the right to privacy, the Court not only undermines the logic of its previous ruling in *Griswold*, but also underscores the untenability of a rules-regulated right to privacy at all. Law-determined rulings that protect “privacy” are a logical impossibility, because to be the subject of a law is to relinquish privacy, to place the right to privacy within the public domain. Rights that are private cannot be asserted as rights without giving up those rights to state control. What is private, then, can either remain private, and therefore unprotected, or made explicit, and therefore unrecognizable as privacy. *Eisenstadt* thus provides the second entry in a genealogy of supplementation that attempts to compensate for the failure of the Court’s prior articulation of the law to render the right to privacy

either intelligible or enforceable. But rather than solving *Griswold*'s flaws, *Eisenstadt* only further destabilizes the logic upon which the right to privacy *qua* right depends.

CHAPTER 4. DON CORLEONE GIVES JUSTICE TO JANE ROE: SUPPLEMENTATION, THE FAILURE OF LANGUAGE, AND THE MYTHIC FOUNDATION OF AUTHORITY IN *ROE V. WADE* (1973)

One year after the Supreme Court transplanted the right to privacy from the zone of the home to the purview of the individual, it rendered a decision that simultaneously marked the Court's most controversial extension of privacy and its first retraction of it. *Eisenstadt v. Baird*¹ demonstrates the impossibility of an individual right to privacy because the enjoyment of the right depends on a forced confession. *Griswold v. Connecticut*² and *Eisenstadt* involve balancing acts in which the Courts rely on historically specific cultural narratives of domesticity, implicitness, and explicitness in an always-already doomed to fail attempt to allow an individual to exercise privacy while simultaneously policing it. The Courts explicitly identified specific sources of authority upon which to base their decisions; even though authority is always unstable, those sources existed for the Courts to point to and use as a basis for articulating and refining the right to privacy. Implicit in these cases, however, is that women's bodies serve as the site upon which containment is delimited, destabilized, and dismantled. *Roe v. Wade* (1973)³ contends with the same concern that it faced in *Eisenstadt*—how can the state regulate uncontained sex? However, this much-discussed case, heralded as a landmark

¹ *Eisenstadt v. Baird*, 405 U.S. 438 (1972).

² *Griswold v. Connecticut*, 381 U.S. 479 (1965).

³ *Roe v. Wade*, 410 U.S. 113 (1973).

decision both for privacy⁴ and for feminist movements,⁵ signals a new relationship between the Court and the authority that undergirds its decisions. *Roe* is explicit about the *absence* of a governing, or even guiding, authority for the Court's decision—what was implicit in *Griswold* and *Eisenstadt* (i.e., that authority always relies on unstable and artificial borders between what falls under its purview and what does not) becomes not only explicit, but in fact the basis itself for the Court's decision in *Roe*. Finding no governing authority regarding how or whether the right to privacy extends to the right for a woman to have an abortion, the *Roe* Court draws upon this authoritative vacuum not to recognize the state's limitations in policing privacy, but to embed privacy further within the purview of state authority.

⁴ See, for example, Johanna Schoen, *Choice and Coercion: Birth Control, Sterilization, and Abortion in Public Health and Welfare* (Chapel Hill: University of North Carolina Press, 2005); Richard Delgado, *Justice at War: Civil Liberties and Civil Rights During Times of Crisis* (New York City: New York University Press, 2003); Robin West, *Re-Imagining Justice: Progressive Interpretations of Formal Equality, Rights, and the Rule of Law* (Farnham: Ashgate Publishers, 2003); Deborah Nelson, *Pursuing Privacy in Cold War America* (New York City: Columbia University Press, 2001); Marvin Olasky, *Abortion Rites: A Social History of Abortion in America* (Wheaton, IL: Crossway, 1992); Maureen Muldoon, *The Abortion Debate in the United States: A Source Book* (New York City: Garland, 1991).

⁵ See, for example, Rebecca M. Kluchin, *Fit to be Tied: Sterilization and Reproductive Rights in America, 1950-1980* (New Brunswick, NJ: Rutgers University Press, 2011); Stephanie Brzuzy and Amy Lind, *Battleground: Women, Gender, and Sexuality* (Santa Barbara, CA: ABC-CLIO, 2007); Linda Gordon, *The Moral Property of Women: A History of Birth Control Politics in America* (Urbana: University of Illinois Press, 2007); Rickie Solinger, *Pregnancy and Power: A Short History of Reproductive Politics in America* (New York City: New York University Press, 2005); Melanie Williams, *Empty Justice: One Hundred Years of Law, Literature, and Philosophy: Feminist and Normative Perspectives in Literary Jurisprudence* (New York City: Cavendish, 2002); Martha C. Nussbaum, *Sex and Social Justice* (New York City: Oxford University Press, 1999); Dorothy E. Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York City: Pantheon Books, 1997); Kristin Luker, *Abortion and the Politics of Motherhood* (Berkeley: University of California Press, 1985).

In lieu of a solid authoritative basis, *Roe* grounds itself in an ongoing process of investment and exchange. A woman seeking an abortion enjoys the right to procure one only by subjecting herself to state authority; the state, by allowing the right to an abortion during the woman's first trimester, gains the authority to restrict that right during the other two. In his dissent, Justice William Rehnquist argues, "A transaction resulting in an operation such as this [an abortion] is not 'private' in the ordinary usage of the word."⁶ The term "transaction" accurately describes the agreement between a woman and her doctor to undertake the abortion procedure, but also defines the exchange in *Roe* "in which information about the self and one's reasons for deciding to terminate a pregnancy are offered up to interpretation so that one's bodily privacy is manipulated."⁷ All state-protected rights require this process of give-and-take, but what the Court treats implicitly in its prior privacy decisions—an exchange of privacy for self-regulation within the marital home in *Griswold*, a trade of privacy for rule-governed regimes in *Eisenstadt*—it treats explicitly in *Roe*. Indeed, exchange functions as *Roe*'s lynchpin, the governing logic by which the Court justifies its balancing of individual and state interests and its division of the right to an abortion into discrete time periods. *Roe*, then, makes clear the conditions of exchange inherent in articulating privacy as a regulable "right," such that individual investment in privacy necessarily requires its own surveillance.

⁶ *Roe*, 172.

⁷ Deborah Nelson, *Pursuing Privacy*, 124.

4.1 The Violence of Tenuous Authority and *Roe*'s Failed Logic of Supplementation

Authority is always-already unstable, but the *Roe* Court approaches this tenuousness by asking what happens when authoritative instability or absence is dealt with explicitly. "The law," Derrida reminds, "is always an authorized force, a force that justifies itself or is justified in applying itself, even if this justification may be judged from elsewhere to be unjust or unjustifiable."⁸ Law, then, must be distinguished from justice: "Laws are not just *as* laws. One obeys them not because they are just but because they have authority."⁹ But this authority, as Derrida asserts, is built upon a mystical foundation. The law's moment of foundation—"which in any case is never a moment inscribed in the homogenous tissue of a history, since it is ripped apart with one decision"—rests upon performative self-justification, an "interpretive violence that in itself is neither just nor unjust and that no justice and no previous law with its founding anterior moment could guarantee or contradict or invalidate."¹⁰ But in reproductive law cases, which intertwine questions about the authoritative basis for privacy with the state's justifications for surveilling privacy, the interpretive violence Derrida identifies is not an abstraction. What are the physical, material effects of the law's justificatory performance, or, asked another way, how does the law transfer the violence of its own founding onto the bodies of the subjects against whom the law is enforced?

⁸ Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson (New York City: Routledge, 1992), 5.

⁹ Derrida, "Force of Law," 12.

¹⁰ Derrida, "Force of Law," 13.

Anxieties about the law's inherent violence would be recognizable to audiences who witnessed the visible representation of the state's legal authority during the December 1, 1969, televised draft lottery. The sight of suited government officials drawing numbered balls that represented actual human lives made legible the links between state power, justified violence, and the silencing of the legal subject necessary to make that violence authorized. Dalton Trumbo's film *Johnny Got His Gun* (1971)¹¹ articulates this failed supplementation as a violent process that not only deprives the subject of recourse against an oppressive authority but also physically degrades him. If, as Derrida argues, the authoritative underpinnings of the law depend upon two interlocking assertions—"At the beginning of justice there was *logos*, speech or language" and "In the beginning there will have been force"¹²—then *Johnny* equates silence—the deprivation of speech or language—with the always-preexisting force that undergirds legal authority.¹³ The film, based on Trumbo's 1934 antiwar novel of the same name, centers on Joe Bonham (Timothy Bottoms), an American soldier in World War I who has lost all of his limbs and every part of his face, rendering him able only to lie on a cot and vaguely sense the world around him. Despite the military doctor's insistence that "this young man will be as unfeeling, as unthinking as the dead until the day he joins them," Joe can clearly still think, remember, and experience his surroundings. The film consists of black-and-white scenes of Joe in the hospital

¹¹ *Johnny Got His Gun*, directed by Dalton Trumbo (New York City, NY: Cinemation Industries, 1971).

¹² Derrida, "Force of Law," 10.

¹³ See Shane A. Emplainscourt, "*Johnny Got His Gun* and 'One': Remembering Basket Case Joe Bonham," *War, Literature, and the Arts: An International Journal of the Humanities*, 32 (2020): 1-41.

interspersed with memories and hallucinations, both of which appear in color. Trumbo enables the audience to perceive the distinctions between reality, memory, and dream—even presenting memories and fantasies in color of different saturation—but Joe himself cannot make such a distinction. Joe’s inability to differentiate between his life as it is, as it was, and as he imagines it is or was establishes the frame for his confrontation with two governing authorities: the state and the church. Deprived of his senses and his limbs, Joe relies on the state and the church both to keep him physically alive and to give that life meaning. But, as Trumbo ultimately reveals, neither can help Joe.

The film opens with a montage that interweaves footage of notable global leaders, including President Roosevelt and Winston Churchill, with images of civilian masses and soldiers attending rallies and military parades. As the screen goes blank, Joe’s breathing becomes the only sound the audience hears. An upshot reveals three doctors from a point of view that initially seems to be Joe’s, until the doctors reveal that Joe lost his eyes when a grenade exploded mere feet from him. Joe, then, has been removed as the subject of this shot, rendered an object about whom the audience hears from the doctors but who himself can neither hear nor see.¹⁴ Unable to fathom that Joe could live with the extent of his injuries, the military apparatus at the hospital decide to keep him alive solely for the purpose observing him. “Joe Bonham’s freedom and autonomy appear to be curtailed by his own corporeal limitations,” Wade Bell contends, “coupled with his involvement in a world of oppressive hierarchal systems and reified social relations.”¹⁵ Yet the

¹⁴ See Tim Blackmore, "Lazarus Machine: Body Politics in Dalton Trumbo's *Johnny Got His Gun*," *Mosaic: An Interdisciplinary Critical Journal*, 33.4 (2000): 1-18.

¹⁵ Wade Bell, "'The New Messiah of the Battlefields': The Body as Discursive Strategy in Dalton Trumbo's *Johnny Got His Gun*," *NJES: Nordic Journal of English Studies*, 19.5 (2020): 48.

commanding officers order the nurses to place him in a supply closet expressly so unauthorized personnel will not be able to look at him. A nurse observes that “a man would have to be seven feet tall” to peer into the supply closet’s window, but the orders to keep Joe isolated stand. Joe, meanwhile, repeatedly fantasizes about being confined to a glass cabinet, contained but visible first at a scientific conference about how to perfect the “fighting unit,” next at a religious service, and finally at a carnival sideshow. When he finally learns to communicate through Morse code with his physician-captors, Joe requests to be placed in such a cabinet so he can be displayed and observed. He wishes for precisely the same thing that the military physicians initially claimed was their reason for keeping him alive—to be made visible so others could learn from him. But because Joe’s request would remove him from their jurisdiction and reveal the extent of war’s atrocities to the public, the military cannot permit Joe’s exposure. The military doctor denies Joe’s request on the grounds of protocol, saying he “cannot authorize” Joe’s removal from the hospital and threatening that he will hold anyone who witnessed Joe’s request responsible for “any breach” should they reveal either what Joe has said or that Joe can communicate at all.¹⁶ The state, then, authorizes Joe’s continued existence for the purpose of observation, but then denies the authority for Joe to be observed. The military doctor’s final move before leaving Joe alone in the supply closet is to close the shutters.

Many of Joe’s fantasies center on his desire for an alternative authority whose rules can enable him to unravel reality from imagination. “When the body is destroyed so thoroughly that all sensory organs except the skin are gone,” Tim Blackmore claims,

¹⁶ See Martin F. Norden, “*Johnny Got His Gun*: Evolution of an Antiwar Sentiment,” in *Hollywood’s World War I: Motion Picture Images*, ed. Peter C. Rollins and John E. O’Connor (Bowling Green, OH: Popular Press, 1997), 161-175.

“then modernity has a perfect chance to demonstrate its power.”¹⁷ Having been raised by a religious mother, Joe invokes Christ himself as such an authority. Joe begs his mother, “I’m having a nightmare that says I’m real. Wake me up, Mother, and tell me I’m not real.” His mother responds, “I don’t know where you are, my son, or what troubles you. Try to remember that God is the only reality, and that you are made in his image and likeness. And since you are the perfect reflection of God’s reality, you are real.” An imaginary priest echoes this logic: “Spirit is the real and eternal. Matter is the unreal and temporal.” But Joe’s inability to distinguish reality from nightmares hinges precisely on his materiality, on what his body has become. Joe hallucinates a game of Blackjack with Jesus (Donald Sutherland) and other soldiers, all of whom are dead. Receiving a precarious deal of thirteen, Jesus says, “Hit me, but not too hard.” He is dealt a ten, busting his hand and losing the game. Jesus laments his inability to win a hand when he is dealt a thirteen, then leads the doomed soldiers to a death train that he gleefully conducts. Despite this initial hint at Christ’s fallibility, Joe again seeks Jesus’s guidance. He asks Christ to tell him how to tell dreams from reality, to which Christ replies, “The thing to do is yell.” Joe responds that he cannot speak. Christ proposes, “Another way is just to tell yourself, ‘Wait a minute here. This is a nightmare, and I have to wake up in order to stop it.’ Then just force your eyes open and the dream will be gone.” Joe counters that he does not have eyes. Christ next suggests that Joe “police your mind” when he feels himself becoming drowsy; Joe has no mechanism for feeling drowsy. Joe rejects all of Christ’s proposals, telling him, “I’m just like a piece of meat that keeps on living.” Joe can rely neither on speech, nor reason, nor self-surveillance. Christ is stumped. But even

¹⁷ Blackmore, “Lazarus Machine,” 5.

in telling Joe to leave—"You're a very unlucky young man, and sometimes it rubs off"—Jesus points to Joe's failure as a matter of authority: "Since your real life is a greater nightmare than your dreams, it would be cruel to pretend that anyone could help you."

The film's final sequence reinforces the violent effects of the empty performance of authority. His request to be put on display denied, Joe repeats in Morse code only one demand: "Kill me." The military doctor turns to the chaplain, who has witnessed the entire exchange, and asks, "Don't you have some sort of message for him, padre? You could at least tell him to put his faith in God, couldn't you?" The chaplain responds, "I'll pray for him for the rest of my days, but I will not risk testing his faith against your stupidity." Angered, the doctor retorts, "Well, you're a hell of a priest, aren't you?" to which the chaplain replies, "He's the product of your profession, not mine." Joe's continued existence as a modern "Lazarus Machine" reminds these authorities of their own failures but ultimately fails to humble them; "Lazarus signifies that the narrative on which we thought we had successfully, if tragically, invoked closure, has been broken open," Blackmore argues, "a rotting annunciation that we got it wrong, the body has to be unwrapped, we're going to have to rethink the future."¹⁸ Joe, then, remains trapped, both within his own body and within a seemingly endless loop of failed authority. The film ends with Joe repeatedly narrating the words he taps with his head in Morse Code: "SOS. Help me. SOS. Help me."¹⁹

The *Roe* Court simultaneously constitutes and reinscribes dominant cultural narratives, such as those made legible in *Johnny*, of slippage and substitution of authority

¹⁸ Blackmore, "Lazarus Machine," 1.

¹⁹ See Lars Rasmie, "This Terrible Silence Stops Me (on Dalton Trumbo's *Johnny Got His Gun*)," *Vagant*, 3-4 (1998): 72-75.

as a mechanism for circumventing its authoritative crisis. Cultural narratives during the *Roe* era interrogate the relationship between traditional forms of hegemonic authority and individual autonomy. The 1970s crisis of authority cannot be characterized either by a dearth or an excess of authority, but rather by variable and arbitrary exercises of authority that provided the public with little consistency or good faith. Timothy Melley describes the “nervousness about the supposedly extraordinary powers and dangerous motives of large organizations, long a feature of U.S. political culture,” as a “rhetoric of conspiracy,” in which the real threat is not a specific agent or group but rather a “*system of communications*, an organized array of ideas, discourses, and techniques.”²⁰ In the context of this widespread cultural anxiety, *Roe* serves as the Court’s attempt to disentangle and unmask—then ultimately displace—preexisting authorities. *Roe*, then, is the Court’s response to cultural concerns about the power and autonomy of individuals, particularly women: “Another important facet of [paranoia] culture is that it frequently represents social controls as *feminizing forces*, domesticating powers that violate the borders of the autonomous self, penetrating, inhabiting, and controlling it from within” [emphasis original].²¹

In *Roe*, a pregnant single woman, “Jane Roe,”²² brought a class action suit to challenge Texas’s abortion laws, which criminalized procuring or attempting to procure

²⁰ Timothy Melley, *Empire of Conspiracy: The Culture of Paranoia in Postwar America* (Ithaca: Cornell University Press, 2000), 1.

²¹ Melley, *Empire of Conspiracy*, 32.

²² Roe’s true name is Norma McCorvey. She was joined in her suit by Dr. James Hallford, a physician against whom two state abortion prosecutions were pending, and a childless married couple, the “Does,” who alleged injury on the future possibilities of contraceptive failure. The Court dismissed both Hallford and the Does, holding that neither had a justiciable cause of action against the state of Texas. See *Roe*, 128.

an abortion except when medically necessary to save the mother's life.²³ The lower court declared Texas's abortion statutes as vague and overbroad.²⁴ Texas appealed the decision to the Supreme Court. Justice Harry Blackmun commences the majority decision by addressing the "sensitive and emotional nature of the abortion controversy,"²⁵ framing the problem as one of competing authorities. Blackmun attributes divergent opinions concerning the legality and overall morality of abortion to "[o]ne's philosophy, one's experiences, one's exposures to the raw edges of human existence, one's religious training, one's attitudes toward life and family and their values, and the moral standards one establishes and seeks to observe."²⁶ The Court's task, then, "is to resolve the issue by constitutional measurement, free of emotion and of predilection." Neither *Griswold* and *Eisenstadt* nor the Constitution, however, provide any clearly articulated guidance on abortion. The right to privacy upon which Roe based her claim itself derives from

²³ Article 1191 of the Texas Criminal Code, "Abortion," made it a criminal offense to "designedly administer [an abortion] to a pregnant woman or knowingly procure [an abortion] to be administered without her consent," doubling the punishment if the abortion is administered without the woman's consent. The code further punished anyone who "furnishes the means for procuring an abortion" (art. 1192), or attempting an abortion "calculated to produce that result" (art. 1193). "If the death of the mother is occasioned by an abortion so produced or by an attempt to effect the same," article 1194 states, "it is murder." Article 1195, which was not under review before the Supreme Court at this time, criminalized "Destroying an Unborn Child" and authorized punishment against "whoever shall during parturition of the mother destroy the vitality or life in a child in a state of being born and before actual birth, which child would otherwise have been born alive." The Texas code provided a single exemption in article 1196, "By Medical Advice," in which abortion is not punishable if performed "for the purpose of saving the life of the mother." See *Roe*, 117-118.

²⁴ The District Court held that "the fundamental right of single women and married persons to choose whether to have children is protected by the Ninth Amendment, through the Fourteenth Amendment," and that Texas's criminal abortion statutes were void on their face because "they were both unconstitutionally vague and constituted an overbroad infringement on the plaintiffs' Ninth Amendment rights." *Roe*, 122.

²⁵ *Roe*, 116.

²⁶ *Roe*, 116.

“penumbras and emanations” from the Constitution rather than any enumerated legal doctrine. Statutory challenges based on an alleged infringement of a fundamental liberty require the Court to balance competing interests—those of the individuals in whom those liberties inhere and those of the state in asserting and protecting its regulatory power.

Although an ever-proliferating array of monographs analyze the text of the Court’s decision in *Roe*, few acknowledge just how incredibly strange Blackmun’s decision truly is. Blackmun spends over fifteen pages of his decision laying out in painstaking detail attitudes about abortion from medicine, the law, and religion, only to conclude ultimately that none of those attitudes are particularly helpful and then proceed to invent a regulatory mechanism built on no definitive authoritative basis whatsoever. Without legal precedent, the Court substitutes alternative forms of authority to guide its decision. In so doing, then, the Court does not resolve so much as reinforce its own crisis of authority, for in seeking non-legal direction in its legal decision making, it underscores the logical impossibilities upon which it has based, and now bases again, its decisions concerning the right to privacy. Although he acknowledges that abortion prohibitions were of “relatively recent vintage...not of ancient or even common-law origin,” he “fe[lt] it desirable briefly to survey, in several aspects, the history of abortion...and then to examine the state purposes and interests” in ascertaining whether Texas articulated a compelling state interest that overrode the individual’s right to privacy.²⁷ The Court investigates historical and medical attitudes and practices regarding abortion, ranging from the “ancient attitudes” of Soranos, “often described as the greatest of the ancient

²⁷ *Roe*, 129.

gynecologists,”²⁸ to the Hippocratic Oath²⁹ to Christian doctrines regarding fetal animation.³⁰ Blackmun looks to common law,³¹ British abortion statutes,³² and trends in American legal attitudes toward abortion,³³ none of which provided conclusive evidence either supporting or opposing the right to abortion. Similarly, neither the American Medical Association,³⁴ the American Public Health Association,³⁵ the American Law Institute,³⁶ nor the American Bar Association³⁷ agreed on whether the right to abortion was fundamental.³⁸

The Court, lacking conclusive guidance from law, medicine, or cultural attitudes, looks to the reasons why states historically enacted criminal abortion statutes as alternative sources of authority, further positioning the state as regulator and justifier of privacy. While the Court easily dispenses with two rationales—discouraging illicit sexual conduct³⁹ and ensuring abortion’s medical safety⁴⁰—it struggles with the third historic rationale. The state’s interest in protecting prenatal life in fact becomes the basis upon

²⁸ Soranos refused to terminate a pregnancy “based on the concept of a violation of the father’s right to his offspring.” *Roe*, 130.

²⁹ *Roe*, 131.

³⁰ *Roe*, 132.

³¹ *Roe*, 134.

³² *Roe*, 138.

³³ *Roe*, 139-140.

³⁴ *Roe*, 143.

³⁵ *Roe*, 144-145.

³⁶ *Roe*, 146.

³⁷ *Roe*, 146-147.

³⁸ Deborah Nelson links the doctor/patient relationship at *Roe*’s center with the representation of this same relationship in confessional poetry as an indication of muddled distinctions between public and private. Nelson, *Pursuing Privacy*, 116.

³⁹ *Roe*, 148.

⁴⁰ *Roe*, 149.

which the Court builds its ruling, yet it also creates another opportunity for the state to substitute itself as a party whom privacy protects. The concept of “prenatal life” had not, the Court found, been conclusively either dispensed with or determined. “Logically, of course,” Blackmun writes, “a legitimate state interest in this area need not stand or fall on acceptance of the belief that life begins at conception or at some other point prior to live birth....[R]ecognition may be given to the less rigid claim that as long as at least *potential* life is involved, the state may assert interests beyond the protection of the pregnant woman alone [emphasis original].”⁴¹ The Court thus articulates *Roe*’s central problem—when do the rights of potential life outweigh the rights of the living individual? And to whom will the Court grant the authority to speak on behalf of that potential life? Because prior privacy rulings have extended the right to include “activities relating to marriage; procreation; contraception; family relationships; and child rearing and education,” the right to privacy “is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy.”⁴² However, although the Court acknowledges the potential harm to women should the state infringe upon this right,⁴³ it also holds that “a State may properly assert important interests in safeguarding health, in maintaining medical standards, and in protecting potential life.”⁴⁴ The right to privacy in the case of abortion “is not unqualified and must be considered against important state interests in

⁴¹ *Roe*, 150.

⁴² *Roe*, 153.

⁴³ *Roe*, 153.

⁴⁴ *Roe*, 154.

regulation.”⁴⁵ Privacy, then, constitutes a fundamental right, but with qualifications. As such, it cannot truly be fundamental.

Authority’s instability, implicit in *Griswold* and *Eisenstadt*, explicitly forms the basis for authority in *Roe* such that the absence of state authority becomes a site of contradiction that the Court must circumvent. If the American common law system hinges on respect for binding historical precedent, then it depends on the existence and continued logic of predating authority. The *Roe* Court abandons this practice, instead promulgating a decision that gains its authority specifically because no other authority exists. During oral re-arguments on October 11, 1972,⁴⁶ attorney for the State of Texas Robert C. Flowers argued, “[I]t is the position of the State of Texas that upon conception we have a human baby, a person within the concept of the Constitution of the United States and that of Texas also.”⁴⁷ Justice Stewart requests clarification on the matter: “Is it a legal question, a constitutional question, a medical question, a philosophical question, a religious question, what is it?”⁴⁸ But legal and medical history, contemporaneous legal policy recommendations, and modern medical opinions failed to provide clear directives,

⁴⁵ *Roe*, 154.

⁴⁶ The Court initially heard oral arguments in *Roe* on December 13, 1971. The justices squabbled over who should draft the majority opinion, and Justice Blackmun, whom Chief Justice Burger selected to write the opinion, struggled to reflect his colleagues’ views adequately. While still working on the *Roe* decision, the Court issued its March 1972 ruling in *Eisenstadt*. Furthermore, Justices Black and Harlan retired, replaced by Justices William Rehnquist and Lewis F. Powell, Jr. In May 1972, Blackmun proposed that the case be reargued, and the Court heard rearguments on October 11, 1972. Sarah Weddington represented the appellants in both arguments and rearguments; Texas Assistant Attorney General Robert C. Flowers replaced Assistant Attorney General Jay Floyd for the reargument.

⁴⁷ Flowers, Robert C. “Oral Reargument—October 11, 1972.” Oyez, *available at* <https://www.oyez.org/cases/1971/70-18>.

⁴⁸ Flowers, “Oral Reargument.”

instead presenting the Court with an inconclusive hodgepodge of facts and attitudes about which no two sources agreed completely. Blackmun commences the majority decision by acknowledging the existence of competing authorities on abortion and spends a significant portion of his decision explaining them. This tactic, however, does not prove that history, legal thinking, or medical science provide, either individually or collectively, clear answers on the abortion question. Rather, Blackmun's foray into abortion's ideological landscape instead demonstrates the *absence* of authority. And it is precisely this absence that the Court uses as justification for its tripartite division of abortion rights. Flowers uses exactly this argument in requesting that the Court adopt Texas's interpretation of personhood: "[The definition of a person] is so fundamental that it is—the framers of the Constitution had not even set out to define."⁴⁹ The Court's decision, then, equates the absence of explicit evidence to support the state's authority to regulate abortion as evidence itself of such authority.

If authority, as Derrida argues, is always built upon a tenuous and mythic foundation, then Blackmun makes that tenuousness explicit and in fact uses that instability as the basis for the Court's exercise of state regulatory power. Blackmun dedicates more space in his decision to surveying, and then rejecting, a catalog of potential sources of authority that could inform the Court's decision whether or not to expand governmental protection to the right to an abortion than he does to explicating the Court's actual decision. In so doing, he demonstrates how the fundamental right to privacy exemplifies Derrida's law of the supplement—the margin which, rather than amending or adding to the center, instead underscores the instability of the logic upon

⁴⁹ Flowers, "Oral Reargument."

which the center is based.⁵⁰ *Roe* acts as the latest entry into the Court's genealogy of supplementation that attempts to compensate for the Court's failures in *Griswold* and *Eisenstadt* to turn the right to privacy into law. It does not negate the existence of the rule of law or of the right to privacy, but rather undermines its authority, demonstrating the foundation upon which it is based as dependent on the law's tenuous performativity. But with each supplementation or attempted refinement of the right to privacy, the Court further destabilizes it and, in attempting to maintain regulatory control over individual privacy, acts with increasingly violent invasions against the legal subject. The Court, then, extends its methodology from *Eisenstadt* and substitutes a rules-based regulatory regime to circumvent the tenuousness of its authority.

4.2 Erosions of Domestic Authority and Violent Substitutions in *The Godfather* (1972)

"Why is the surrogate or supplement dangerous," Derrida asks. "It is not, so to speak, dangerous in itself....But here, the supplement is not, is not a being....It is nevertheless not a simple nonbeing....either. Its slidings slip it out of the simple alternative presence/absence. *That* is the danger."⁵¹ The Court's substitution of implicit authority for an explicit absence of authority underscores cultural unease concerning the violence inherent in the government's broadening appropriation of individual rights. Deepening involvement in Vietnam, the 1970 Kent State shooting, economic stagflation, the exposure of both the COINTELPRO campaign and Project MKULTRA, and the

⁵⁰ Jacques Derrida, "Plato's Pharmacy," in *Dissemination*, ed. Barbara Johnson (Chicago, IL: University of Chicago Press, 1981), 61-171.

⁵¹ Derrida, "Plato's Pharmacy," 71.

Watergate scandal eroded what little confidence remained in the United States government after the countercultural movements of the 1960s.⁵² Stephen Paul Miller refers to the seventies as “the undecade,”⁵³ an “uncanny decade” in which the external surveillance mechanisms that characterized the high cold war became an internalized phenomenon, such that Americans became accustomed to surveilling themselves. “In stark contrast to previous years,” Erik Davis observes, “the horizon of individual and social possibilities abruptly narrowed. Whether left, right, or center, the nation drifted into a Slough of Despond perhaps unprecedented in American history.”⁵⁴ Faith in the government reached an unprecedented low; a Pew Research Center study of public trust in the U.S. government reveals a sharp plunge in positive responses to the inquiry “Do you trust the government to do what is right just about always/most of the time” between 1964 and 1979.⁵⁵ In response to 1970s stagflation, economist Arthur Okun created the misery index to rate degree of economic distress. Davis attributes this malaise to “the collapse of the sixties dreams of massive collective transformation, whether political or spiritual or both,” and characterizes the decade by its collective feelings of “disillusion

⁵² See Niall Ferguson, Charles S. Maier, Erez Manela, and Daniel J. Sargent, eds., *The Shock of the Global* (Cambridge: Harvard University Press, 2011); Bruce Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (Lebanon, IN: Da Capo Press, 2002); and Peter N. Carroll, *It Seemed Like Nothing Happened: The Tragedy and Promise of America in the 1970s* (New York City: Henry Holt & Company, 1982).

⁵³ Stephen Paul Miller, *The Seventies Now: Culture as Surveillance* (Durham: Duke University Press, 1999), 12.

⁵⁴ Erik Davis, *High Weirdness: Drugs, Esoterica, and Visionary Experience in the Seventies* (Cambridge: MIT Press, 2019), 45.

⁵⁵ Pew Research Center. *Public Trust in Government: 1958-2021*. 17 March 2021, <https://www.pewresearch.org/politics/2021/05/17/public-trust-in-government-1958-2021/>.

and cynicism, helplessness and apprehension.”⁵⁶ Legislative and executive efforts to rebuild both governmental authority and popular trust in the government specifically rests on concerns for privacy but nevertheless enabled the state to surveille it. Governmental authority in the aftermath of Watergate, then, implicitly derived from the state’s power both to guarantee and to regulate individual privacy. The Freedom of Information Act of 1966,⁵⁷ the Privacy Act of 1974,⁵⁸ and the 1976 Government in the Sunshine Act⁵⁹ reinscribe the Court’s underlying fallacy—that privacy can only be guaranteed at one moment when it is relinquished at another. The legislative and executive branches couched their attempts to bolster their authority by regulating privacy in the same terms of exchange as did the Blackmun majority. How much privacy could a government guarantee while simultaneously maintaining massive records on its citizens’ private actions? And how much regulatory authority could the government sacrifice in the name of what the Court had deemed a fundamental, albeit qualified, right?

Contemporaneous films spectacularized this kind of violence and tied it directly to considerations of authority and exchange. Many of the most profitable and popular films from the late 1960s and early 1970s grappled with the unstable nature of authority. Films such as *Butch Cassidy and the Sundance Kid* (1969),⁶⁰ *Easy Rider* (1969),⁶¹ and

⁵⁶ Davis, *High Weirdness*, 45-46.

⁵⁷ 5 U.S.C. §552.

⁵⁸ 5 U.S.C. §552a.

⁵⁹ 5 U.S.C. §552b.

⁶⁰ *Butch Cassidy and the Sundance Kid*, directed by George Roy Hill (Los Angeles, CA: 20th Century Fox, 1969).

⁶¹ *Easy Rider*, directed by Dennis Hopper (Los Angeles, CA: Columbia Pictures Industries, Inc., 1969).

Billy Jack (1971)⁶² celebrate individuals who openly defied the state's authority. *Dirty Harry* (1971),⁶³ *A Clockwork Orange* (1971),⁶⁴ and *Serpico* (1973)⁶⁵ interrogate governmental control by depicting the state as excessively bureaucratic, corrupt, or totalitarian. One of the decade's most iconic films—Francis Ford Coppola's *The Godfather* (1972)⁶⁶—narrativizes and complicates the crisis of authority. Investment and exchange in *The Godfather* necessitate a transactional relationship between parties whose obligations are not equitably or transparently distributed. These relationships depend on the exchange not of money or labor but rather of an emotional commitment—friendship, loyalty, belief, faith.

The Godfather makes legible the nature of authority and its basis in investment and exchange by mythologizing an alternative source of authority adjacent to, but inextricably entangled with, the state. It is centrally concerned with the shift or substitution of authority away from the domestic into an external power structure and makes the instability of this shift evident in language. The film engages in linguistic slippages that become the very basis for the dual authority between codependent entities—the Family and the family. The film centers on the relationship between tragedies in the family and authoritative crises in the Family. Under the original Don Corleone (Marlon Brando), the family is the moral justification for the Family; under

⁶² *Billy Jack*, directed by Tom Laughlin (Burbank, CA: Warner Brothers, 1971).

⁶³ *Dirty Harry*, directed by Don Siegel (Burbank, CA: Warner Brothers, 1971).

⁶⁴ *A Clockwork Orange*, directed by Stanley Kubrick (Burbank, CA: Warner Brothers, 1971).

⁶⁵ *Serpico*, directed by Sidney Lumet (Los Angeles, CA: Paramount Pictures, 1973).

⁶⁶ *The Godfather*, directed by Francis Ford Coppola (Hollywood: Paramount Pictures Corporation, 1972).

Michael Corleone (Al Pacino), the family and the Family merge such that the perpetuation and governance of one relies on the other. Coppola enacts Michael's merging of the family and the Family by refusing to distinguish between the units in dialogue. Because Michael's references to f/Family could indicate either unit, the viewer must always assume that he is referring to both.

Although the Corleone crime syndicate operates outside the purview of the law, it nevertheless governs its members by a strict code of authority and power.⁶⁷ The film's key conflict lies within two interlocking crises of authority—first, the question of who will inherit Vito Corleone's position as head of the Family and, second, the shifting power balance among New York's many crime bosses away from the Corleones. In decentering the state as the film's primary regulatory mechanism and substituting a criminal enterprise that is at once family and Family, Coppola questions the source of authority without displacing the need for authority itself. Rather, he repositions the f/Family—in both its meanings within the film—as an alternative yet equally rigid regulatory structure. *The Godfather* posits, then, that the crisis lies not with the repository of authority but rather with the nature of authority itself.

The Godfather depicts authority as necessitating a constant chain of negotiated exchanges. Members of the Corleone family enjoy the Family's protection merely by virtue of their biological ties, but outsiders can gain insider status by offering the kind of loyalty that the Corleones expect from family. The Family's authority, then, depends upon bartered membership in the "family." The film opens with a wedding, that social

⁶⁷ See Carl Freedman, "The Supplement of Coppola: Primitive Accumulation and the *Godfather* Trilogy," *Film International*, 9.1 (2010): 8-41; Dargis Manohla's "Dark Side of the Dream," *Sight and Sound*, 6.8 (1996): 16-18.

ritual in which the family expands and promises to propagate. But this celebration of the family simultaneously involves—indeed, requires, according to Sicilian tradition—a concurrent celebration of the Family and its extrajudicial authority. This sequence foregrounds the dual themes of authority and exchange through the requests that Don Corleone grants. For example, Don Corleone holds an audience with Johnny Fontaine; Vito is Johnny’s godfather, a relationship that, according to Family consigliere Tom Hagen (Robert Duvall), “Italians regard...as a very close, a very sacred religious relationship.”⁶⁸ Vito agrees to arrange for Johnny to audition for a part in a movie, but ends his conversation with his godson by reinforcing the familial bonds that underpin his generosity: “[A] man who doesn’t spend time with his family can never be a real man.” “Throughout *The Godfather* films,” John Krapp claims, “the moral code is observed beneath the rubric ‘honor,’ whose material base is manifold and stabilized in the performance of the title ‘Godfather.’ The base’s first constituent is family, which is signified synecdochically.”⁶⁹

Don Corleone’s agreement with his first visitor, however, articulates more explicitly the film’s governing logic. Bonasera (Salvatore Corsitto), a longtime friend of the family but not the Family, opens the film with a lament about a failure of authority: “I believe in America. America has made my fortune. And I raised my daughter in the American fashion. I gave her freedom but I taught her never to dishonor her family.” Yet despite Bonasera’s investment in the American dream, the state apparatus has not

⁶⁸ See Jim Marino, “‘I Wanted to Be a Good American’: *The Godfather* Paradox,” *VIA: Voices in Italian Americana*, 9.1 (1998): 17-28; George De Stefano, “Italian Americans: Family Lies,” *Film Comment*, 23.4 (1987): 22-24, 26.

⁶⁹ John Krapp, “Ideology, Rhetoric, and Blood-Ties: From *The Oresteia* to *The Godfather*,” *Mosaic: An Interdisciplinary Critical Journal*, 32.1 (1999): 8.

protected his family: Bonasera's daughter has been raped and the police will not investigate. Bonasera then turns to the Corleones for justice that the state cannot give him. Vito professes understanding: "You found paradise in America. You had a good trade, you made a good living. The police protected you and there were courts of law. So you didn't need a friend like me." But when Bonasera offers to pay the Corleones for their service, Vito bristles, for his form of authority, based in familial and emotional ties, demands a different kind of exchange: "Now you come and say, 'Don Corleone, give me justice.' But you don't ask with respect. You don't offer friendship. You don't even think to call me 'Godfather.' You come into my house on the day my daughter is to be married and you ask me to do a murder—for money."⁷⁰ Vito agrees to Bonasera's request only once Bonasera has pledged his loyalty to the Family, along with a promise that, when called upon, he will return the favor. The lesson of Bonasera's request "is quite clear: the modern State has estranged its subjects, and only in the embrace of F(f)amily—the connotation is left suitably vague—can human community be forged."⁷¹

By locating the film's central authoritative crisis within a biological family that is also a criminal Family, *The Godfather* interpolates the political into the supposedly private domestic space. "Family is the thematic core here," Richard Combs argues; "but it is also a mystery, a holding power and a shifting, unreliable thing, a source of support and a trap."⁷² The power vacuum that threatens the Corleone Family cannot be

⁷⁰ See Thomas J. Ferraro, "Blood in the Marketplace: The Business of Family in the *Godfather* Narratives," in *The Invention of Ethnicity*, ed. Werner Sollors (New York City: Oxford University Press, 1989), 176-208.

⁷¹ Krapp, "Ideology, Rhetoric, and Blood-Ties," 9.

⁷² Richard Combs, "Coppola's Family Plot: *The Godfather* Variations," *Film Comments*, 38.2 (2002): 43.

disentangled from the crisis of authority within the biological family, such that any threat to the family is a threat to the Family and vice versa and neither can be separated from the other. Positioned between these interlocking authorities is Michael Corleone, the youngest son who has no intention of joining his father's criminal enterprise. Yet as the film progresses, Michael's entanglement with the syndicate deepens, involving him more closely within the Family's crisis precisely because of the crisis within his biological family. The Corleones enjoyed the top position among New York's Five Families, but power begins to shift when drug baron Sollozzo (Al Lettieri) partners with the Tattaglia crime family to expand his trafficking enterprise. Don Corleone refuses to become involved in the drug trade because he fears alienating the political insiders who assure the Family's immunity from state entanglement. These insiders expose the boundaries of legitimate authority while simultaneously exemplifying those boundaries' instability. Official precepts of justice that formal institutions of law and order articulate do not, as Robert M. Cover demonstrates, exclusively control legal meaning; rather, we understand the law by virtue of broader normative universes, or *nomos*, that delineate and challenge the legal principles established for the purpose of social control.⁷³ The politically legitimate "friends of the Family" exemplify Coppola's representation of the law of the supplement, such that, by virtue of their status "outside" yet affiliated with the F/family, the judges and politicians who protect the Corleones constitute the Family's defining margins. If, as Don Corleone predicts, drug trafficking will alienate the Family's affiliates on the margins, then his concern with accepting Tattaglia's (Victor Rendina)

⁷³ See Robert M. Cover, "Forward: *Nomos* and Narrative," *Harvard Law Review*, 97.1 (1983): 4-68.

proposal is that Sollozzo will decenter the Family's authority—he fears that the family cannot hold as the Family if its social margins shift. The trajectory of *The Godfather*, then, is to preserve the family by disproving the Godfather—to redefine the margins and thereby reinforce the Family's centrality. “On one level,” Phoebe Poon argues, “the film is a critique against ‘the justificatory enterprises of law, as it presents the audience with two Mafia Dons, who operate outside the law, but within their personal *nomos* or code of normative behavior.’”⁷⁴ In the absence of legitimate power that they cannot attain as long as they abide by their own codes of F/familial honor, Vito and Michael solidify, in their own ways, the boundaries of their respective normative universes. *The Godfather Part II*,⁷⁵ then, reveals the tragedy underlying the first film's reconfigurations of power, with the F/family suffering for the sins of their (God)father. “Expressing overt hostility toward the State,” Krapp argues, “the Mafia nevertheless reproduces repressive relations of production that subsequently generate its code of honor. The Family then erases its relationship to historical and political conditions by glorifying Mafia honor,”⁷⁶ an ideological maneuver with the governing intent of mystifying its subjects and making the boundaries between center and margin indistinct.⁷⁷

To retaliate against the Corleones for refusing his offer, Sollozzo has Vito gunned down in the streets, so the eldest Corleone, Sonny (James Caan), takes command while Vito recovers. A series of increasingly brutal assassinations ends with Sonny's murder by

⁷⁴ Phoebe Poon, “Morality and Legality in Francis Ford Coppola's *The Godfather* Trilogy,” *Philament*, 10 (2007): 28.

⁷⁵ *The Godfather Part II*, directed by Francis Ford Coppola (Hollywood: Paramount Pictures Corporation, 1974).

⁷⁶ Krapp, “Ideology, Rhetoric, and Blood-Ties,” 9.

⁷⁷ See Fredric Jameson, *Signatures of the Visible* (New York: Routledge, 1990), 32.

rival gangsters, but his assassination in fact has little to do with the ongoing power struggle. Instead, Sonny's brother-in-law, Carlo (Gianni Russo), betrayed Sonny to the Family's rivals. Carlo has been abusing Sonny's sister, Connie (Talia Shire), and Sonny had threatened to kill Carlo if he beat Connie again.⁷⁸ For Carlo, Sonny's threat is a symptom and clear sign that Carlo, despite his legal bonds to the Corleone family, remains outside the F/family. Carlo resents that the Corleones have not welcomed him into the Family's operations or recognized him as a figure of authority who could serve as another heir to the Family business. Carlo's resentment is most apparent in his relationship with Tom Hagan, a central figure in the Family with no blood ties to the family—or even to the Italian clan—whom Vito nevertheless treats as a son. Carlo's marginal status, implicitly clear to him, becomes explicit to the audience with Sonny's beating, an act which delineates for the audience the borders between inside and outside and the tenuous social codes upon which they rely. "By suggesting that Don Corleone's mode of authority poses an alternative," Poon claims, "the film diminishes our pro-social tendency to condemn him for repudiating the state-sanctioned legal order and situating himself above the laws that other citizens are obliged to obey. Against our own better judgment, we are molded into an 'insider' of the Corleone family."⁷⁹

When Vito dies, control of the Corleone Family passes to Michael.⁸⁰ "The plot of *The Godfather*," Krapp contends, "essentially records Michael's movement from outsider

⁷⁸ See Cindy Donatelli and Sharon Alward, "'I Dread You'? Married to the Mob in *The Godfather*, *GoodFellas*, and *The Sopranos*," in *This Thing of Ours: Investigating The Sopranos*, ed. David Lavery (New York City: Columbia University Press, 2002), 60-71.

⁷⁹ Poon, "Morality and Legality," 29.

⁸⁰ See Timothy O'Leary, "Godfathers and Sons: Tripping Over the Unconscious," *Film-Philosophy*, 13.1 (2009): 38-52.

to insider in the Mafia culture.”⁸¹ The inheritance skips Michael’s older brother Fredo (John Cazale), who by patrilineal logic would rise to the head of both the family and the Family. That Vito sent Fredo to Las Vegas to work with casino owner Moe Greene (Alex Rocco) signifies Fredo’s already-marginal status within the Family hierarchy; his allegiance to Greene and willingness to contradict Michael, as a representative of the Family, in the presence of outsiders demonstrates both that Fredo has always been marginal and that he now has positioned himself outside the F/family’s borders. Michael solidifies his command over Fredo and his ascent to Family leadership by commenting on the interwoven familial and Familial relationships: “Fredo, you’re my older brother, and I love you. But don’t ever take sides with anyone against the f/Family again. Ever.” Which f/Family Michael means remains unspecified.

By conspiring, in *Part II*, to arrange a hit on Michael, Fredo establishes himself as a player in the competition for Family power specifically because he knows that he is no longer considered part of the family, a point confirmed when his mother dies and he thereby loses his last significant blood connection to the family. With Carmela’s (Morgana King) death, Michael is now free to treat Fredo as an enemy of the Family. Michael, in revealing that he knows of Fredo’s involvement with the assassination plan, nevertheless draws on the affective ties of a family: “I know it was you, Fredo. You broke my heart. You broke my heart.” It is only while Carmela is alive that Michael refuses to take revenge against Fredo for his betrayal, so Michael responds not as a business rival, but as a backstabbed sibling: “Fredo, you’re nothing to me now. You’re not a brother. You’re not a friend. When you see our mother, I want to know a day in

⁸¹ Krapp, “Ideology, Rhetoric, and Blood-Ties,” 9.

advance so I won't be there." Carmela's death, however, eliminates even the need to perform family loyalty. Michael is free not only to disown Fredo from the family, but to exact his revenge against an enemy of the Family. "[K]illing a brother is a direct assault on the ideal, and the very structure, of the family," Krapp argues; in ordering Fredo's murder, Michael places his "sense of honor, which is rooted in his respect for the filial blood-line [*sic*], into direct conflict with the guilt that will follow the very action that he believes is required to protect honor."⁸²

Yet while Vito placed family bonds over all other forms of authority—swearing “on the souls of my grandchildren” that he would honor a pact with the other crime bosses, for example—Michael's reign threatens to dismantle the biological family for the sake of the Family's power grab.⁸³ Not only does Michael displace his brother and deride Fredo's disloyalty to the Family—or “family”—but he also relegates his wife, Kay (Diane Keaton), and their children to a secondary position that the biological members of the Corleone family never occupied during Vito's reign. He further justifies his unprecedented brutality by directly aligning the criminal Family with the state authority it purportedly supplants. Michael describes his father as “no different than any other powerful man, any man with power, like a president or a senator.” Kay, however, protests, “Do you now how naïve you sound, Michael? Presidents and senators don't have men killed,” and Michael replies, “Oh, who's being naïve, Kay?” The film concludes with another family ceremony—the baptism of Connie and Carlo's baby, a

⁸² Krapp, “Ideology, Rhetoric, and Blood-Ties,” 2.

⁸³ See Eric T. Kasper, “‘Keep Your Friends Close but Your Enemies Closer’: Machiavelli and Michael Corleone,” in *Homer Simpson Ponders Politics: Popular Culture as Political Theory*, ed. Joseph J. Foy and Timothy M. Dale (Lexington, KY: University Press of Kentucky, 2013), 45-59.

bookend to the film's opening wedding sequence. During the baptism, Michael solidifies his control of the Corleone Family by ordering the murders of Carlo and the competing New York Dons. Coppola presents these assassinations, moreover, in a montage that juxtaposes Michael-as-Godfather with Michael-as-godfather's renunciation of Satan. His parallel editing in the baptism sequence "create[s] a dramatic visual and aural contrast between the religious ceremony being conducted inside a church and the sacrilegious murders being perpetrated by Michael's men outside."⁸⁴ Michael's performance as godfather in the church simultaneously consolidates the ideologies of family, religion, and national clan, the stability of all of which is necessary to sustain the Family's system of authority and social relations. "Michael, expected through the filial bond to succeed his father as head of the genealogical family," Krapp claims, "requires the symbolic title 'Godfather' to ascend to the head of the Family's organization and to legitimize his actions with the title's religious significance."⁸⁵ And whereas *The Godfather* opens with the old Don opening the doors of his office to family and friends in celebration of his daughter's wedding, it ends with the new Don receiving the congratulations of his criminal associates while closing the door on Kay. Vito Corleone had resolved the government's failure of authority by relying on family; Michael, however, abandons the family to strengthen the control of the Family.⁸⁶ Combs refers to Michael's ordered

⁸⁴ Poon, "Morality and Legality," 33.

⁸⁵ Krapp, "Ideology, Rhetoric, and Blood-Ties," 10.

⁸⁶ See John R. May, "The *Godfather* Films: Birth of a Don, Death of a Family," in *Image and Likeness: Religious Visions in American Film*, ed. John R. May (New York City: Paulist Press, 1992), 65-75.

assassinations as a “ritual slaughter,” a series of intertwined killings that “must also be a communal (and religious) event, a purging of the family to reconsecrate” the F/family.⁸⁷

Michael’s recentering of the F/family’s defining margins has material impacts on both privacy and the disposition of the woman’s body. From the outset of *The Godfather*, Michael’s relationship with Kay hinges on configuring her role in the family, which depends on Michael maintaining a role outside the Family. *Part II* includes a flashback in which Michael recalls the dinner conversation where he announced his enlistment with the Marines. A furious Sonny calls soldiers “saps” because “they risk their lives for strangers.” “Your country,” Sonny proclaims, “ain’t your blood.” Michael wears his Marine uniform to Connie’s wedding in *The Godfather*’s opening sequence, signaling his continued alignment with legitimate State authority and his externality to the Family—which, as Sonny reveals in the *Part II* flashback, also makes Michael marginal to the family. This opening wedding sequence, then, solidifies Michael’s position outside the Family; while Vito conducts his business with Bonasera inside the house, Michael remains outside, enjoying the festivities with Kay. As a loving father, Vito considered it his duty to insulate Michael from the Family’s business, excluding his youngest son from his request-granting wedding obligations while allowing audience to both Sonny and Tom Hagan. Vito is visibly devastated when he learns that Michael performed the assassinations of Sollozzo and McCluskey (Sterling Hayden)—as a father, he has failed to maintain the borders between the Family and the family. And by violently stepping into the Family, Michael has made his relationship with Kay impossible. He instead marries Apollonia (Simonetta Stefanelli), incorporating into his family a member of the

⁸⁷ Combs, “Coppola’s Family Plot,” 43.

Italian clan who understands the meaning and delicate borders of the F/family. But Apollonia's ability to be part of the F/family exemplifies the tenuousness of these borders and ultimately precipitates her deadly expulsion from both Michael's family and his Family—an expulsion that Kay replicates in *Part II* when she aborts her son to keep from providing Michael with another heir to the F/family.

These multiple exclusions—or even purges—of women at the margins of the F/family test the parameters of F/familial control and the borders between inside and outside that govern privacy. Connie, in revealing to Sonny that Carlo beats her, reveals the unstable protections of the family and cedes her privacy to the Family, leading to the deaths of both Sonny and Carlo. The public enactment of Michael's private promise to be Connie's son's godfather simultaneously marks the moment of Carlo's death, the enactment of both a private family vendetta, and the public spectacle of Family assassinations. By expelling Carlo, Michael both redefines the borders of his family and solidifies the Family's authority, but Connie sits at the center of this power struggle with her body as both instrument and justification. *Part II* similarly positions Kay as the site of contradiction who, despite or perhaps because of her marginal status within the F/family, uses her body to reconstitute both the family and the Family. Her familial ties to Michael and her ability to determine its perpetuation become the conflicted source of the Family's power. By refusing to give birth to another Corleone son, Kay positions her body at the center of the F/family's continually contested and reorganized authority. In the last scene of *The Godfather*, Connie accuses Michael of ordering Carlo's murder—an accusation that Michael dismisses to Kay with, "She's hysterical." When Kay asks if it is true, Michael responds, "Don't ask me about my business." By initiating his reign as Don by

assassinating Carlo, Michael has redrawn the boundaries between the Family and the family, a boundary that Vito tried and failed to protect. The family, once the defining feature of the Family, is now marginal to the Family—it justifies the Family’s business but cannot interfere with it. Michael lies to Kay, but the final shots reveal the tenuousness of this lie. The film ends with a long shot, with Kay out of focus in the foreground making Michael a drink while Michael is framed in focus through the doorway to his office as the remaining bosses kiss his ring with greetings of “Don Corleone.” Kay looks back into the office, and the film ends as the door closes, locking her outside. Michael’s assertions of family in *Part II*, Combs argues, “are schizophrenic; it’s a realm at once sacrosanct...and devoid of content.”⁸⁸ While the borders distinguishing Family and family become more uncertain as Michael solidifies his position as Don, the hierarchy between the two is clear—whereas Vito spent his last days playing with his grandchildren, Michael orders his henchmen to buy presents for his son and orders the murder of his brother. But it is Kay who, with her abortion, rewrites the script of honor that Michael uses to justify his illogical relationships with family and Family. If *The Godfather*’s closing scene shows “the barriers kept in place, the doors always closing within the family, the shutter that eclipses Kay,”⁸⁹ then *Part II* is Kay’s refusal to be the controlled body that populates the family and the Family. With her abortion, she makes both her business.

⁸⁸ Combs, “Coppola’s Family Plot,” 43.

⁸⁹ Combs, “Coppola’s Family Plot,” 44.

4.3 A Slip of the Lip and the Failures of Authority in Language: *Breakfast of Champions* (1973) and “Self-Portrait in a Convex Mirror” (1975)

The Godfather gestures toward the divergence between language and meaning and the inability of language to express the instability of authority. If *Johnny Got His Gun* exemplifies the violence of unstable authority and *The Godfather* articulates how that instability becomes evident in language and the domestic ramifications of tenuous language, then Kurt Vonnegut’s *Breakfast of Champions* (1973)⁹⁰ renders simultaneously absurd and horrific the inability of language either to ensure individual privacy or to express the subject’s meaning. Vonnegut’s preface describes precisely the kind of human that failed authority has rendered *Johnny Got His Gun*’s Joe: “I tend to think of human beings as huge, rubbery test tubes, too, with chemical reactions seething inside.”⁹¹ Vonnegut’s satire reveals “the impossibility of *verbalizing* the good/evil ‘essence’ of the New World,” William Meyer, Jr. argues, “the cold-blooded murder of the social Word by the solitary Eye” [emphasis original].⁹² He demarcates the borders between the explicit and the implicit, between the private and the public, by dismantling the idea that “the subject” can be the explicit product of speech.⁹³ He ultimately rejects all forms of rules-based authority as viable sources for expression. Before commencing the novel’s actual plot, in which Vonnegut sets the mentally unhinged Pontiac dealer Dwayne Hoover on a collision course with science fiction novelist Kilgore Trout and maneuvers both toward a

⁹⁰ Kurt Vonnegut, *Breakfast of Champions* (New York City: Dial Press, 1973, 2011).

⁹¹ Vonnegut, *Breakfast*, 3.

⁹² William E.H. Meyer, Jr., “Kurt Vonnegut: The Man with Nothing to Say,” *Critique*, 29.2 (1988): 95-109.

⁹³ See Adam Kaiserman, “Kurt Vonnegut’s PBS Style: *Breakfast of Champions*, *Sesame Street*, and the Politics of Public Culture,” *The Journal of American Culture*, 35.4 (2012): 332-344; Robert T. Tally, Jr., *Kurt Vonnegut and the American Novel: A Postmodern Iconography* (New York City: Continuum International Publishing Group, 2011).

confrontation with the Creator of the Universe, Vonnegut recalls in the preface conversations with men who were on the battlefield on Armistice Day. He notes, “They have told me in one way or another that the sudden silence was the Voice of God.”⁹⁴ The universe’s ultimate authority, then, speaks with silence, so Vonnegut as both a character and the creator of every other character in *Breakfast* steps in to fill that void—before vanishing into a void himself. Vonnegut’s inclusion of himself as a character who simultaneously participates in and determines the action makes legible the impossibility of explicitly maintaining privacy within a rules-governed regime. “The narrator of *Breakfast of Champions*,” Creed Greer claims, “is inscribed with a textual schizophrenia that makes problematic his claim of authorship and the association of the author and narrator in general.”⁹⁵ Vonnegut repeatedly articulates the authority by which his characters express themselves, then either questions the logic of that authority or introduces a competing authority whose rules contradict the laws governing the first authority. For instance, he reduces human subjectivity to pure biology, describing Dwayne Hoover’s “incipient insanity [as] mainly a matter of chemicals, of course,” but then undercuts that explanation by adding that “Dwayne, like all novice lunatics, needed some bad ideas, too, so that his craziness could have shape and direction.”⁹⁶ He describes Trout as “a dirty old man in the wilderness, crying out among the trees and underbrush, ‘Ideas or lack of them can cause disease.’”⁹⁷ Disease becomes inevitable, again reduced to

⁹⁴ Vonnegut, *Breakfast*, 6.

⁹⁵ Creed Greer, “Kurt Vonnegut and the Character of Words,” *The Journal of Narrative Technique*, 19.3 (1989): 312.

⁹⁶ Vonnegut, *Breakfast*, 13-14. See Jennifer Krause, “Playing by the Rules: Causes of Madness in *Breakfast of Champions* and *Kiss of the Spider Woman*,” *Forum for Inter-American Research*, 7.1 (2014).

⁹⁷ Vonnegut, *Breakfast*, 15.

biology. And Vonnegut himself sits atop this already convoluted configuration of authority, as the creator of the characters whose actions are at some times entirely under his control and at others completely outside his purview. With his crude ink drawings to accompany his descriptions, then, Vonnegut's novel "is therefore a kind of modern American 'cave drawing'"⁹⁸ through which he decenters language as a verbal medium.

Vonnegut constructs his characters explicitly, both in the literal and figurative senses, particularly with respect to their sexuality. In so doing, he both strips them of any illusion of privacy—something that he as their creator has the power to do, and does with abandon—and reduces them to their biology. *Johnny* deals with sex implicitly; the camera lingers on a pile of Joe's girlfriend Kareen's (Kathy Fields) clothes to indicate her nakedness, and when a nurse masturbates Joe under his bedsheets the camera cuts to a shot of Joe erupting from a lake to signify his ejaculation. Vonnegut, on the other hand, describes his male characters by their penis sizes, his female characters by their bodily measurements, and both by their monthly orgasm rates. As does the Creator of the Universe in Kilgore Trout's story *Now It Can Be Told*, Vonnegut classifies his characters as machines and defines them by their functions, regardless of their success at fulfilling those functions: Dwayne's mother, who died during childbirth, is "a defective child-bearing machine," while his absentee father is "a disappearing machine."⁹⁹ On one hand, because their chemicals or their mechanistic functions determine their subjectivity, Vonnegut's characters are reduced to a state much like Joe's, at the mercy of two modes

⁹⁸ Meyer, "Kurt Vonnegut," 100.

⁹⁹ Vonnegut, *Breakfast*, 45-46.

of authority: a creator (Vonnegut) and a Creator (of the Universe) whose presences are constantly interpellated.¹⁰⁰

But on the other hand, Vonnegut questions both himself as an omnipotent creator and the Creator of the Universe as a hegemonic authority.¹⁰¹ “Whether the narrator is *really* Kurt Vonnegut is not simply impossible to decide,” Greer claims; “in this disease of words, the question itself is absurd” [emphasis original].¹⁰² For example, women, Vonnegut notes, “in the interests of survival...trained themselves to be agreeing machines instead of thinking machines,”¹⁰³ indicating that they are simultaneously predetermined robots and entities capable of adapting to their material realities. Of his creative power, he observes:

Here was the thing about my control over the characters I created: I could only guide their movements approximately, since they were such big animals. There was inertia to overcome. It wasn't as though I was connected to them by steel wires. It was more as though I was connected to them by stale rubberbands [sic].¹⁰⁴

And of the Creator of the Universe, Vonnegut notes of one of his creations, “The Creator of the Universe had put a rattle on its tail. The Creator had also given it front teeth which were hypodermic syringes filled with deadly poison. Sometimes I wonder about the

¹⁰⁰ See Charles Berryman, “Vonnegut's Comic Persona in *Breakfast of Champions*,” in *Critical Essays on Kurt Vonnegut*, ed. Robert Merrill (Boston: G.K. Hall, 1990), 162-170; Peter B. Messent, “*Breakfast of Champions*: The Direction of Kurt Vonnegut's Fiction,” *Journal of American Studies: JAS*, 8 (1974): 101-114.

¹⁰¹ See William E.H. Meyer, Jr., “Kurt Vonnegut: The Man with Nothing to Say,” *Critique: Studies in Contemporary Fiction*, 29.2 (1988): 95-109; Jaidev Singh and Pankaj K. Singh, “Self-Reflexivity in Contemporary Fiction: A Note on Ideology,” *Creative Forum: A Quarterly Journal on Contemporary Writing*, 1.4 (1988): 1-11.

¹⁰² Greer, “Kurt Vonnegut,” 313.

¹⁰³ Vonnegut, *Breakfast*, 140.

¹⁰⁴ Vonnegut, *Breakfast*, 207.

Creator of the Universe.”¹⁰⁵ This contradiction of authority renders Vonnegut’s characters somehow both autonomous and free-willed, ultimately lacking, like Joe, a reliable rules mechanism through which they can construct themselves explicitly. “The rational push from outside does not always produce the desired effect,” Greer argues, “partly, at least, because for a narrator there is no outside.”¹⁰⁶

These contradictions manifest most clearly in Kilgore Trout, “the only character I ever created who had enough imagination to suspect that he might be the creation of another human being.”¹⁰⁷ Trout somehow demonstrates both automation and autonomy: “His situation, insofar as he was a machine, was complex, tragic, and laughable. But the sacred part of him, his awareness, remained an unwavering band of light.”¹⁰⁸ This contradiction is precisely the idea that lends direction to Dwayne Hoover’s insanity, for Dwayne only begins his violent rampage through Midland City after reading Trout’s epistolary novel *Now It Can Be Told*. He believes that the fictional letter from the Creator of the Universe to the only creature with free will is in fact addressed directly to him.¹⁰⁹ Believing all other humans to be machines incapable of experiencing pain, who have been placed in the universe solely to elicit a response from him, Dwayne attacks his son,

¹⁰⁵ Vonnegut, *Breakfast*, 163.

¹⁰⁶ Greer, “Kurt Vonnegut,” 313.

¹⁰⁷ Vonnegut, *Breakfast*, 246.

¹⁰⁸ Vonnegut, *Breakfast*, 231.

¹⁰⁹ See Josh Simpson, “‘This Promising of Great Secrets’: Literature, Ideas, and the (Re)Invention of Reality in Kurt Vonnegut’s *God Bless You, Mr. Rosewater*, *Slaughterhouse-Five*, and *Breakfast of Champions* Or ‘Fantasies of an Impossibly Hospitable World’: Science Fiction and Madness in Vonnegut’s Troutean Trilogy,” *Critique: Studies in Contemporary Fiction*, 45.3 (2004): 261-271.

his lover, and nine others who cross his path.¹¹⁰ *Now It Can Be Told* ends by describing how the Creator transports The Man to a virgin planet, where The Man daily dives into an icy pool and emerges to shout something new, something that the Creator is never able to understand or predict. Dwayne, believing himself to be the only being in the universe who can say exactly what he wants because not even the supreme universal power can govern him, yells only catchphrases that have been emptied of their context. Purely to puzzle the Creator of the Universe, Dwayne yells, “Goodbye, Blue Monday,” a billboard slogan for a defunct corporation.¹¹¹ And in the ambulance following his rampage, Dwayne gleefully shouts, “A slip of the lip can sink a ship.”¹¹² *Breakfast of Champions*, then, “argues the impossibility of the real/unreal dichotomy.”¹¹³ It ultimately indicts the notion that privacy and free will can coexist with the rule of law in a surveillance state, for it is precisely by making free will explicit that it becomes simultaneously weaponized and not actually free. Rather, “free will” depends entirely on bad chemicals or the puppetry of a Creator, with the inner workings of their minds both exposed and entirely manufactured yet unable to be expressed through language.

¹¹⁰ See Deanna Rodriguez, “The Absurdity of Suicide: The Existential Struggle Explored by Vonnegut in *Breakfast of Champions*,” *New Academia: An International Journal of English Language, Literature, and Literary Theory*, 2.4 (2013): 1-4; Robert Merrill, “Vonnegut’s *Breakfast of Champions*: The Conversion of Heliogabalus,” *Critique: Studies in Contemporary Fiction*, 18.3 (1977): 99-109.

¹¹¹ Vonnegut, *Breakfast*, 280. See Creed Greer, “Kurt Vonnegut and the Character of Words,” *Journal of Narrative Technique*, 19.3 (1989): 312-330.

¹¹² Vonnegut, *Breakfast*, 281.

¹¹³ Greer, “Kurt Vonnegut,” 315.

But in John Ashbery's Pulitzer Prize-winning *Self-Portrait in a Convex Mirror* (1975),¹¹⁴ the workings of the mind, while impossible to capture, are the things that justify speech itself. "The relation between vision and language is the catalyst for the self's awareness of the loss of authenticity of our experience of reality," Stamatina Dimakopoulou claims, "an awareness which questions and redeems forms which may restore a lost, meaningful relation between the inner self and the external world."¹¹⁵ Because the poet cannot capture the inner mind, he is left only to presume the complexities of its workings.¹¹⁶ In the collection's title poem, Ashbery describes Parmigianino's painting of the same name as an exercise in purposeful superficiality. "[T]he very title poses the problem raised by Ashbery's poem," Lee Edelman argues, "a problem that itself might be formulated in terms of posing and imposture, a vocabulary of disguise that introduces doubt into the representation of the self."¹¹⁷ Ashbery contends with the impossibility of governing the private sphere so it remains private and literalizes through language the law of the supplement, the instability of the center—the painter Parmigianino and, by extension, himself as the poet—made more unstable by attempts to represent or replicate it—either through the mirror or the poem. The poem, Stephen Paul Miller argues, "is written in the guise of a meditation that overthrows its object of

¹¹⁴ John Ashbery, "Self-Portrait in a Convex Mirror," in *Ashbery: Collected Poems 1956-1987* (New York City: Literary Classics of the United States, 2008), 474-487.

¹¹⁵ Stamatina Dimakopoulou "The Poetics of Vision and the Redemption of the Subject in John Ashbery's *Self-Portrait in a Convex Mirror*," *E-REA: Revue Electronique d'Etudes sur le Monde Anglophone*, 2.2 (2004): 61.

¹¹⁶ See Mary Ann Caws, "Strong-Line Poetry: Ashbery's Dark Edging and the Lines of Self," in *The Line in Postmodern Poetry*, ed. Robert Joseph Frank and Henry M. Sayre (Urbana: University of Illinois Press, 1988), 51-59.

¹¹⁷ Lee Edelman, "The Post of Imposture: Ashbery's 'Self-Portrait in a Convex Mirror,'" *Twentieth Century Literature*, 32.1 (1986): 95

meditation.”¹¹⁸ Ashbery contemplates who, in Parmigianino’s distorted self-portrait, is removed from what, and fails to find an answer. In the breakdown of poetic authority, Ashbery takes the topography of existence as his subject, along with the doing and undoing of a poem. “For if the representation of the ‘self,’ and *that* representation is, in turn, an interpretation of some other representation of some other ‘self,’” Edelman claims, “the identity of the ‘self’ is too gravely in doubt to allow this process to be explained away as neatly ‘self-reflexive’” [emphasis original].¹¹⁹ But this existence only appears, in the poem and in Parmigianino’s portrait, as surface, and as a skewed surface at that, such that experience itself remains superficial: “The surface / Of the mirror being convex, the distance increases / Significantly; that is, enough to make the point / That the soul is a captive, treated humanely, kept / In suspension, unable to advance much farther / You’re your look as it intercepts the picture.”¹²⁰

Ashbery highlights how opacity can suddenly descend upon us, and we constantly struggle to describe our own lives. He fixates on the author’s authority to write, and to whom that authority is owed. “How many people came and stayed a certain time,” he queries, “Uttered light or dark speech that became part of you / Like light behind windblown fog and sand,/ Filtered and influenced by it, until no part / Remains that is

¹¹⁸ Miller reads Ashbery’s poem in the context of the Watergate tapes and Jasper Johns’s crosshatch paintings to argue that “American culture forecloses an era devoted to its own expansion by constructing surveillance devices that serve to monitor and delimit American culture through the agency of traditional organizing principles such as subject matter, the presidency, and the picture plane. Stephen Paul Miller, “‘Self-Portrait in a Convex Mirror,’ the Watergate Affair, and Johns’s Crosshatch Paintings: Surveillance and Reality-Testing in the Mid-Seventies,” *Boundary 2: An International Journal of Literature and Culture*, 20.2 (1993): 88.

¹¹⁹ Edelman, “The Post of Imposture,” 96.

¹²⁰ Ashbery, “Self-Portrait,” 474.

surely you.”¹²¹ Ashbery’s preoccupation with this process of filtering and influence, then, renders the poem “[a] writing which criticizes the faith in the power of forms to capture and transform reality; a writing which thematizes the deceptive ability to capture a reality beyond the image, while at the same time regretfully discrediting the very existence of this reality,”¹²² such that whatever reality the poem and the self-portrait purport to reflect is continually “filtered and reconstituted.”¹²³ Ashbery doubts his own authority to speak, noting “Often he finds / He has omitted the thing he started out to say / In the first place,”¹²⁴ and questions the possibility of master narratives either to govern authorial authority or to enable an examination of significance beyond the surface:

Each person
Has one big theory to explain the universe
But it doesn’t tell the whole story
And in the end it is what is outside him
That matters, to him and especially to us.¹²⁵

Ashbery’s concern with the author’s failure of authority and inability to vocalize or express the complexities of the present is inseparable from his concern with time.¹²⁶ His particular interest is in capturing the present moment when the present moment is always either receding or approaching, but never arrived. “Establishing recurrence,” Mueller claims, “the image captures the notion of distinction and dissolution as it

¹²¹ Ashbery, “Self-Portrait,” 476.

¹²² Dimakopoulou “The Poetics of Vision and the Redemption of the Subject,” 61.

¹²³ Robert Mueller, “John Ashbery and the Poetry of Consciousness: ‘Self-Portrait in a Convex Mirror,’” *The Centennial Review*, 40.3 (1996): 566..

¹²⁴ Ashbery, “Self-Portrait,” 485.

¹²⁵ Ashbery, “Self-Portrait,” 486.

¹²⁶ See Thomas A. Fink, “‘Here and There’: The Locus of Language in John Ashbery’s ‘Self-Portrait in a Convex Mirror,’” *Contemporary Poetry: A Journal of Criticism*, 4.3 (1982): 47-64.

emphasizes the gathering of the past, with its vanishing objective life, into the present of the self's or soul's 'arrival.'"¹²⁷ The reality of the present constantly evades expression, such that the present is the starting point which is always on the verge of being here:

All we know
Is that we are a little early, that
Today has that special, lapidary
Todayness that the sunlight reproduces
Faithful in casting twig-shadows on blithe
Sidewalks. No previous day would have been like this.
I used to think they were all alike,
That the present always looked the same to everybody
But this confusion drains away as one
Is always cresting into one's present.¹²⁸

Since the present cannot be captured—is always being “crested into”—Ashbery turns to the historical but finds that the authority for history has similarly failed. He explicitly invokes history, going back to Parmigianino's Rome, and contemplates aesthetics as historically specific. But the historic, like the borders of Parmigianino's portrait, recedes into the distance, loses its firmness in the face of the more all-encompassing present: “That is, all time / Reduces to no special time.”¹²⁹ But “[t]oday,” Ashbery writes, “has no margins, the event arrives / Flush with its edges, is of the same substance, / Indistinguishable.”¹³⁰ “When he speaks of a nondescript daytime,” Mueller contends, “the poet refers to the past under a condition of loss. This is none other than the void into which consciousness creates moments of realization, now reexamined as problematic but yet possible.”¹³¹ In the absence of either the present or the historical,

¹²⁷ Mueller, “John Ashbery and the Poetry of Consciousness,” 565.

¹²⁸ Ashbery, “Self-Portrait,” 483.

¹²⁹ Ashbery, “Self-Portrait,” 484.

¹³⁰ Ashbery, “Self-Portrait,” 484.

¹³¹ Mueller, “John Ashbery and the Poetry of Consciousness,” 570.

Ashbery focuses on the surface, on the chaos around which reality, idealism, and experience attempt to find organization: “The sample / One sees is not to be taken as / Merely that, but as everything as it / May be imagined outside time—not as a gesture / But as all, in the refined, assimilable state.”¹³² But because reality, idealism, and experience are ultimately organized around emptiness, the superficial is all that remains for the author’s poetic subject. “You feel like one of those / Hoffman characters who have been deprived / Of a reflection,” Ashbery observes, “except that the whole of me / Is seen to be supplanted by the strict / Otherness of the painter in his / Other room.”¹³³

Ashbery constantly tests his authorial power to provoke the reader, but his poetry tells nothing save his own struggles to represent experience and the surface in writing. “[W]e are recurrently reminded,” Dimakopoulou argues, “that both the poem and the painting hesitantly reach out to merge with the life outside.”¹³⁴ Even this, however, is doomed to fail: “The words are only speculation / (From the Latin *speculum*, mirror) / They seek and cannot find the meaning of the music.”¹³⁵ Poetry itself functions as a superficial kind of loop, and while the surface can expand, it never deepens, such that the author’s act of speaking or writing merely enlarges the surface rather than interprets its meaning. “If Parmigianino’s painting...serves as the model for Ashbery’s ‘Self-Portrait,’” Edelman asks, “how can the poem, in fact, *be* a self-portrait unless the significance of the self is severely qualified or directly called into question?” [emphasis

¹³² Ashbery, “Self-Portrait,” 482.

¹³³ Ashbery, “Self-Portrait,” 480.

¹³⁴ Dimakopoulou, “The Poetics of Vision and the Redemption of the Subject,” 62.

¹³⁵ Ashbery, “Self-Portrait,” 475.

original]¹³⁶ The surface, then, and failure itself are the only subjects about which the author has the authority to speak: “The surprise, the tension are in the concept/ Rather than its realization.”¹³⁷ Although the superficial remains as the sole space for speculation, the surface itself reflects a distorted version of reality that exacerbates its own falseness: “This otherness, this / “Not-being us” is all there is to look at / In the mirror, though no one can say / How it came to be this way.”¹³⁸ “Ashbery imagines an interplay between inside and outside,” argues Mueller, “a dialectic where the frustrated movements of the self to reach a world beyond come up against the boundary of a sphere that repeats and mimics the larger theater of attention.”¹³⁹ And any attempt to find significance beyond the surface, to exchange idealism for realism, must fail. Ashbery ends “Self-Portrait” by reinforcing this failure, specifically construing the authorial crisis as an act of empty speech: “The hand holds no chalk / And each part of the whole falls off / And cannot know it knew, except / Here and there, in cold pockets / Of remembrance, whispers out of time.”¹⁴⁰

In *Roe v. Wade*, without a guiding authority to ascertain when the competing parties’ theories of life dominate, the Court fashions its own authority in effectuating its tripartite ruling. Life itself, then, is open to negotiation. But if life’s origins can be negotiated, then its inverse must be similarly transactional. During the October 11, 1972, re-argument, Justice White articulates *Roe*’s central calculus: “And that’s what’s

¹³⁶ Edelman, “The Pose of Imposture,” 99.

¹³⁷ Ashbery, “Self-Portrait,” 479.

¹³⁸ Ashbery, “Self-Portrait,” 486.

¹³⁹ Mueller, “John Ashbery and the Poetry of Consciousness,” 566.

¹⁴⁰ Ashbery, “Self-Portrait,” 487.

involved in this case, weighing one's life against another?"¹⁴¹ The Court responds to this question by negotiating a division of life that requires both the woman and the state to sacrifice its theory of life at one point in order to have that theory honored at another. Sources of authority gain their power, then, through an act of transference—a “*taming of terror*,” as Ernest Becker contended in his 1973 book *The Denial of Death* [emphasis original]¹⁴²—at the heart of which lies an exchange of subjugation for the state's protection of an illusory right. Texts that narrativize this exchange make coherent Becker's assertion that “[w]hat makes transference heroics demeaning is that the process is unconscious and reflexive, not fully in one's control.” As in Johnny's relationship with his military doctors, Vito Corleone's agreement with Bonasera, Dwayne Hoover's violent misreading of Kilgore Trout's novel, and Ashbery's attempts to capture a distorted reflection in language, the subject's bargain with authority for protection, guidance, and meaning cannot forestall the death that the bargain was struck to suppress. But while these texts attempt to grapple with the instability of authority and the violence that accompanies the performance of authority by the state—or a F/family, creator/Creator, or artist/poet—they do not address a crucial component of *Roe*, one that shifts the identity of the subject whose privacy is under review. For in *Roe*, the subject of the state's regulations becomes explicitly gendered, and this gendering, such that privacy becomes inextricably linked not only with sexuality but with female sexuality specifically, changes the narrative calculus.

¹⁴¹ Flowers, “Oral Reargument.”

¹⁴² Ernest Becker, *The Denial of Death* (New York City: Free Press Paperbacks, 1973, 1997), 145.

CHAPTER 5. THE POWER OF CHRIST COMPELS WHO?: NEGOTIATING THE “WHEN”
OF PRIVACY AND THE MASCULINE APPROPRIATION OF THE FEMALE VOICE IN *ROE*
V. WADE (1973)

In *Roe v. Wade* (1973),¹ the Court gains its authority to speak on the matter of when a theory of life becomes sufficiently compelling specifically because no other authority has spoken definitively on the matter. To circumvent this authoritative vacuum and navigate the mandatory exchanges of the right to an abortion, the Supreme Court adopts a complex regulatory mechanism based on the three trimesters of pregnancy. It delineates a time-based structure to determine when and under what restrictions a woman may procure an abortion, in essence articulating when a private action becomes no longer private. If *Griswold v. Connecticut*² clarifies the “where” of the right to privacy—the marital home—and *Eisenstadt v. Baird*³ the “who”—the individual—then *Roe* rules on the “when.” However, the temporal mechanism for regulating the right to an abortion makes the links between privacy and women’s bodies—implicit in *Griswold* and *Eisenstadt*—explicit, and in gendering privacy, guts it. Disquiet about the gendered implications of linking privacy with sexuality—and both with the regulation of speech—operated within a wide spectrum of cultural life to deprive the female subject of autonomy over both sex and language. The specter of unregulable female sexuality and speech haunts Joan Didion’s *Play It As It Lays* (1970),⁴ Terence Malick’s *Badlands*

¹ *Roe v. Wade* 410 U.S. 113 (1973).

² *Griswold v. Connecticut*, 381 U.S. 479 (1965).

³ *Eisenstadt v. Baird* (405 U.S. 438 (1972)).

⁴ Joan Didion, *Play It As It Lays* (New York City: FSG Classics, 1970, 2005).

(1973)⁵ and William Friedkin's *The Exorcist* (1973),⁶ with the textual "quiet girl"—whether she is silent by choice or by force—as the contested site upon which these cultural anxieties become legible.

If "the home was implicitly a male body in *Griswold*," Deborah Nelson argues, "what happens when that body becomes irreducibly female?"⁷ But rather than merely noting or relying on the instable nature of authority, the *Roe* Court articulates an elaborate regime for circumventing an authoritative absence through a series of rhetorical and linguistic slippages that ultimately remove the right to privacy from the individual woman altogether. Even in the first trimester, when the State ostensibly cannot impede a woman's right to an abortion, such a right lies not with the woman, but with her physician. "The representation of the female body matters to conceptions of privacy for the simple reason that it has historically figured the impossibility of privacy," Nelson claims.⁸ The pregnant female body demarcates the unstable border between public and private, which becomes entangled with the boundaries between the individual and the state in *Roe*. *Roe v. Wade*, then, while celebrated as a landmark case in reproductive rights, inheres the right to privacy in two competing authorities, neither of which is the individual who supposedly enjoys the right, specifically because the individual who enjoys the right is a woman. If the female body demarcates the unstable borders between public and private in *Griswold*, between implicitness and explicitness in *Eisenstadt*, then

⁵ *Badlands*, directed by Terrence Malick (Burbank, CA: Warner Brothers Pictures, 1973).

⁶ *The Exorcist*, directed by William Friedkin (Burbank, CA: Warner Brothers Pictures, 1973).

⁷ Deborah Nelson, *Pursuing Privacy in Cold War America* (New York: Columbia University Press, 2001), 113.

⁸ Nelson, *Pursuing Privacy*, 114.

in *Roe* that body becomes foundational to the unstable boundaries between the individual and the state. The Court, then, converts an authoritative vacuum into a source of authority through double-sided slippage and substitution—the physician replaces the woman as the individual exerciser of the right to privacy, and the state substitutes itself as an independent regulatory authority and a voice for the unborn. The Court, then, through its trimester system, tethers the regulation of female sexuality to time, and that temporal regulatory mechanism to language—or rather, the lack thereof.

The Court further complicates its interpretation of the “when” of privacy by representing the infringements on the right to privacy not as a matter of state restrictions but rather as a matter of when one “life,” or potential life, merits state protection to another life’s detriment. The question of when the right to privacy inheres in a living woman depends on the unanswerable question of when a fetus becomes a “person.” In lieu of an answer, and therefore unable to state definitively when a legal subject may enjoy the right to privacy, the Court must qualify the right to privacy by delineating its trimester structure to ascertain when a state’s public interest in protecting fetal life overrides a woman’s private reproductive interests. The Court draws a temporal line, then, to mark the boundary between public and private, between personhood and non-personhood, and between the subject and the state. *Roe*’s temporal structure not only provides states with guidelines for regulating abortion, but also mandates that the individual cede their authority to determine when and how to speak. “[T]his right to privacy can only be effected by rhetoric,” Deborah Nelson argues, “which means that the right to privacy, the autonomy celebrated by Justice Douglas, depends on the ability to

make one's self-definition credible to others."⁹ *Roe*'s time-based structure for determining when a private action becomes no longer private defines and delimits women's autonomy for speech, ultimately inhering the authority for speech to the state when the subject is gendered as female.

5.1 *Roe*'s Trimester System and the Tethering of Privacy, Sexuality, and Time

The Supreme Court's prior decisions on privacy rights granted the individual the right to contest violations of that privacy while keeping unspoken the underlying condition placed upon that right—the state's ability to regulate privacy and the forced confession required to assert the right. *Roe*, in explicitly replacing the woman with her physician, clarifies privacy's previously unacknowledged limitations and renders explicit the terms of exchange. Having determined that a pregnant woman's right to privacy must be balanced against state interests in protecting "prenatal life," even though the Constitution provides no definition of when life begins, the Court further qualifies the right to privacy by declaring, "The pregnant woman cannot be isolated in her privacy. She carries an embryo and, later, a fetus, if one accepts medical definition of the developing young in the human uterus....The situation therefore is inherently different from marital intimacy."¹⁰ A pregnant woman's privacy, then, must be shared with, and therefore constricted by, the fetus she carries that the Court has already determined does not constitute a legal person. However, Blackmun recognizes the "wide divergence of thinking" about when life begins, and thus when the fetus becomes a legal entity with its

⁹ *Roe*, 130.

¹⁰ *Roe*, 159.

own rights which the State can assert for it.¹¹ Given that “those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus,” the majority declines to assert when “life” begins. But while the Court was “reluctant to endorse any theory that life, as we recognize it, begins before live birth or accord legal rights to the unborn except in narrowly defined situations and except when the rights are contingent upon live birth,”¹² the majority then proceeds to do precisely that.

Because the Court found Texas’s interests in protecting the health of the mother and the future potential life of the fetus sufficiently compelling, but also wished to protect the privacy rights of the woman, it divides the three trimesters of pregnancy into three discrete periods in which one competing interest dominates. During the first trimester, the abortion decision “must be left to the medical judgment of the pregnant woman’s attending physician,”¹³ but must otherwise be free from state interference. In the second trimester, the State may “regulate the abortion procedure in ways that are reasonably related to maternal health.”¹⁴ After “viability,” however, interpreted to mean the third trimester, the state may “regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of

¹¹ Physicians have posited conception, live birth, or “the interim point at which the fetus becomes ‘viable,’ that is, potentially able to live outside the mother’s womb, albeit with artificial aid” as possible points at which “life” begins.” Aristotelian conceptions of “ensoulment” located the start of life as the moment at which the soul entered the forming body—40 days for a male fetus, 90 days for a female. Roman Catholic ensoulment theories, however, placed the same event at the moment of conception. *Roe*, 160.

¹² *Roe*, 151.

¹³ *Roe*, 164.

¹⁴ *Roe*, 164.

the mother.”¹⁵ The majority concludes its decision by congratulating itself on resolving a controversial ethical conundrum, without the aid of definitive legal or medical guidance, in a manner “consistent with the relative weights of the respective interests involved,...medicine and history,...the lenity of the common law,...and the demands of the profound problems of the present day.”¹⁶

The question of when the right to privacy may be protected, abridged, or eliminated altogether depends on the Court converting an indeterminate medical timeline into a rigid legal one. Despite its unproductive foray into the history of abortion attitudes, the Court’s ruling negotiates the right to an abortion within a precisely calculated timeline. This timeline enables the Court and the states who must comply with its ruling to pinpoint precisely when and under what conditions it can regulate the right to privacy. But while the Court’s approach provides neat guidelines—attorneys love a good three-part test—its strict division of pregnancy into three legally legible phases belies the complete absence of medical or even precedential legal authority for such a division. This strategy invents answers to three time-based questions that the Court has already acknowledged lack unequivocal answers: At what point in history did the abortion question become settled? Never, so the tactic of looking to history proves fruitless. At what point does a fetus become a legal person? No one, including contemporaneous medical professionals, knows. At what point does the state’s interests override the woman’s privacy rights? It depends on the definition of the interest, how much the interest infringes on the woman’s rights, and who the state purports to protect.

¹⁵ *Roe*, 164-165.

¹⁶ *Roe*, 165.

Roe's oral arguments highlight these temporal indeterminacies. When asked why Texas expressed a stronger interest in criminalizing late-stage abortions, attorney for Jane Roe Sarah Weddington replied, "I think it is more the emotional response to a late pregnancy rather than it is any constitutional."¹⁷ In rearguments, she points to inconsistencies in Texas's brief concerning when the state contends life begins and asserted, "When it's not possible to show where life begins, we cannot take away a decision that is so fundamentally a part of individual life of the family, of such fundamental impact on the person."¹⁸ Texas attorney Robert C. Flowers argued, "We say that there is life from the moment of impregnation," but provides no response when Justice White responds, "And do you have any scientific data to support that?"¹⁹ Yet the majority issues its decision as if these answers were settled, thereby legally solidifying a timeline that is fluid and inconclusive.

The Supreme Court in *Roe v. Wade* implicitly grapples with this matrix and resolves its temporal indeterminacies by dividing what the majority has already articulated as being indivisible. The ramifications of *Roe*'s trimester mechanism extend beyond the practicalities of regulating when a state may and may not restrict a woman's right to procure an abortion. With *Roe*'s trimester system, privacy becomes inextricably intertwined with the artificial imposition of a discernible timeline for regulating female sexuality. The Court's tripartite decision serves a specific end—the Court articulates a

¹⁷ Sarah Weddington, "Oral Argument—December 13, 1971." Oyez, available at <https://www.oyez.org/cases/1971/70-18>.

¹⁸ Sarah Weddington, "Oral Reargument—October 11, 1972." Oyez, available at <https://www.oyez.org/cases/1971/70-18>.

¹⁹ Robert C. Flowers, "Oral Reargument—October 11, 1972." Oyez, available at <https://www.oyez.org/cases/1971/70-18>.

schedule whereby states can determine when they can restrict abortion access for the broader purpose of ascertaining when a state subject can assert a right autonomously and when the state may be empowered to do so in its stead. By qualifying privacy such that a subject may assert this right only at specified times during pregnancy, the Court articulates a means of navigating when autonomy to speak inheres in the subject versus in the state. The balancing act between the woman and the fetus requires an act of substitution. The Court places the state in the position of the fetus, such that the unborn—or the un-person—becomes interchangeable with the state’s authority to interfere with privacy rights. A woman enjoys the right to an abortion on a qualified basis by virtue of the fetus-state to whose authority she submits herself. Extending *Griswold* and *Eisenstadt*, then, the *Roe* Court demonstrates how the right to privacy’s logical failings rely not only on the impossibility of safeguarding privacy in a surveillance state. Rather, by assigning a timeline to competing individual and state interests, the *Roe* Court articulates that an individual enjoys the right to privacy only if they cede that right to the state at preordained times. Privacy exists, then, because there are times when it does not.

In attempting, failing, and then articulating anyway the boundary between personhood and non-personhood, the Court thus uses the maternal body to make the distinction between public and private legible.²⁰ The Court’s concern with ascertaining the moment when a fetus becomes a person becomes entangled with questions of autonomy for individual speech. Blackmun’s objective in rehashing abortion history is ostensibly to determine when a fetus becomes a person, not for medical, ethical, or

²⁰ *The Godfather* Trilogy, as the previous chapter argues, utilizes the maternal bodies of Kay and Connie to establish the distinction between family and Family and the slippery margins that define both.

religious purposes but rather to determine when a fetus becomes a *legal* person, a state subject who enjoys privacy rights of its own. But a fetus can hardly assert its own privacy rights, so the state assumes the role of advocate, making prenatal privacy not a personal condition but a public concern. In qualifying the right to privacy, Blackmun writes, “The pregnant woman cannot be isolated in her privacy. She carries an embryo and, later, a fetus, if one accepts the medical definitions of the developing young in the human uterus....The woman’s privacy is no longer sole and any right of privacy she possesses must be measured accordingly.²¹” Privacy, by definition, requires isolation, but by virtue of the fetus she carries, the fetus for whom the state may speak, a pregnant woman does not enjoy such isolation. Her status as a pregnant woman, then, limits both her privacy rights themselves and her autonomy to assert those rights.

The right to privacy therefore becomes inseparable from the ability to assert it. The Court extends the right to privacy to the fetus by empowering the state to speak for it, and for the state’s voice to overpower the woman’s once the fetus becomes viable. In the original oral arguments, Weddington notes the contradictions in Texas’s alleged interest in protecting prenatal life; Texas does not give rights to unborn children in any other area of the law, and the state grants no right of action for a fetus who is stillborn or dies via miscarriage.²² When, during rearguments, Justice Stewart noted, “[O]ne of the

²¹ *Roe*, 159.

²² Similarly, the Court does not speak directly to any rights that the state extends or ascribes to post-natal infants. It does not clarify whether the rights that are extended to the infant in each trimester of pregnancy are comparably terminated after the third trimester. While one may assume that, upon birth, agency transfers from the state to the infant, with the ability to assert the infant’s rights inhering in the parent or legal guardian acting *in loco parentis*, but the Court is silent in this matter. The state may continue to speak on behalf of a deceased or injured post-natal infant who has been the victim of a crime, as it does for victims in all criminal cases, but the extent to which the state retains

important factors that has to be considered in this case is what rights, if any, does the unborn fetus have,” Weddington cites state court cases *Byrn v. New York City Health & Hospitals Corp.*²³ and *McGarvey v. Magee-Women’s Hospital*,²⁴ which expressly hold that a fetus has no constitutional rights. She argues, “[W]e have a person, the woman, entitled to fundamental constitutional rights as opposed to the fetus prior to birth where there is no establishment of any kind of federal constitutional rights.” Justice White, however, responds, “And that’s what’s involved in this case, weighing one’s life against another?”²⁵ White’s query exemplifies the Justices’ enhanced focus during oral rearguments on the question of fetal personhood and articulates the Court’s equation of potential life with life itself. By rendering potential life worthy of fundamental rights and allowing the state to assert those rights, the Court purports to extend privacy rights while in fact subjecting them to additional state regulation and scrutiny. By equating potential life with life—potential personhood with personhood—the Court not only sidesteps the undecided question of when “life” actually begins, but also inheres in the fetus the permission, but not the ability, to assert privacy rights. In his oral reargument for the state of Texas, Jay Floyd explicitly connects rights and their assertion, a connection that the majority concretizes in its decision:

This Court has been diligent in protecting the rights of these minorities and, Gentlemen, we say that this is a minority, a silent minority, the true silent minority. Who is speaking for these children? Who is the council for these unborn

fiduciary or caretaking obligations to infants after birth—obligations which, if not met, could be grounds for a suit against the state—remains legally hazy.

²³ 38 A.D.2d 316 (N.Y. App. Div. 1972)

²⁴ 340 F.Supp. 751 (W.D. Pa. 1972)

²⁵ Weddington, Oral Reargument.

children, whose life is being taken? Where is the safeguard of the right to trial by jury? Are we to place this power in the hands of the mother, in a doctor?²⁶

By inhering the ability to assert privacy rights with the state, the Court prioritizes the fetus's silence over the pregnant woman's speech. The Court's decision in *Roe* implicitly draws from criminal law, wherein the state "speaks" for a crime victim by asserting the victim's cause of action against the defendant in the victim's stead, even if the victim is still alive, with the justification that a crime is not committed against an individual but rather against "the people." *Roe* applies this same substitution at the other end of the spectrum, granting the state the authority to speak not only for the unborn but also on behalf of potential life. *Roe*, then, qualifies the privacy rights that pregnant individuals can assert and introduces the possibility for future substitutions of the state for the subject in situations in which life may potentially be involved. The Court fails to distinguish, furthermore, between two interpretations of the phrase "potential life"—*potentially alive*, as in "a consensus may one day exist that a fetus is medically and legally alive," and *the potential of life*, as in "the possibility exists that life, however defined, may be in play."

Far from isolating itself in its attempts to harden the hazy boundaries of time as a compensatory regulatory mechanism, the *Roe* Court reinscribes and reiterates larger cultural preoccupations with time and its instability. Widespread social suspicion and anxiety are "logical responses to technological and social change," Timothy Melley claims, "to the radical insights of poststructuralism and systems theory, and even to the breathless sociologies of 'future shock,' 'global village,' and even 'postindustrial

²⁶ Jay Floyd, "Oral Argument—December 13, 1971." Oyez, *available at* <https://www.oyez.org/cases/1971/70-18>.

society’” (14). Three of the major historical and sociological texts of the decade—Alvin Toffler’s *Future Shock* (1970),²⁷ Hayden White’s *Metahistory* (1973),²⁸ and Daniel Bell’s *The Coming of Post-Industrial Society* (1973)²⁹—directly address these anxieties and insights and conceive of history and futurity not as concrete authorities or potentialities but rather as entities whose logical underpinnings need to be interrogated. Writing two years before the Court shifted the right to privacy from the marital home to the individual in *Eisenstadt*, Toffler notes the displacement of the family, that “giant shock absorber of society,”³⁰ and attributes the explosion of social subgroups to the vacuum left by this displacement. White further teases out the distinction between events and narrative in the realm of historical knowledge. He articulates the “problem of historical knowledge” to distinguish between “‘history’ [which] was considered to be a specific mode of existence, ‘historical consciousness’ a distinctive mode of thought, and ‘historical knowledge,’ an autonomous domain in the spectrum of the human and physical sciences.”³¹ Yet neither history nor the future can be approached scientifically, as the term “future” itself, to Bell, is “a relational term. One can only discuss the future of *something*” [emphasis original].³² Yet while Toffler seeks to erase the “popular myth that the future is ‘unknowable’” by

²⁷ Alvin Toffler, *Future Shock* (New York City: Bantam Books, 1970). Toffler articulates a crisis of futurity derived from humanity’s inability to adapt to change, specifically condemning the *rate* rather than the *direction* of change as the source of crisis.

²⁸ Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore: The Johns Hopkins University Press, 1973).

²⁹ Daniel Bell, *The Coming of Post-Industrial Society* (New York City: Basic Books, 1973).

³⁰ Toffler, *Future Shock*, 238.

³¹ White, *Metahistory*, 1.

³² White, *Metahistory*, 3.

directing social futurism with methods for defining preferable futures,³³ Bell argues that “predictions, while possible, cannot be formalized, i.e., made subject to *rules*” [emphasis original].³⁴ The *Roe* Court, however, was charged with the task of enumerating standards by which states could both protect their own regulatory interests and ensure the individual right to privacy, and trafficked exclusively in rules. While Bell concludes his work with a “Coda: An Agenda for the Future” that identifies issues that arise with the onset of post-industrial society but refrains from either predicting these issues’ outcomes or suggesting mechanisms for coping with them, the Blackmun majority imposed formalized rules to regulate an indeterminate event.

That Toffler, White, and Bell published within a four-year period three works that question the stability or determinability of either the past or the future speaks to the extent to which preoccupations with temporality influenced 1970s cultural narratives. Two of the decade’s bestselling novels—Stephen King’s *Salem’s Lot* (1975)³⁵ and Anne Rice’s *Interview with the Vampire* (1976)³⁶—center on narratives of immortality and ahistoricity, while time travel and historically-oriented futurism preoccupied science fiction filmmakers and writers in works such as Michael Crichton’s *Westworld* (1971),³⁷ Michael Anderson’s *Logan’s Run* (1976),³⁸ and Marge Piercy’s *Woman on the Edge of Time* (1976).³⁹ As the United States prepared for the Bicentennial celebration in 1975, the

³³ Toffler, *Future Shock*, 461.

³⁴ Bel, *Post-Industrial Society*, 3.

³⁵ Stephen King, *Salem’s Lot* (New York City: Doubleday, 1975).

³⁶ Anne Rice, *Interview with the Vampire* (New York City: Alfred A. Knopf, 1976).

³⁷ *Westworld*, directed by Michael Crichton (Beverly Hills, CA: Metro-Goldwin Mayer, 1973).

³⁸ *Logan’s Run*, directed by Michael Anderson (Beverly Hills, CA: United Artists, 1976).

³⁹ Marge Piercy, *Woman on the Edge of Time* (New York City: Alfred A. Knopf, 1976).

history of the American nation and its unlimited potential became increasingly popular subjects, as evidenced by E.L. Doctorow's 1975 novel *Ragtime*.⁴⁰ Because the Bicentennial celebrations occurred only one year after the 1975 withdrawal from Vietnam, the Ford administration and the American Revolution Bicentennial Administration (ARBA) stressed themes of renewal and regeneration based on the rediscovery of traditional American values. The American Freedom Train's tour of the forty-eight contiguous states, the lighting of a third lantern at the Old North Church and Ford's address on the Old North Bridge in Concord, and Presidential Proclamation 4411, which affirmed the Founding Fathers' guiding principles, gave a nostalgic, mythic sheen to the nation's past with an eye toward recapturing the manufactured spirit of that past in the country's third century.

Popular entertainment shared this nostalgic view of American and global history. The 1972-1981 Treasures of Tutankhamun exhibition offered American museumgoers the opportunity to view relics from an ancient past; advertisements for the exhibition included the tagline, "The exhibit you've been waiting for since 1325 B.C." The tour reflected changing dynamics in US-Middle East relations and signaled potential shifts in Egypt's cold war alliances. In 1975, Walt Disney's Carousel of Progress opened in the Tomorrowland section of the Magic Kingdom theme park in a theatrical celebration of both nostalgia and a midcentury version of futurism. The attraction traces twentieth century technological advances via a "typical" American family, linking a nostalgic vision of the past with the promise of a "great, big, beautiful tomorrow" through the interlocking authorities of the nuclear family and scientific achievement.

⁴⁰ E.L. Doctorow, *Ragtime* (New York City: Random House, 1975).

New Age interest in temporal experimentation grew alongside mainstream preoccupations with time. In October 1971, Joseph C. Hafele and Richard E. Keating flew four cesium-beam atomic clocks twice around the world in what became known as the “time-travel experiment,” confirming Albert Einstein’s 1905 theory of “time dilation.” The Fundamental Fysiks Group at the University of California, Berkeley questioned the implications of quantum physics and entanglement. Hippie brothers Terence and Dennis McKenna traveled to Colombia to conduct “the Experiment at La Chorrera,” whose DMT-fueled experiences with an abstract formulation of temporality that Terence called the “Timewave” are chronicled in *The Invisible Landscape* (1975).⁴¹ And in 1976, two articles deconstructed Western distinctions between past, present, and future—Hugh Everett’s “many-worlds” interpretation of quantum physics and Hilary Putnam’s reinterpretation of *a priori* arguments.⁴²

5.2 The Regulation of Sexuality and the Silencing of the Subject in *Play It As It Lays* (1970)

These broad indications of a larger cultural preoccupation with time, however, largely overlook the gendered dimensions of temporality that are at play in the Court’s decision in *Roe*. What are the specific ramifications for women with the failed logic of supplementation upon which the *Roe* Court bases its decision? And how can cultural texts make these ramifications legible? Rice, for example, interrogates the implications for women of immortality through the character of Claudia, a five-year-old girl who

⁴¹ Terence McKenna, *The Invisible Landscape: Mind, Hallucinogens, and the I Ching* (San Francisco: HarperOne, 1975).

⁴² See Davis (2019) for a thorough account of hippie subculture’s fascination with quantum physics and the McKenna brothers’ La Chorrera experiments.

grieves the woman she will never become. In *Logan's Run*'s dystopian society, death is conflated with renewal through the implanted "life-clock," by which residents count down the days to what they believe is their rebirths but is really their murders. While the film focuses primarily on the eponymous Logan 5 (Michael York), it is Jessica 6's (Jenny Agutter) ankh pendant that precipitates Logan's realization that life outside the sealed city is possible. The society's Carrousel ritual terminates all citizens at age thirty, an arbitrarily chosen age at which the powers that be have determined women are no longer reproductively viable.

Folk horror in the 1970s was particularly preoccupied with gendered interpretations of temporality, often linking primitive methods of tracking time with a cyclical understanding of female sexuality. In *Burnt Offerings* (1973),⁴³ for example, Robert Marasco makes explicit, from its title to its narrative, the violence of substitution that implicitly informs the *Roe* Court's holding, with emotional investment and sacrifice as the mechanisms by which the mystical Long Island house extracts value from its female caretaker. The novel approaches questions of exchange, investment, and time from a specifically female perspective in order to ask what women must sacrifice for privacy, sexuality, and autonomy. Marian Rolf's obsessive caretaking for the rented summer home—the caretaking that will eventually literally absorb her into the house—derives from expectations of domestic labor that align domesticity with femininity; her husband refers to her homemaking as "Dunsinane all over,"⁴⁴ and her domestic duties at

⁴³ Robert Marasco, *Burnt Offerings* (Richmond, VA: Valancourt Books, 1973, 2015).

⁴⁴ Marasco, *Burnt Offerings*, 5.

the summer house extract a similar blood price. Thomas Tryon's *Harvest Home* (1973)⁴⁵ displaces traditional linear time by depicting time as a cycle aligned with the maternal body, then abjecting both that temporal structure and the female sexuality that frames it.⁴⁶ The novel exhibits extreme masculine anxiety about the challenges of regulating the female body⁴⁷ and centralizes this anxiety through the remote community of Cornwall Coombe's harvest-and-birth-cycle mechanism for structuring its yearly cycles. Protagonist Ned Constantine, an outsider who moves to Cornwall Coombe as part of what he calls his "back to the land movement,"⁴⁸ fails to adjust to the Coombe's fertility celebrations and matriarchy and pays a violent price. In portraying time as aligned with a female reproductive cycle of "the Eternal Return,"⁴⁹ and thereby implicitly rejecting the *Roe* Court's linear trimester understanding of birth, Tryon concurrently renders this

⁴⁵ Thomas Tryon, *Harvest Home* (New York City: Open Road Integrated Media, 1973, 2018). See S.T. Joshi, "Thomas Tryon: Rural Horror," *Studies in Weird Fiction*, 11 (1992): 5-12.

⁴⁶ Feminist scholars have written extensively about rejecting Western teleological and patriarchal time's totalizing authority. See, for example, Victoria Browne, *Feminism, Time, and Nonlinear History* (New York City: Palgrave Macmillan, 2014); Christina Schües, Dorothea Olkowski, and Helen Fielding, eds, *Time in Feminist Phenomenology* (Bloomington: Indiana University Press, 2011); Victoria Hesford and Lisa Diedrich, eds, *Feminist Time Against Nation Time: Gender, Politics, and the Nation-State in an Age of Permanent War* (New York City: Roman and Littlefield, 2008); Ivana Milojević, "Timing Feminism, Feminising Time," *Futures*, 40 (2008): 329-345; Valerie Bryson, *Gender and the Politics of Time: Feminist Theory and Contemporary Debates* (Bristol: Bristol University Press, 2007); Joan Tronto, "Time's Place," *Feminist Theory*, 4.2 (2003): 119-138; Robyn Wiegman, "Feminism's Apocalyptic Futures," *New Literary History*, 31.4 (2000): 805-825.

⁴⁷ See Rachel Gear, "All those nasty womanly things: Women artists, technology and the monstrous-feminine," *Women's Studies International Forum*, 24.3-4 (2001): 321-333.

⁴⁸ Tryon, *Harvest Home*, 7.

⁴⁹ Tryon, *Harvest Home*, 288.

maternal understanding of time monstrous and castrating.⁵⁰ And within this matrix of maternal authority and time, Tryon inserts an additional element of speech, as the women of the town punish Ned for learning too much about their rituals by blinding him and removing his tongue. The novel ends by reinforcing Ned's eternal silence: "The clock ticked. The Invisible Voice continued."⁵¹

The Court's trimester system, then, attempts to impose an easily discernable mechanism for regulating female sexuality, which, because of the Court's analysis of fetal personhood, simultaneously functions as a mechanism for determining when a woman may speak for herself. However, even the Court's apparent affordances—allowing abortion in the first trimester—rest upon tenuous ground, as the woman may only make decisions about her own body in consultation with her physician. The exercise of privacy thus demands a forced confession, making it not private even in the first trimester. Women, then, can never enjoy privacy; they can only negotiate the terms of their confessions. Cultural texts explore the nuances and complications of such a negotiation. For instance, in Judy Blume's *Are You There God? It's Me, Margaret* (1970),⁵² the *New York Times*' 1970 Outstanding Book of the Year, the eleven-year-old protagonist speaks to God through her journal about her burgeoning sexuality, as she feels unable to discuss menstruation, attraction, and puberty with her parents. Stephen King's *Carrie* (1974)⁵³ approaches these same topics from a perspective that erases the

⁵⁰ See Barbara Creed, *The Monstrous-Feminine: Film, Feminism, Psychoanalysis* (London: Routledge, 1993).

⁵¹ Tryon, *Harvest Home*, 388.

⁵² Judy Blume, *Are You There God? It's Me, Margaret* (New York City: Bradbury Press, 1970).

⁵³ Stephen King, *Carrie* (New York City: Anchor Books, 1974, 2011).

female protagonist's voice, with a traditional third-person narrative framed around journal articles, interviews, and transcripts, none of which feature Carrie's own recollections. Even the novel's narrative reconstructions of the events leading up to Carrie's prom rampage reimagine Carrie's interiority through masculine metaphors; King describes Carrie's menstrual cramps, for example, as "great, griping waves, making her slow down and speed up like a car with carburetor trouble."⁵⁴ "In the postwar period, [the tradition of gendered tales of socialization] becomes coupled to the narrative of violated identity and agency-in-crisis," Melley claims, "a story about the implantation of social controls into privileged self-enclosed, integral, atomistic subjects."⁵⁵

Maria Wyeth, the protagonist of Joan Didion's *Play It As It Lays* (1970), struggles to determine the parameters of her own confession. Didion's novel narrativizes the implications for women of linking sexuality to language, with the exercise of both the subject of external regulation, and articulates how making women's sexuality a matter of public concern simultaneously forces a confession and silences the speaker.⁵⁶ "Maria's 'madness' is...characterized by her inability to communicate and her inability to cope with the vision of nothingness she comes to encounter," Mizuta Noriko argues, such that

⁵⁴ King, *Carrie*, 25.

⁵⁵ Timothy Melley, *Empire of Conspiracy: The Culture of Paranoia in Postwar America* (Ithaca: Cornell University Press, 2000), 32.

⁵⁶ See Ulrike E. Koestler, "Joan Didion's *Play It As It Lays*: Female or Feminist Perspective?" in *Flip Slides: New Critical Essays in American Literature*, ed. Klaus H. Schmidt (Frankfurt: Peter Lang Publishers, 1995), 103-121; Cynthia Griffin Wolff, "Play It As It Lays: Didion and the New American Heroine," in *Joan Didion: Essays and Conversations*, ed. Ellen G. Friedman (Princeton, NH: Ontario Review Press, 1984), 124-137.

her “consequent loss of a sense of life and of herself”⁵⁷ manifests not in the failure of words, but in the failure of Maria’s desire to use them. From the mental institution in which she is confined, former model/actress Maria recalls the events that led to her breakdown—separation from her husband, film producer Carter Lang; the institutionalization of her daughter, Kate; an abortion she did not want; and the suicide of her friend, BZ. “We are not meant to rest satisfied with the delicate nuances of Maria’s emotional life,” Cynthia Griffin Wolff argues; “quite the contrary, Didion demands that we use Maria’s agonized explorations as a vehicle for the examination of nothing less than our heritage as Americans.”⁵⁸

The novel starts with Maria’s voice describing her own indifference: “What makes Iago evil? some people ask. I never ask.”⁵⁹ Maria’s unwillingness to speak frustrates her only visitors, Carter and BZ’s wife, Helene, who vow not to visit again. Didion narrates the rest of the novel in the third person, with only brief interludes in which Maria speaks for herself—always marked with italics and increasing in frequency as the novel nears its conclusion. Maria’s narrative, C. Barry Chabot claims, “brackets the main narrative, which in turn seems addressed to the question of how this particular situation came to be; the novel asks what turn of events brought Maria to her present impasse.”⁶⁰ Didion’s narrative of late-1960s Hollywood depicts a desolate cultural

⁵⁷ Mizuta Noriko, “Feminine Failure and the Modern Hero: Mad Women in Sylvia Plath’s *The Bell Jar* and Joan Didion’s *Play It As It Lays*,” *Review of Japanese Culture and Society*, 30 (2018): 76.

⁵⁸ Cynthia Griffin Wolff, “*Play It As It Lays*: Didion and the Diver Heroine,” *Contemporary Literature*, 24.4 (1983): 481.

⁵⁹ Didion, *Play It As It Lays*, 3.

⁶⁰ C. Barry Chabot, “Joan Didion’s *Play It As It Lays* and the Vacuity of the ‘Here and Now,’” *Critique: Studies in Contemporary Fiction*, 21.3 (1980): 54.

landscape, which to Maria signifies a lack of meaning in life itself. Maria has abandoned any attempt to ascribe meaning to events:

Why should a coral snake need two glands of neurotoxic poison to survive while a king snake, *so similarly marked*, needs none. Where is the Darwinian logic there. You might ask that. I never would, not any more....Unless you are prepared to take the long view, there is not satisfactory “answer” to such questions.”⁶¹ She continues, “Just so. I am what I am. To look for ‘reasons’ is beside the point [emphasis original].”⁶²

When the hospital staff presses Maria to elaborate “the point,” however, she responds, “NOTHING APPLIES, I print with the magnetized IBM pencil. What does apply, they ask later, as if the word ‘nothing’ were ambiguous, open to interpretation, a questionable fragment of an Icelandic rune.”⁶³ Before her voice vanishes for most the novel, then, Maria speaks only to justify her continued silence, a silence she enforces because neither words nor events possess any inherent significance.⁶⁴ As Maria asks, “I mean maybe I was holding all the aces, but what was the game?”⁶⁵

Helene and Carter attribute Maria’s mental breakdown to witnessing—or, as Helene believes, being complicit in—BZ’s suicide, but Maria’s loss of faith in meaning or authority can be traced to the destruction of her interpersonal relationships. The nuclear family in *Play It As It Lays* has been shattered, and Maria’s attempts to

⁶¹ Didion, *Play It As It Lays*, 3.

⁶² Didion, *Play It As It Lays*, 3.

⁶³ Didion, *Play It As It Lays*, 4.

⁶⁴ See Deolinda Simões, “Literary Silences: The Representation of Different and Non-Narrated Realities in Narration,” *Journal of Anglo-American Studies*, 1 (2012): 142-160; Patricia D. Anderson, “Self-Definition in *Mansfield Park* and Joan Didion’s *Play It As It Lays*,” *James Madison Journal*, 35.3 (1977): 58-66; Sybil Korff Vincent, “In the Crucible: The Forging of an Identity as Demonstrated in Didion’s *Play It As It Lays*,” *Perspectives on Contemporary Literature*, 3.2 (1977): 58-64.

⁶⁵ Didion, *Play It As It Lays*, 10.

reconstruct it fail. She struggles to contend with her mother's death that could have been either an accident or suicide, which Maria, then a model in New York, learned of days after the event. Her father subsequently died as well, and Maria has become alienated from the one family friend, Benny Austin, who stepped in as an ersatz uncle. Separated from Carter and their daughter Kate confined to an institution, Maria now lives alone in the empty shell of her former family home. As Maria has become motherless, so too does Kate, with the institution replacing the family for both. Without a family unit to structure her life's significance, Maria loses the point.⁶⁶ When she and Carter decide to separate, she notes, "There was a silence. Something real was happening: this was, as it were, her life. If she could keep that in mind she would be able to play it through, do the right thing, whatever that meant."⁶⁷ And when Maria becomes pregnant again, by Carter or her lover Les Goodwin—she never knows which—Carter forces her to have an illegal abortion by an unnamed "man who does clean work," who is never definitively stated as being a licensed physician, at his house in Encino. After the abortion, Maria indulges in pastoral fantasies of familial bliss—living with Kate, Les, and the aborted baby in the country, canning food, brushing her daughter's hair. But even these fantasies lose their luster, and the illusion of domesticity that she maintained with Les Goodwin evaporates following the abortion. Maria and Les arrange a tryst after Maria's abortion, but although they meet at a motel, they do not have sex. To Maria, their affair has outlived its purpose, which was to provide Maria with a substitute illusion, or possibility, of family:

He mentioned the strain he had been under, he mentioned that the preview had gone badly. She mentioned that she was getting the curse. They mentioned Kate,

⁶⁶ See Ronald Foust, "Family Romance and the Image of Woman's Fate in *Play It As It Lays*," *Journal of Evolutionary Psychology*, 5.1-2 (1984): 43-54.

⁶⁷ Didion, *Play It As It Lays*, 41.

Carter, Felicia, the weather, Oxnard, his dislike of motel rooms, her fear of subterfuge. They mentioned everything but one thing: that she had left the point in a bedroom in Encino.⁶⁸

The novel's setting within the film industry further reinforces Maria's crisis of authority.⁶⁹ "Hollywood, where stories are manufactured and marketed," Sandra K. Hinchman observes, "is populated by men and women detached from their own pasts as well as from reality as such. They are portrayed as solipsistic narcissists oriented chiefly toward experiencing pleasure."⁷⁰ By retelling the western narrative in, as Michelle Loris claims, "what she presents as America's most disappointing frontier—Hollywood, a place absent of any governing moral code for everyday living,"⁷¹ Didion juxtaposes Maria-as-performance with Maria-as-subject to emphasize the lack of meaning and failure of redemption within the individual moral experience. Maria's relationships are superficial and hypercommodified, based on transactional exchanges with the ultimate end of creating a mediated, artificial representation of "reality." *Play It As It Lays* is

⁶⁸ Didion, *Play It As It Lays*, 134-135.

⁶⁹ See Patrick O'Donnell, "Postwar Los Angeles: Suburban Eden and the Fall into History," in *The Cambridge Companion to the Literature of Los Angeles*, ed. Kevin R. McNamara (Cambridge: Cambridge University Press, 2010), 59-74; Eric Avila, "Essaying Los Angeles," in *The Cambridge Companion to the Literature of Los Angeles*, ed. Kevin R. McNamara (Cambridge: Cambridge University Press, 2010), 177-190; K. Edington, "The Hollywood Novel: American Dream, Apocalyptic Vision," *Literature/Film Quarterly*, 23.1 (1995): 63-67; Mark Royden Winchell, "Fantasy Seen: Hollywood Fiction since West," in *Los Angeles Fiction: A Collection of Original Essays*, ed. David Fine (Albuquerque: University of New Mexico Press, 1984), 147-168; Charles L. Crow, "Home and Transcendence in Los Angeles Fiction," in *Los Angeles Fiction: A Collection of Original Essays*, ed. David Fine (Albuquerque: University of New Mexico Press, 1984), 189-205.

⁷⁰ Sandra K. Hinchman, "Making Sense and Making Stories: Problems of Cognition and Narration in Joan Didion's *Play It As It Lays*," *The Centennial Review*, 29.4 (1985): 461.

⁷¹ Michelle Loris, "Biblical Analogues in Joan Didion's *Play It As It Lays*," *Renascence: Essays on Values in Literature*, 68.4 (2016): 284.

unique within the Hollywood novel subgenre, however, because, as Chip Rhodes claims, it focuses on the effects of the culture industry on women. “Hollywood novelists,” Rhodes contends, “encode mass culture as a ‘feminine’ discourse that functions as a convenient other for the sanctified, but beleaguered aesthetic discourse—a discourse, moreover, that is based on patriarchal, subject-oriented epistemology.”⁷² Maria resists such an epistemology by not only shining light on the aesthetic emptiness of this discourse, but also by refusing to be the subject of her own narrative.

The first picture Maria made with Carter exemplifies her relationship with the film industry—a film simply called *Maria* that was never distributed. For the film, Carter merely followed Maria through a day in her life and filmed her activities, but Maria-the-character herself never spoke a single line. Although the film never received studio distribution, it became a popular picture in film schools. Maria recalls her relationship to the picture and to the viewers to whom Carter granted intimate access to her life:

She had once heard that students at UCLA and USC talked about using her the way commercial directors talked about using actresses who got a million dollars a picture, but she had never talked to any of them (sometimes they walked up to Carter in front of a theater or a bookstore and introduced themselves, and Carter would introduce Maria, and they would look sidelong at Maria while they talked to Carter about coming to see their film programs, but Maria had nothing to say to them, avoided their eyes) and she disliked their having seen her in that first picture. She never thought of it as *Maria*. She thought of it always as that first picture.⁷³

Maria-the-woman divorces herself from both *Maria*-the-picture and Maria-the-subject, such that she identifies with neither.⁷⁴ “The metaphor of the cinematic image,”

⁷² Rhodes, “The Hollywood Novel,” 132.

⁷³ Didion, *Play It As It Lays*, 20-21.

⁷⁴ See Rodney Simard, “The Dissociation of Self in Joan Didion’s *Play It As It Lays*,” in *Narcissism and the Text: Studies in Literature and the Psychology of Self*, ed. Lynne

Rodney Simard argues, both structures Didion's novel and represents a culture total devoid of "integrity, depth, and substance."⁷⁵ Each chapter resembles the cutting room floor—an assemblage of unedited scenes without sequential order or dramatic pattern which can, as Wolff claims, "tell no story" until the filmmaker or reader structures them into something resembling a story.⁷⁶ Carter approaches his failing marriage "only as a difficult editing problem:"⁷⁷ "I played and replayed these scenes...composed them as if for the camera, trying to find some order, a pattern."⁷⁸ The image of Maria on the screen, then, signifies instead a sort of biographical icon with whom Maria herself has little relationship. The movie that bears her name and her image reiterates the gendered politics of speaking and autonomy that guide the *Roe* Court in dividing the ability to assert one's right to privacy into trimesters for the woman and the state-as-fetus. Although her face dominates the screen, ostensibly as the subject of the film, Maria remains silent, her representation repeatedly filmed, edited, and reconstructed by Carter, such that she ultimately barely recognizes the version of herself that he packages and sells. Maria's presence in the picture, without which the picture would not exist, serves only to bolster Carter's artistic ethos and transfer ownership over Maria's voice to her husband. "Didion repeatedly demonstrates the moral derangements of modern society by patterns of images," Wolff argues, "sometimes even by abstract verbal patterns or by patterns of

Layton and Barbara Ann Schapiro (New York City: New York University Press, 1986), 273-289.

⁷⁵ Simard, "The Dissociation of Self," 273-274.

⁷⁶ Wolff, "Didion and the Diver Heroine," 488-489.

⁷⁷ K. Edington, "The Hollywood Novel: American Dream, Apocalyptic Vision," *Literature/Film Quarterly*, 23.1 (1995): 63.

⁷⁸ Didion, *Play It As It Lays*, 14.

association, which capture the inherent distortion of value.”⁷⁹ The images substitute purely aesthetic concern for content, such that value is determined exclusively by an image’s cinematic qualities; a woman who watched news footage of her home sliding in the Tujunga Wash comments only on the video’s “really outstanding camera job”⁸⁰ and BZ praises a blue movie for its “extraordinary technical quality.”⁸¹ In his film, Carter crafts and distorts the images of Maria to reconstruct a narrative of her life over which he maintains control. The Maria on the screen, as Maria herself would say, does not apply, a “female Bartleby” whose politics point, Daae Jung argues, “to a new use of potentiality, namely potentiality *as* impotentiality” [emphasis original] to critique the pseudo-biopic that signifies a “culture where potentiality is exploited for maximizing one’s human capital.”⁸²

Maria, then, functions purely as a commodity, an exchange reinforced by the transactional nature of relationships throughout the narrative. The “friends” who populate her world, whom Simard refers to as “vacuous narcissists,”⁸³ devote themselves solely to, as Loris argues, “maintaining the exterior so that it reveals little or no deterioration within the passage of time—an ultimately futile endeavor.”⁸⁴ Maria bonds with BZ, for instance, because she sympathizes with the superficiality of his popularity: “‘Don’t you ever get tired of doing favors for people?’ There was a long silence. ‘You don’t know how tired,’

⁷⁹ Wolff, “Didion and the Diver Heroine,” 485.

⁸⁰ Didion, *Play It As It Lays*, 113.

⁸¹ Didion, *Play It As It Lays*, 110.

⁸² Daae Jung, “Joan Didion’s Woman Bartleby in *Play It As It Lays*,” *Critique: Studies in Contemporary Fiction* (2022): 3.

⁸³ Simard, “The Dissociation of Self,” 274.

⁸⁴ Loris, “Biblical Analogues,” 285.

BZ said.”⁸⁵ Maria frequents parties on the arms of homosexual men, with whom she acquires a certain status for her ability to play a part: “She understood, for example, about shoes, and she could always distinguish among the right bracelet and the amusing impersonation of the right bracelet and the bracelet that was merely a witless copy.”⁸⁶ The social set’s language, like the language used by the Marin County crowd in Cyra McFadden’s *The Serial*,⁸⁷ “further reveals their self-aggrandizement,” Loris contends. “The inflated phrases ‘fab,’ ‘supergood,’ ‘beaucoup fantastic,’ and ‘fabulous’ reflect the degraded mind of a society puffed up by its own pride and illusions.”⁸⁸ Maria’s value derives from her superficial enactment of value, her skill at impersonating an exchangeable commodity. She constitutes what Rhodes refers to as “a consummate postmodern subject...able to see through belief systems and to see one’s social existence as a ‘game’ that has arbitrary rules that still lay claim to some foundation.”⁸⁹ Her halfhearted performance within the Hollywood social set ultimately frustrates her family, friends, and even casual acquaintances, so they disregard her in favor of a more exciting performance.

Maria’s lack of personal authority or autonomy is directly tied to her willingness or unwillingness to speak, and her failure to be heard or understood when she does speak. In their first-person narratives, both Carter and Helene express frustration at Maria’s silence. But Maria refuses to speak not from spite or secrecy, but purely from a belief that

⁸⁵ Didion, *Play It As It Lays*, 39.

⁸⁶ Didion, *Play It As It Lays*, 125.

⁸⁷ Cyra McFadden, *The Serial: A Year in the Life of Marin County* (New York: Apostrophe Books, 1977).

⁸⁸ Loris, “Biblical Analogues,” 285.

⁸⁹ Rhodes, “The Hollywood Novel,” 134.

words possess no inherent significance. Shortly after their initial separation, Maria imagines surprising Carter in the desert, but decides against the trip when she rehearses their inevitable conversation: “Whatever he began by saying he would end by saying nothing. He would say something and she would say something and before either of them knew it they would be playing out a dialogue so familiar that it drained the imagination, blocked the will, allowed them to drop words and whole sentences and still arrive at the cold conclusion.”⁹⁰ Her relationship with Carter consists of empty wordplay and missed meanings: “‘I’m sick of everybody’s sick arrangements.’ ‘You’ve got a fantastic vocabulary.’ She looked at him and spoke very fast and low. ‘I’ve got a fantastic vocabulary and I’m having a baby.’ Carter slowed the car down. ‘I missed a translation,’ he said finally.”⁹¹ Words, to Maria, fail to capture their own signifieds. After telling Carter that she does not know the father of her baby, she thinks, “She wanted to tell him she was sorry, but saying she was sorry did not seem entirely adequate, and in any case what she was sorry about seemed at once too deep and too evanescent for any words she knew, seemed so vastly more complicated than the immediate fact that it was perhaps better left unraveled.”⁹² After the abortion, Maria simply stops trying to express meaning through words. She refuses to return Les Goodwin’s calls because “[s]he had nothing to say to any of them,”⁹³ and she spontaneously spends two weeks in Las Vegas because, as

⁹⁰ Didion, *Play It As It Lays*, 31.

⁹¹ Didion, *Play It As It Lays*, 48.

⁹² Didion, *Play It As It Lays*, 49.

⁹³ Didion, *Play It As It Lays*, 58.

she ironically tells her agent, Freddy Chaikin, she “like[s] the good talk”⁹⁴ although “[s]he spoke to no one.”⁹⁵

Play It As It Lays is plagued by euphemisms which are either misunderstood and then incorrectly or inaccurately clarified or clearly indicated in italics as self-aware. For example, Maria approaches Freddy Chaikin to ask for work. He tells her, “‘Let’s get to the bottom line, Maria, if Carter were around he’d say the same thing.’ ‘Carter is around,’ There was a silence, and when Freddy Chaikin spoke again his voice was gentle, ‘All I meant, Maria, was that Carter’s on location. All I meant.’”⁹⁶ Similarly, Maria refuses an invitation to a party with BZ, who implies that she cannot attend because she has plans with Les Goodwin: “‘I mean of course unless you’ve got *plans*.’ His voice rose almost imperceptibly. ‘Unless you’ve got an *à deux* going at the Marmont. Or wherever it is he stays.’ Maria said nothing. ‘You’re a lot of laughs this afternoon, Maria. I’m glad I called. I just meant that you and Les Goodwin were friends. As in just-good. No innuendo. No offense” [emphasis original].⁹⁷ Both Freddy and BZ clearly imply meanings beyond the literal interpretations of their words, but when met with Maria’s silence—an indication that she knows exactly what they mean—they offer alternative inaccurate clarifications. Words become slippery, their meanings indeterminate and never entirely innocent.

Even metaphors, from Maria’s aimless driving on the LA freeways to her post-abortion nightmares about clogged plumbing, are so heavy-handed that the heavy-

⁹⁴ Didion, *Play It As It Lays*, 172.

⁹⁵ Didion, *Play It As It Lays*, 169.

⁹⁶ Didion, *Play It As It Lays*, 29.

⁹⁷ Didion, *Play It As It Lays*, 35.

handedness becomes the point. Metaphors fail to reveal any deeper meaning than the things they purport to substitute for or signify. They function, then, as empty substitutions intentionally made barren for the purpose of revealing their own emptiness. The descriptions of Maria's abortions articulate the vapid inequivalencies of metaphorical language. Didion describes nothing about the procedure literally, always relying on euphemisms and metaphors that highlight rather than hide the meanings for which they substitute. On the phone with the doctor's contact, "There was a silence. 'How advanced is the *problem*, Maria,' the voice said finally" [emphasis original].⁹⁸ During the procedure, the doctor tells Maria, "'This is just induced menstruation....Nothing to have any emotional difficulties about, better not to think about it at all, quite often the pain is worse when we think about it.'" ⁹⁹ Maria herself notes, "[T]he pain as the doctor scraped signified nothing beyond itself."¹⁰⁰

Didion further emphasizes her reliance on euphemism by expressing these substitutions in quotation marks or italics. For example, Maria describes a dream in which a shadowy Syndicate member orders her to stay in a house where the plumbing is clogged with human flesh: "Certain phrases remained constant. Always he explained that he was 'part of that operation.' Always he wanted to discuss 'a business proposition.'" ¹⁰¹ And after the abortion, Maria "bought a silver dress, and tried to stop thinking about *what he had done with the baby. The tissue. The living dead thing, whatever you called it.*"¹⁰²

⁹⁸ Didion, *Play It As It Lays*, 56.

⁹⁹ Didion, *Play It As It Lays*, 82.

¹⁰⁰ Didion, *Play It As It Lays*, 82.

¹⁰¹ Didion, *Play It As It Lays*, 96. See Melley, *Empire of Conspiracy*, 34.

¹⁰² Didion, *Play It As It Lays*, 115.

When Maria's voice returns at the end of the novel, she expressly connects her sense of meaninglessness with both her abortion and the metaphorical language used to describe it: "*Never discuss. Cut. In that way I resemble the only man in Los Angeles County who does clean work.*"¹⁰³ The "clean work" of the abortionist recalls a different "cutting room floor," where Carter edited and rebuilt Maria into his ideal cinematic vision; the removal of the fetus stands in for the removal of Maria's control over her own image, such that even her abortion does not truly involve Maria—both are the decisions and actions of men who "do clean work." The cleanliness is what recommends the Encino abortionist to Carter: not only his medical precision but also his emotional tidiness and a promise of discretion. The neatness—in both the procedure and the abortionist's silence—simultaneously facilitates the abortion and writes Maria out of it entirely. The *Roe* Court articulated the same maneuver, distinguishing between legal and illegal abortions—and between permissible and impermissible exercises of privacy—based on clean timelines and trimester divisions, artificial borders between the physician and the state that leave little space for the woman herself.

Play It As It Lays inextricably links its depiction of meaninglessness with its concerns with temporality by way of its explicit usage or noted absence of a governing or guiding time structure. "The tensions in this work, which professes so disingenuously to ignore temporal connections, are always between past and present," Wolff claims, "Maria's past and present, and the past and present of a once-great culture."¹⁰⁴ In her first-person prologue, Maria recalls a chance encounter with Benny Austin at the

¹⁰³ Didion, *Play It As It Lays*, 203.

¹⁰⁴ Wolff, "Didion and the Diver Heroine," 481.

Flamingo in Las Vegas. Benny wants to reminisce about old times, telling Maria, “‘I’m speaking about *then*, Maria. *As it was*” [emphasis original].¹⁰⁵ Maria, however, refuses to accompany Benny down memory lane: “I might as well lay it on the line. I have trouble with *as it was*” [emphasis original].¹⁰⁶ But just as Maria refuses to relive the past, or to grant the past any significance by nostalgically reconstructing it, she also rejects the possibility of significance in the future: “Everything goes. I am working very hard at not thinking about how everything goes.”¹⁰⁷ “If only the past could be manipulated as easily as a scene in a movie or in the cutting-room of one’s imagination,” Hinchman laments, “Maria would not be in her present fix.”¹⁰⁸ Not linear or cyclical, time for Maria proceeds as an intermingled series of inevitabilities over which she has no control. Shortly after Carter leaves her, she thinks, “Sometimes in the night the dread would overtake her, bathe her in sweat, flood her mind with sharp flash images of Les Goodwin in New York and Carter out there on the desert with BZ and Helene and the irrevocability of what seemed already to have happened.”¹⁰⁹ Maria lacks any meaningful relationships to give structure to time, and as such rejects time itself.

Her pregnancy, however, temporarily challenges time’s meaninglessness. It grants Maria an event by which she can both measure time’s passing and inscribe meaning to its forward thrust. Before Maria’s abortion, Didion pointedly notes the date and time; for example, Maria realizes she is pregnant because of period math: “[S]he saw that for the

¹⁰⁵ Didion, *Play It As It Lays*, 6.

¹⁰⁶ Didion, *Play It As It Lays*, 7.

¹⁰⁷ Didion, *Play It As It Lays*, 8.

¹⁰⁸ Hinchman, “Making Sense and Making Stories,” 463.

¹⁰⁹ Didion, *Play It As It Lays*, 18.

fifty-first day she was not bleeding.”¹¹⁰ The medical and social treatment of pregnancy depends on a steadfast preoccupation with temporality—trimesters, monthly countdowns—and without this governing structure, Maria loses all sense of time.¹¹¹ Didion depicts the abortion itself as a countdown comprised not of easily discernible time periods as the *Roe* Court would advise, but rather as a series of disconnected yet interrelated vignettes whose significance cannot, despite Maria’s best efforts, be apportioned cleanly. Maria measures her pain in minutes, simultaneously dividing her experience into manageable segments and ticking off the remaining time in her pregnancy: “Two minutes in Silver Wells, two minutes here, two minutes there, it was going to be over in this bedroom in Encino, it could not last forever.”¹¹² Even this countdown, however, means nothing to Maria: “No moment more or less important than any other moment, all the same.”¹¹³ But Didion stops her incessant timekeeping with the termination of Maria’s pregnancy, suggesting that the crucial event that precipitated Maria’s accession to the view that “nothing mattered,” was her abortion.¹¹⁴ Her refusal to acknowledge the time, day, or month mirrors how Maria maintains willful ignorance of time’s passage to avoid the inevitable pregnancy countdown: “[S]he had deliberately not counted the months but she must have been counting them unawares, must have been keeping a relentless count somewhere, because this was the day, the day the baby would

¹¹⁰ Didion, *Play It As It Lays*, 47.

¹¹¹ See Elfriede Pöder, “‘I Like Maria a Lot. Maria Was Very Strong, Very Tough.’ Or: Trying to Come to Terms with Abortion as a Narrative Strategy,” in *The Self at Risk in English Literatures and Other Landscapes*, ed. Gudrun M. Grabher and Sonja Bahn-Coblans (Innsbruck, Austria: Innsbruck University Press, 1999): 147-154.

¹¹² Didion, *Play It As It Lays*, 81.

¹¹³ Didion, *Play It As It Lays*, 82.

¹¹⁴ See Chabot, “Joan Didion’s *Play It As It Lays*,” 56.

have been born.”¹¹⁵ The text only resumes its timekeeping as it begins to count down to the novel’s other structuring event—BZ’s suicide. Maria joins Carter, BZ, and Helene on Carter’s desert movie set,¹¹⁶ and it is now when Didion reintroduces her temporal noting, this time as a countdown for number of days left in the desert, which coincides with the number of days left in BZ’s life. Didion’s narrative structure thus critiques both the neatly divided timeline that the *Roe* Court imposes upon the reproductive female body and the Court’s use of artificial temporal distinctions as a mechanism for drawing a margin around the controllable and the ungovernable. After her abortion, Maria continues her now-arbitrary countdown to the baby’s birth that will never come, a countdown that leads not to birth but to yet another death. Life, then, cannot be contained by the time she—and the *Roe* Court—use to measure it, and indeed to determine whether “life” exists at all.

With the reintroduction of a governing timeline, the reader once again hears Maria’s voice—Maria’s voice and her ability to speak in her own words becomes inextricably linked with death. As in Maria’s opening first-person narrative, Didion sets Maria’s narration apart from the rest of the text by presenting it in italic typeface, as if Maria’s voice is extraneous or irrelevant to the events themselves. In fact, Maria’s narration has little to do explicitly with BZ’s suicide, but rather consists of a series of increasingly nihilistic ruminations on meaninglessness: “*My father advised me that life itself was a crap game: it was one of the two lessons I learned as a child. The other was that overturning a rock was apt to reveal a rattlesnake. As lessons go those two seem to*

¹¹⁵ Didion, *Play It As It Lays*, 141.

¹¹⁶ See Michelle Loris, “Biblical Analogues in Joan Didion’s *Play It As It Lays*,” *Renascence: Essays on Values in Literature*, 68.4 (2016): 284-293.

hold up, but not to apply.”¹¹⁷ This meaninglessness, however, is precisely what compels BZ’s suicide, and what keeps Maria from preventing it even though she was in the room when he overdosed on sleeping pills. Neither Carter nor Helene can forgive Maria for doing nothing while BZ died, but nothing is all Maria has left: “*Carter and Helene still ask questions. I used to ask questions, and I got the answer: nothing. The answer is ‘nothing.’*”¹¹⁸

Carter and Helene distinguish themselves from Maria and BZ, who embrace nothingness and the emptiness of language, by relying on the joke as their governing authority to insulate themselves from Maria and BZ’s meaninglessness. When Maria says or does something inappropriate or confusing, Carter and Helene assume that she is joking but fail to see the humor. Maria rents an apartment because she has nightmares about clogged plumbing in the Hollywood house, and when she tells Carter, who objects to paying two rents, “‘I’m not living here, I’m just staying here,’” he replies, “‘I still don’t get the joke.’”¹¹⁹ At a gathering in the desert hotel, Maria tells everyone that they make her sick, to which an offended Helene responds, “‘If it’s not funny don’t say it, Maria.’”¹²⁰ The joke in *Play It As It Lays* is a form of speech in which the purpose of the words is not to communicate the meaning of the words themselves; rather, the joke is told specifically *not* to be taken seriously or literally. Even as tenuous as the joke’s authority is, the joke still indicates that Carter and Helene are invested in language’s authority, even if it is a form of authority over which they have little control. The joke, Chabot

¹¹⁷ Didion, *Play It As It Lays*, 200. See Lynne Howard Goodhart, “Joan Didion’s *Play It As It Lays*: Alienation and Games of Chance,” *San José Studies*, 3.1 (1977): 64-68.

¹¹⁸ Didion, *Play It As It Lays*, 210.

¹¹⁹ Didion, *Play It As It Lays*, 103.

¹²⁰ Didion, *Play It As It Lays*, 191.

argues, displaces truth with “pleasure as the norm for discourse.”¹²¹ Maria notes how Carter and Helene believe in causality: “*If Carter and Helene want to think it happened because I was insane, I say let them. They have to lay it off on someone. Carter and Helene still believe in cause-effect.*”¹²² But the notion of cause and effect, Chabot claims, “is worse than bootless—it is a positive misconstruing of the way things come about.”¹²³ Carter and Helene may have little to no autonomy over either the causes or the effects, but nevertheless this logic reassures them that some logic still exists. Maria deprives Carter and Helene of the insulation that the joke and causality provide them by simply refusing to speak at all: “*The one time Ivan Costello got through the switchboard to me here he told me that I had lost my sense of humor. In spite of what Carter and Helene think, maybe my sense of humor was all I did lose.*”¹²⁴

Maria and BZ, however, recognize the utter absence of authority, and as such invest in no governing logic. Maria’s lack of autonomy and her subsequent silence distinguish her from BZ in one key respect: BZ, embodying an “American insatiability,”¹²⁵ invests in death a kind of poignancy and meaning that his life lacks, but Maria truly embraces nothingness to such an extent that even death does not provide sufficient justification to govern or organize her actions.¹²⁶ BZ is, Chabot claims,

¹²¹ Chabot, “Joan Didion’s *Play It As It Lays*,” 55.

¹²² Didion, *Play It As It Lays*, 203.

¹²³ Chabot, “Joan Didion’s *Play It As It Lays*,” 54.

¹²⁴ Didion, *Play It As It Lays*, 208.

¹²⁵ Edington, “The Hollywood Novel,” 63.

¹²⁶ David J. Geherin claims that Maria chooses life even after BZ kills himself, ultimately rejecting nihilism in a “Sisyphus-like refusal to give in.” David J. Geherin, “Nothingness and Beyond: Joan Didion’s *Play It As It Lays*,” *Critique: Studies in Contemporary Fiction*, 16.1 (1974): 65.

“emblematic of the society” Didion portrays: “[H]aving narrowed the range of social values to the receipt of pleasure, he cares only for the alleviation of boredom. When that no longer seems possible, BZ prefers suicide to ennui.”¹²⁷ Maria speaks in first-person the final words of the novel solely to reiterate the futility of speech: “*I know what ‘nothing’ means, and keep on playing. Why, BZ would say. Why not, I say.*”¹²⁸ “[Maria’s] confinement in a mental hospital,” Noriko argues, “is an attainment of meaningful silence, a calm repose in the midst of the ever-clearer awareness of nothingness after the drama of initiation.”¹²⁹ By choosing what Carter and Helene perceive as a meaningless silence, Maria imbues her silence with meaning because it is the only form of expression over which she still retains control. BZ searched for meaning, and, finding nothing, chose death. Maria refuses even to search. Maria, then, plays it as it lays—this is the meaning of nothing. And it is this refusal to speak, now when Carter and Helene beg her to talk after silencing her for the rest of the narrative, that opens space for Maria to re-insert herself into her own story. The silent Maria of Carter’s picture was silent through manipulation and the exercise of patriarchal authority; the silent Maria in the institution has something to say and, to maintain control over the words she has left, chooses not to say them. If nothingness is what exists beyond the margins of “everything,” then Maria’s choice of nothingness destabilizes the artificial borders between everything and nothing, between the private and the public, and between the self and the state that governs the vacuous Hollywood society in which Maria lives and the nation’s highest Court in articulating its schematics for abortion regulation.

¹²⁷ Chabot, “Joan Didion’s *Play It As It Lays*,” 56.

¹²⁸ Didion, *Play It As It Lays*, 214.

¹²⁹ Noriko, “Feminine Failure,” 78.

5.3 Silence as Violence and the Technologies of Confession: *Badlands* (1973) and *The Exorcist* (1973)

Gendered narratives of speech and sexuality depict the deprivation of female privacy and sexuality not as a single violent event but rather as a gradual process of silencing. Terence Malick's debut film *Badlands* (1973) articulates the crisis of authority facing children and the nuclear family. Set in the 1950s, when the nuclear family eclipsed ethnic, class, and political affiliations as the site upon which American identity was made legible, *Badlands* fictionalizes the 1958 crime spree of nineteen-year-old Charles Starkweather and his fourteen-year-old girlfriend Caril Ann Fugate. In the film, Holly (Sissy Spacek) runs away with her twenty-five-year-old lover Kit Carruther (Martin Sheen) after Kit kills Holly's father. They embark on a deadly road trip through the American West and Midwest, murdering strangers and hiding from the authorities. The police apprehend the couple in the Montana Badlands. Holly reveals that she received probation for her participation in Kit's killing spree, and eventually married her defense attorney's son. Kit, however, was executed for his crimes. The film commences with Holly and Kit's first meeting, but Holly foregrounds this fateful encounter by describing her broken family via voiceover: "My mother died of pneumonia when I was just a kid. My father had kept their wedding cake in the freezer for ten whole years. After the funeral, he gave it to the yard man. He tried to act cheerful, but he could never be consoled by the little stranger he found in his house." Holly implicitly links her relationship with Kit to her lack of a traditional family.¹³⁰ Her father forbids Holly's

¹³⁰ See Barbara Jane Brickman, "Coming of Age in the 1970s: Revision, Fantasy, and Rage in the Teen-Girl Badlands," *Camera Obscura: A Journal of Feminism, Culture, and Media Studies*, 66.3 (2007): 25-59.

relationship with Kit and violently reasserts his authority over his daughter: “As a punishment for deceiving him, he went and shot my dog.”

But when she rejects her father’s authority, Holly substitutes one form of domination for another. Kit resolves his conflict with Holly’s father for control over the girl by murdering his competitor and stepping into the authoritative void he himself has created for Holly. Kit, then, serves as a cautionary tale both for real-world Hollys and, more pointedly, for their parents; Holly’s relationship with Kit directly results from the nuclear family’s failure to provide stability. Their relationship depends on Kit’s total supremacy. When the pair encounters a young couple on a ranch where Holly and Kit had hoped to hide, for example, Kit leads the couple to the root cellar where he intends to kill them. The girl whispers to Holly, “What’s going to happen to Jack and me?” Holly responds, “You have to ask Kit. He says, ‘Frog,’ I jump.”¹³¹ Malick reinforces Holly’s subservience by presenting her voice primarily via voiceover;¹³² diegetically, Kit’s voice overwhelmingly dominates the film. Kit’s appeal, moreover, derives from his being an individual who “has something to say.” When he first approaches Holly, he asks her to take a walk with him. She asks why, and he responds, “Aw, I got some stuff to say.” Kit frequently records his thoughts for posterity, first after he murders Holly’s father and prepares to fake his and Holly’s deaths and then sporadically throughout his time as an outlaw. Holly, on the other hand, describes herself as lacking personality, as a girl who

¹³¹ Paradoxically, sensationalist reports of Holly and Kit’s crime spree more often demonized Holly as the true mastermind, a misconception that Holly, again via voiceover, corrects: “They claim I’ve got him wrapped around my little finger, but I never told him to shoot anybody.”

¹³² See Brian Henderson, “Exploring *Badlands*,” *Wide Angle: A Film Quarterly of Theory, Criticism, and Practice*, 5.4 (1983): 38-51.

“didn’t have a lot to say.” Her speechlessness is precisely what Kit finds attractive and what enables him to establish control over his young lover. But voiceover narration enables Holly to speak directly to the audience without Kit’s interference, rendering her narration an act of subversion that circumvents masculine surveillance and containment.¹³³

In his review of *Badlands* for the *New York Times*, Vincent Canby praised Martin Sheen and Sissy Spacek’s performances as Kit and Holly as “the self-absorbed, cruel, possibly psychotic children of our time.”¹³⁴ Despite Canby’s assertion that Holly and Kit embody historically specific cultural anxieties about youth and rebellion, Malick’s film demonstrates a strange relationship with time. Holly and Kit’s life on the lam allows for few luxuries, but Holly treasures her father’s old Stereopticon and uses the sepia-toned images she sees through it to escape her reality with Kit. Despite delivering very little dialogue—a trait that specifically draws Kit to her—Holly finds a way to negotiate her own confession in voiceover, such that the viewer gains privileged access to her interiority that she does not share with Kit. Moreover, she accomplishes this by using the technologies that she salvages from the wreckage of her already broken domestic life with her father. Holly’s internal monologue overlays aged images of anonymous lovers,

¹³³ See Curran Nault, “The Cinematic Quiet Girl from *The Breakfast Club* to *Badlands*,” *Feminist Media Studies*, 13.2 (2013): 303-320; James McLeod, “Narrative Vistas: Subversive Voice-Over in Terrence Malick,” *Philament* (2009): 56-90; Anne Latta, “Innocents Abroad: The Young Female Voice in *Badlands* and *Days of Heaven*,” in *The Cinema of Terrence Malick: Poetic Visions of America*, ed. Hannah Patterson (London: Wallflower Press, 2003), 86-99.

¹³⁴ Vincent Canby, “Malick’s Impressive *Badlands* Screened at Festival,” *The New York Times*, 15 Oct. 1973, available at <https://www.nytimes.com/1973/10/15/archives/malicks-impressive-badlands-screened-at-festival.html>. Accessed 14 June 2022.

pyramids, and steamships—images whose relationship to Holly the film never explains but whose anachronistic representations of outdated technologies and families long since dead highlight the out-of-timeness that Holly and Kit experience while in hiding. “While taking a look at some vistas in Dad’s Stereopticon it hit me,” Holly observes, “that I was just this little girl born in Texas, whose father was a sign painter, who had only just so many years to live.” The old photographs and film strips further highlight that the film itself depicts a decade in national history that has been much mythologized and highly sanitized. But these images, Barbara Jane Brickman argues, “offer[] a montage of possibilities”¹³⁵ in which Holly can reimagine her life; in her voiceover while she views the Stereopticon images, Holly asks, “Where would I be this very moment if Kit had never met me, or killed anybody?” The images and her internal monologue enable Holly’s “revisionary powers,”¹³⁶ which allow her to envision an imaginary in which Kit has little authority specifically because Kit cannot access it. Her voiceover, as Joan McGettigan argues, “serve[s] more to destabilize the discourse than to provide the traditional interiority of character narration.”¹³⁷ Holly’s fantasies hinge on her refusal of the domestic patriarchal home depicted in the Stereopticon images—and implied by the father from whom she took the Stereopticon itself—and allow her to “compos[s] a narrative of self that is...radically *unconventional*” [emphasis original].¹³⁸

Holly herself does not understand the images that capture her attention and offer her a respite from Kit’s control; instead, the scenes of couples and mothers represented

¹³⁵ Brickman, “Coming of Age,” 26.

¹³⁶ Brickman, “Coming of Age,” 26.

¹³⁷ Joan McGettigan, “Interpreting a Man’s World: Female Voices in *Badlands* and *Days of Heaven*,” *Journal of Film and Video*, 52.4 (2001): 34.

¹³⁸ Brickman, “Coming of Age,” 31.

on the slides frame the impossibility of the ersatz domesticity that Kit and Holly have created. “The grounding of this storytelling function within the female character has significant, explicitly critical, effects,” Adrian Danks argues. “Hollys naïve, personalized and overly narrativized reading of the images and events in general helps foreground the film’s self-conscious and critical ‘quotation’ of a series of conventions and archetypes,” most notably its interrogation of female sexuality and domesticity.¹³⁹ Danks notes that Kit forges his identity from reference points that “are more ephemeral, modern, and relate to his aping of various movie stars and popular singers” like James Dean and Nat King Cole. He uses a Dictaphone to record his musings, buries a time capsule of keepsakes from his and Holly’s lives by the side of the road, and promises to dedicate his body to science, all to immortalize himself and commemorate his own individuality. “For Kit,” Dank claims, “these images represent a microcosm of his attempt to make a mark on the world, his stab at a kind of iconic immortality.”¹⁴⁰ Holly, however, ruminates on her own mortality only when confronted with anonymous, universalized images of a bygone past. Holly’s thoughts on her own sexual and social awakening—relayed solely to the viewer but never to another character with whom she shares the screen—overlay the Stereopticon slides to emphasize her disconnection from her own sexuality. Her narration and the sepia images combine both to position Holly within a manufactured version of a never-existing past and to highlight the impossibility of a domestic future with the overpowering Kit.

¹³⁹ Adrian Danks, "Death Comes as an End: Temporality, Domesticity and Photography in Terrence Malick's *Badlands*," *Senses of Cinema*, 8 (2000).

¹⁴⁰ Danks, "Death Comes as an End."

Malick reiterates Kit's authority and the value Kit places on his own speech by tying both to Kit's rugged American individualism.¹⁴¹ Holly is initially drawn to Kit because of his resemblance to James Dean, and even federal authorities who apprehend the couple marvel over Kit's likeness to the star of *Rebel Without a Cause* (1955).¹⁴² Oddly, Kit demonstrates at least cursory respect for traditional forms of authority; in one of his recordings, Kit advises, "Listen to your parents and teachers. They got a line on most things, so don't treat 'em like enemies." Kit kills two bounty hunters who try to apprehend him and Holly, but reassures Holly that he would not have shot the police because the police, by searching for the couple, would only be doing their jobs. Kit's rebelliousness presents as charming, impish, and attractive until the viewer realizes that the man has murdered at least six people. Malick's film ends by juxtaposing the authority of the individual against the domination of the state. Kit tells the trooper who will deliver him to prison that he would like to buy a hat like the one the trooper wears. The trooper remarks, "You're quite an individual, Kit," to which Kit replies, "Think they'll take that into consideration?" But as Holly's voiceover has already revealed, Kit's individuality will not exempt him from the biopolitical authority of a state that can, and does, condemn him to the electric chair. If, as Danks argues, "*Badlands* is, in the end, a paean to identity, lost motivations, of what it means to be in the world and the difficult of leaving a mark,"¹⁴³ then this assertion applies solely to Kit and erases Holly from the film's overall

¹⁴¹ See Jannah Patterson, "Two Characters in Search of a Direction: Motivation and the Construction of Identity in *Badlands*" (2003) and Neil Campbell, "The Highway Kind: *Badlands*, Youth, Space, and the Road" (2003).

¹⁴² *Rebel Without a Cause*, directed by Nicholas Ray (Burbank, CA: Warner Brothers Pictures, 1955).

¹⁴³ Danks, "Death Comes as an End."

calculus. But Holly's voiceover refuses to be so easily subsumed into Kit's failed search for significance; Kit arrives to us entirely framed through Holly, such that she controls the conditions of his immortality.

The failure and replacement of the nuclear family at the heart of *Badlands* plays only a partial role in the horrific ramifications of the crisis of authority in William Friedkin's *The Exorcist* (1973). The film depicts the violent effects of authoritarian substitution and derives its terror not merely from its representations of demonic possession but also from its depiction of a mother watching her daughter suffer with no traditional authorities to help her. Specifically, the continuous substitution of one form of authority for another is brutally enacted against the body of twelve-year-old Regan MacNeil (Linda Blair), such that this crisis acquires gendered dimensions. The film joins a subgenre of religious horror that burgeoned during the long 1970s.¹⁴⁴ On April 8, 1966, *Time Magazine's* cover asked, "Is God Dead?"¹⁴⁵ Over the next decade, films such as

¹⁴⁴ See Sean M. Quinlan, "Demonizing the Sixties: Possession Stories and the Crisis of Religious and Medical Authority in Post-Sixties American Popular Culture," *Journal of American Culture*, 37.3 (2014): 314-330; Antoinette Winstead, "The Devil Made Me Do It! The Devil in 1960s-1970s Horror Films," in *Vader, Voldemort, and Other Villains: Essays on Evil in Popular Media*, ed. Jamey Heit (Jefferson, NC: McFarland and Company Publishing, 2011), 28-45; Calum Waddell, "Exorcising the Liberal," in *The Exorcist: Studies in the Horror Film*, ed. Daniel Olson (Lakewood, CO: Centipede Press, 2011), 125-138; Jim Kline, "Fleeing from and Fighting with *The Exorcist*," *Jung Journal: Culture and Psyche*, 12.2 (2018): 11-25; Thomas S. Frentz and Thomas B. Farrell, "Conversion of America's Consciousness: The Rhetoric of *The Exorcist*," *The Quarterly Journal of Speech*, 61 (1975): 40-47.

¹⁴⁵ John Elson, "Is God Dead?" *Time Magazine*, 87.14 (8 April 1966).

Rosemary's Baby (1968),¹⁴⁶ *Abby* (1974),¹⁴⁷ *Beyond the Door* (1975),¹⁴⁸ *The Omen* (1976),¹⁴⁹ and *Alice, Sweet Alice* (1976)¹⁵⁰ responded with a definitive "Yes." *The Exorcist* uses Regan as the site upon which not only the crisis of religiosity, but the collapse of authority more broadly, becomes visible.¹⁵¹ Religious horror derives its shock value in large part from terrifying depictions of female sexuality. From Rosemary's brutal devil-baby birth to the possessed Abby's attempts at extramarital seduction, these films place marriage, domestic harmony, and the patriarchal regulation of female sexuality firmly on the side of "the good," with female sexuality that occurs outside these confines (occasionally literally) demonized. *The Exorcist* exploits this relationship between female sexuality and the demonic by equating unacceptable expressions of sexual desire—in this case, by a twelve-year-old girl—with a mandatory and violent process of silencing. Regan's exorcism reveals the material, embodied ramifications of

¹⁴⁶ *Rosemary's Baby*, directed by Roman Polanski (Hollywood, CA: Paramount Pictures, 1968).

¹⁴⁷ *Abby*, directed by William Girdler (Los Angeles, CA: American International Pictures, 1974).

¹⁴⁸ *Beyond the Door*, directed by Ovidio G. Assonitis and Roberto Piazzoli (Rome: Variety Distribution, 1975).

¹⁴⁹ *The Omen*, directed by Richard Donner (Los Angeles, CA: 20th Century Fox, 1976).

¹⁵⁰ *Alice, Sweet Alice*, directed by Alfred Sole (Los Angeles, CA: Allied Artists, 1976).

¹⁵¹ See Ian Olney, "Unmanning *The Exorcist*: Sex, Gender, and Excess in the 1970s Euro-Horror Possession Film," *Quarterly Review of Film and Video*, 31.5-6 (2014): 561-571; Alexandra Heller-Nicholas, "'The Power of Christ Compels You': Moral Spectacle and the *Exorcist* Universe," in *Roman Catholicism in Fantastic Film: Essays on Belief, Ritual, and Imagery*, ed. Regina Hanse (Jefferson, NC: McFarland & Company Publishing, 2011), 65-80; Andrew Scahill, "Demons Are a Girl's Best Friend: Queering the Revolting Child in *The Exorcist*," *Red Feather Journal*, 1.1 (2010): 39-55; Benjamin Beit-Hallahmi, "*The Turn of the Screw* and *The Exorcist*: Demoniacal Possession and Childhood Purity," *American Imago: Psychoanalysis and the Human Sciences*, 33 (1976): 296-303; Mark Opsasnick, "The Haunted Boy: The Inspiration for *The Exorcist*," in *The Exorcist: Studies in the Horror Film*, ed. Danel Olson (Lakewood, CO: Centipede Press, 2011), 213-260.

the cultural assumptions about who holds an assertable right and who possesses the ability to assert it—thereby mandating that the state act a voice—that undergird *Roe*. Regan is only recognizable as a human child—regulable, controllable, appropriately desexualized—by expelling the abject, erotic demon that resides within her body—a demon that she does not expel herself but which is ripped from her by men of the cloth. Regan’s exorcism, in short, mirrors an abortion, with the unspeaking/unspeakable consequences of illicit sexuality erased by removing Regan herself from the calculus. The battles between good and evil, between sexuality and chastity, between demon and clergy, play out on Regan’s body, with Regan merely a pawn. But unlike Maria’s abortion in *Play It As It Lays*—tidy and, according to Carter, easy to schedule, undergo, and then forget about—Regan’s exorcism results not in nothingness, but in a disgustingly abject excessiveness. The namesake Exorcist, then, is not a man who does clean work.

Regan’s possession commences without apparent cause; the viewer’s only clues as to the source are voices that her mother, actress Chris MacNeil (Ellen Burstyn), hears in the attic and Regan’s casual mention of an imaginary friend, Captain Howdy, with whom she communicates via a Ouija board. Her symptoms progress gradually—insomnia, nightmares, incontinence—while at the local church, a statue of the Virgin Mary is crudely desecrated. By juxtaposing Regan’s illness with the image of an unholy Virgin, Friedkin invites his audiences to conclude that Regan’s distress is not only demonic in nature, but inextricably connected with her pubescent sexuality. One of the earliest signs that something is amiss in the MacNeil house is Regan complaining that she cannot sleep because “my bed was shaking.” Chris initially interprets Regan’s possession as a medical mystery, a rapidly onsetting series of disturbing physical changes akin to the

indicators of puberty, and the relevant authorities who would diagnose and treat her disease ultimately fail to provide any answers or relief.¹⁵² What most troubles both Chris and the doctors, however, is Regan's sudden penchant for shockingly vulgar language. Dr. Klein (Barton Heyman), Regan's first of many general physicians, reveals that, during her examination, Regan "advised me to 'keep my fingers away from her goddamned cunt.'" This line, however, was not in the original 1973 release, but only appeared for the first time in the 2000 remastered edition, as it was deemed too explicit for contemporary audiences. By re-inserting it into the remastered edition, Friedkin not only adds to the film's shock value, but also clarifies the extent to which explicit sexuality is central to Regan's pathology. In light of the Court's routine reconsideration of privacy rights in cases concerning contraception and abortion, the omission and subsequent recovery of Dr. Klein's report of Regan's outburst reveals how cultural conversations about the enigma female sexuality remain continually under scrutiny, regularly shifting in how explicit is *too* explicit and what value explicitness about the female sexual body adds to a text—as well as who authors these textual representations of women as sexual beings. As the demon gains greater control over Regan, Regan's sexualized outbursts worsen, and the doctors in turn speak to Regan with increasingly sexualized language. A psychiatrist, for example, phrases his question about possible schizophrenia as, "Is there someone inside you?" When Regan asks her mother what is

¹⁵² See Octavia J. Cade, "Sifting Science: Stratification and *The Exorcist*," *Horror Studies*, 7.1 (2016): 61-72; Sharon Packer, "Demon Drugs or Demon Children: Take Your Pick," in *Monstrous Children and Childish Monsters: Essays on Cinema's Holy Terrors*, ed. Markus P.J. Bohlmann and Sean Moreland (Jefferson, NC: McFarland and Company Publishing, 2014), 173-176.

wrong with her, Chris replies with the euphemism for an indeterminate illness used to describe women for generations: “It’s nerves, and that’s all.”

The eponymous exorcist does not appear at the MacNeil house until one hour and forty minutes into the two-hour film, but in the meantime the audience watches as one after another of the authorities that Chris consults fail Regan. The film enacts in the medical profession the legal process for asserting a violation of one’s rights—only by submitting oneself to the vagaries and complexities of the American legal system, in which even the Supreme Court can merely affirm or remand a lower court’s decision, can an individual whose rights have been violated seek recourse. Chris makes the inevitable frustrations of the authoritative run-around painfully evident. Dr. Klein subjects Regan to painful invasive medical procedures, and when the results show no physical cause for her increasingly aberrant behavior, he merely orders her to undergo the tests again.

Chris requests a referral to a psychiatrist and Dr. Klein initially refuses, claiming, “A reasonable psychiatrist would eliminate a physical cause first.” “The medical and psychiatric space (the hospital and the clinic) takes on a different role,” Amy C. Chambers argues, “that of the space not of logic, cure, and control but of trial and (more than often) error.”¹⁵³ After watching her daughter undergo multiple lumbar punctures and angiographies—a scene which Chambers calls the film’s “most visibly horrifying”¹⁵⁴—Chris calls a meeting with every doctor who has seen Regan to berate them for their utter failure: “Jesus Christ, eighty-eight doctors and all you can tell me with your bullshit is....” Now, when almost a hundred medical professionals have provided no answers,

¹⁵³ Amy C. Chambers, “Somewhere between science and superstition: Religious outrage, horrific science, and *The Exorcist*,” *History of Human Sciences*, 34.5 (2021): 34.

¹⁵⁴ Chambers, “Somewhere,” 34.

clinic director Dr. Barringer (Peter Masterson) resorts to Regan's court of last resort, a treatment in which the doctors have no faith but which they believe might, specifically because all other treatments have failed, provide relief: "There is one outside chance of a cure. I think of it as shock treatment. As I say, there is an outside chance....Have you ever heard of exorcism?" Chris balks, "You're telling me I should take my daughter to a witch doctor?"¹⁵⁵ The film exists, as the tagline indicates, "somewhere between science and superstition," not as a matter of privileging one over the other or pitting them against each other as rivals, but rather as a means of critiquing "strict allegiance to a set of extremes, rather 'good or evil' or 'faith or science.'"¹⁵⁶ Dr. Barringer proposes substituting a rite for an unlocatable right, an injury to Regan's body which the doctors are not fully convinced even exists. As *The Godfather* concludes with Michael substituting a rite—the kissing of his ring—for the authority of the state, *The Exorcist* explores the specifically gendered violence enacted upon women by both the failure of the right and the substitution of the rite.

Despite her desperation, Chris hesitates to seek assistance so far beyond the traditional mechanisms of medical authority. At this point, the state makes a brief

¹⁵⁵ See Andrew Hock Soon Ng, *Women and Domestic Space in Contemporary Gothic Narratives: The House as Subject* (New York City: Palgrave Macmillan, 2015); Michael A. Arnzen, "Familial Ideology in *The Exorcist*," in *The Exorcist: Studies in the Horror Film*, ed. Daniel Olson (Lakewood, CO: Centipede Press, 2011), 261-274; Barbara Creed, "Woman as Abject Monster," in *The Exorcist: Studies in the Horror Film*, ed. Olson (Lakewood, CO: Centipede Press, 2011), 195-212; Sara Williams, "'The Power of Christ Compels You': Holy Water, Hysteria, and the Oedipal Psychodrama in *The Exorcist*," *Lit: Literature Interpretation Theory*, 22. 3 (2011): 218-238; Larrie Dudenhoeffer, "'Evil against Evil': The Parabolic Structure and Thematics of William Friedkin's *The Exorcist*," *Horror Studies*, 1.1 (2010): 73-88; Allison M. Kelly, "A Girl's Best Friend Is Her Mother: *The Exorcist* as a Post-Modern Oedipal Tale," *Journal of Evolutionary Psychology*, 25.1-2 (2004): 64-69.

¹⁵⁶ Dudenhoeffer, "'Evil Against Evil,'" 76.

appearance that merely illustrates its own futility. As Coppola includes Captain McCluskey (Sterling Hayden), NYPD officer and Sollozzo bodyguard, as a signifier of the state's corruption and authoritative failures in *The Godfather*, Friedkin deploys homicide detective Lieutenant Kinderman (Lee J. Cobb) as an empty nod to a state regulatory apparatus that has no place in a world of godfathers and demons. Chris's friend, film director Burt Dennings (Jack MacGowran), visits Regan in her bedroom, only to be found dead at the foot of the staircase outside Regan's window. Although many consider Dennings's death a tragic accident—an assumption bolstered by Dennings's notorious alcoholism—Kinderman believes otherwise because Dennings's body was found with its head turned backwards. Kinderman visits Chris to explain his suspicions—that Dennings was pushed from Regan's window. Chris assures Kinderman that her daughter had nothing to do with Dennings's death, and Kinderman leaves, although not without asking Chris for an autograph first. Far from providing any explanations or confidence in traditional authorities, however, Kinderman's visit is the final nail in the coffin of mainstream authority; convinced that Regan killed Dennings even though Kinderman apparently harbors no such suspicions, Chris decides to pursue an exorcism.

Yet when Chris turns to the Church in the wake of modern medicine's failure, the only priest who listens is Father Damien Karras (Jason Miller). Karras, who as a psychiatrist and a priest stands at the intersection of Chris's authoritative sources,¹⁵⁷ is undergoing a crisis of faith following his mother's death, questioning the Church's and

¹⁵⁷ See Claire Sisco King, "Ramblin' Men and Piano Men: Crises of Music and Masculinity in *The Exorcist*," in *Music in the Horror Film: Listening to Fear*, ed. Neil Lerner (New York City: Routledge, 2010), 114-132.

God's authority. Having failed to spare his mother from a lonely death in a state medical facility, Karras feels unqualified to provide religious or psychiatrist service to either his congregation or the priest trainees at the college where he works. When he meets Chris, he reveals, "There isn't a day in my life when I haven't felt like a fraud. I mean priests, doctors, I've talked to them all. I don't know anyone who hasn't felt that." Karras even stops wearing his clerical garb, a sign that he believes himself unworthy of the markers of religious authority. At their first meeting Chris remarks that she didn't recognize Karras, to which he replies, "I should have told you I wouldn't be in uniform." Karras's self-doubts blind him to the obvious horrors plaguing Regan. Even after visiting Regan, Karras sympathizes but does not believe. Regan has been so ravaged by physicians, psychiatrists, and the demon itself that, by the time she meets Karras, she is virtually unrecognizable as a young girl—it is unclear precisely what she is, and she defies categorization. Legal and cultural narratives repeatedly usurp and reconfigure the concept of a woman's body and its relation to her private selfhood that originated with *Griswold* and continued through *Roe*, at which point the subject of privacy was explicitly acknowledged as female and therefore made not private at all. The Court's authority, like that of the doctors and the devil, leave the notion of "woman" itself similarly unrecognizable. When Chris requests that Karras help her find an exorcism expert, Karras replies, "There are no experts. You probably know as much about possession as most priests."

Regan herself, however, makes a plea for help; Sharon (Kitty Winn), Regan's nanny, summons Karras to the house at night to witness the words "Help me" appear on Regan's stomach as if traced from inside her body. Karras finally requests permission to

perform the exorcism rite, but his superior only agrees if a more experienced priest leads the ritual. Enter Father Lankester Merrin (Max von Sydow), a retired priest who has just returned from an archeological dig in Iraq where he unearthed an ancient statute of the demon Pazuzu. Merrin has performed exorcisms successfully, although the priest who recommends him to Karras notes that the last exorcism took days and almost killed Merrin. But by titling the film *The Exorcist*—not *The Exorcism*—Friedkin (and William Peter Blatty, who wrote the novel upon which the film is based) foregrounds the role that authority plays in both failing and curing Regan. Merrin, retired and worn by his years of battling the demonic, is the last remaining authority figure who can help Regan, a relic who, like the Supreme Court in the 1970s, must battle not only the contortions of his own logics but also grapple with the upheaval in the cultural assumptions about demons and exorcisms that frame the debates.

As the doctors, priests, and police increasingly invade Regan's bodily and spatial autonomy, Friedkin narrativizes Regan's diminishing control over her own privacy by literally replacing Regan's voice with another. As the demon Pazuzu tightens his hold over Regan, Linda Blair's voice vanishes, to be replaced by the distorted vocals of Mercedes McCambridge, an experienced vocal performer and Oscar-winning actress.¹⁵⁸ During filming, Linda Blair performed the gruesome and vulgar actions that would later shock audiences and spoke Regan's lines, only for her voice to be replaced in postproduction with recordings of McCambridge. The conditions under which

¹⁵⁸ Warner Brothers Pictures did not credit McCambridge as the voice of possessed Regan upon the picture's release. McCambridge eventually received credit as "The Voice of Pazuzu" in subsequent releases of *The Exorcist* following a Screen Actors Guild arbitration.

McCambridge recorded the demon's voice mimicked the on-screen confinement and control that brought her voice out of Regan's mouth in the first place. McCambridge gargled raw eggs, chain-smoked, and drank whiskey—breaking her sobriety—to craft a guttural, rasping voice that could never belong to a twelve-year-old girl. She also chained herself to a chair during recording sessions to replicate the demon's imprisonment within Regan's body. Her role as Pazuzu's voice required, as she described it in the retrospective documentary *The Fear of God: 25 Years of The Exorcist* (1998), the kind of performance only made possible “when you have no freedom.”¹⁵⁹ This act of vocal doubling, then, erases the voices of two women—Regan and McCambridge, one deprived of her voice onscreen and one whose voice received no recognition off. Furthermore, to reinforce how Regan's horrifying sexuality necessitates her silencing, Regan's most obscene lines are delivered not by Blair, but by McCambridge. In the film's most controversial scene, Blair masturbates with a bloody crucifix while McCambridge shouts Pazuzu's words, “Let Jesus fuck you!” The visual of preteen Linda Blair stabbing her genitals—an act that blurs the distinction between masturbation and mutilation—while the voice of McCambridge shouts heretical profanity exemplifies the film's relationship with sexuality and the voice of the female subject. The choice of a twelve-year-old girl as the host for demonic possession, Benjamin Beit-Hallahmi points out, is significant—it is “the age of puberty, an age when the demon of sex enters the bodies and minds of most girls. This particular girl serves no other purpose...than as a battlefield for the forces of ‘good’ and ‘evil.’”¹⁶⁰ The words possessed-Regan speaks are only made tolerable—and even

¹⁵⁹ *The Fear of God: 25 Years of The Exorcist*, directed by Nick Freand Jones (London: British Broadcasting Corporation, 1998).

¹⁶⁰ Beit-Hallahmi, “Demonic Possession,” 299.

then barely so—by having the adult McCambridge dub the voice of the child Blair; what is indecent for Blair-as-Regan is impliedly acceptable for McCambridge-as-Regan. But this act of substitution ignores the visual and overlooks the violence that, regardless of which actress delivers the lines, is still being violently inflicted upon a girl's body, such that her body is a battleground for politics about who can speak when and whose voices are privileged with permission to be explicit. This twelve-year-old pubescent female body, then, signifies the contradictions that the *Roe* Court attempts to resolve through elisions and regulations that articulate an extension of the state's power to "speak-for."

It is the demon's voice—both within the context of the narrative and as a product of McCambridge's talent—that controls the outcome of the exorcism. Before commencing, Father Merrin warns Karras, "Especially important is the warning to avoid conversations with the demon....The attack is psychological, Damien, and powerful. So don't listen to him. Remember that—do not listen." The demon's voice, then, could permanently erase Regan's, but only if the priests are unwise enough to listen. The exorcism itself proceeds as a battle of dueling authorities—the power of God versus the power of the Devil. Merrin's refrain during the rite reinforces the exorcism as an exercise in divine authority: "The power of Christ compels you!" While Regan survives the exorcism, it is not because Merrin possesses superior authority over the demonic but rather because the demon possessing her chooses another target. During the exorcism, the demon manages to manipulate Karras precisely because of Karras's crisis of faith. The demon impersonates Karras's mother, speaking in her voice and using her nickname for Karras. The demon's convincing displays of maternal authority cause Karras to doubt Merrin's power over the devil; sensing that Karras is weakening, Merrin expels him from

the room to continue the exorcism alone. But Merrin's holy beliefs cannot compete with the demon's power, for when Karras reenters the room, Merrin is dead. He beats the possessed Regan and demands that the demon take him instead. The demon obliges, possessing Karras and throwing Karras out the window, for Karras has, since their first meeting, been the demon's true target. The demon tells Karras that it would enjoy an exorcism because the ritual "would bring us together." The demon ultimately overpowers Karras because Karras ignores Merrin's one warning—not to listen. And not only does Karras submit to the demon purely by listening to its lies, but the demon strengthens those lies by speaking in the voice of Karras's dead mother.

Before the exorcism, Karras asked Merrin why the demon possessed Regan, and Merrin answered, "I think the point is to make us despair. To see ourselves as animal and ugly. To make us reject the possibility that God could love us." Regan's possession, then, is an exercise of pure power; by possessing a young girl, the demon could demonstrate its superiority and undermine God's authority. By sparing Regan in favor of Karras, the demon admits no defeat. The religious authority that supposedly saved Regan has instead been reduced to an empty signifier. The film ends with a brief interaction between Regan and another priest, Father Dyer (William O'Malley). Although she supposedly has no memory of Merrin or Karras, Regan reacts to Father Dyer's clerical collar. In a show of gratitude, she kisses Dyer on the cheek. Dyer's collar, then, stands in for the power of the Church that has, despite its best intentions, served merely as the last in a line of authorities that have failed Regan. Karras, that intersection of medicine and religion, is dead, and the demon's whereabouts remain unknown, with Regan waving silently out of the window of a cab.

The Exorcist leaves little doubt about its subject matter, launching a cultural conversation about religion's tenuous cultural foothold and depicting ancient religious rites so compellingly that the Catholic Church began receiving requests for exorcisms from viewers who had been in the audience of the film's premiere. "*The Exorcist*," W. Scott Poole claims, "touched on both the transformation of the American family and the place of religion in American society. Linking family breakdown to supernatural terror proved a powerful concoction in 1973-1974 at a time when both family and religious faith became an arena of profound cultural contest."¹⁶¹ But reading *The Exorcist* purely in light of its explicit engagement with Catholicism and the nuclear family overlooks that what Friedkin has essentially presented on screen is an abortion—the expulsion from the bowels of a reproductive woman of an unwanted entity, one that is endangering the life of its "mother." He converts that process from a right (to abortion) to a rite (of exorcism), invoking the larger narratives at war in defining the culture that frames *Roe* as a matter of "choice" or "life." These dichotomies, which could also be construed as "woman" or "fetus," "mother" or "child," necessarily reflect a theological construction of the subject, one that has traditionally delimited that subjectivity along a gendered hierarchy, a delicate and always implicit balance that the Court purports to invoke and then dispenses with so as not to violate the Establishment Clause. What must be silenced is not only the voice that belongs to the impregnated—or, in the case of *The Exorcist*, invaded—body, but the discourse that equates bodies and voices with souls, which are in turn imbued with inalienable and enforceable rights. The unspoken battle in *Roe* concerns the

¹⁶¹ W Scott Poole, *Monsters in America: Our Historical Obsession with the Hideous and the Haunting* (Waco, TX: Baylor University Press, 2011), 169.

disposition of the fetus's soul, and by extension the souls of those who can be entrusted with that disposition. Friedkin names his film for the exorcist, the authority with whom the Church has entrusted the disposition of souls. That Merrin fulfills his mandate to save Regan's soul is enacted in the form of an abortion highlights the confusion surrounding not only the status of souls in *Roe*-era America, but also the question of who has a voice in determining that status and what material acts are permitted or forbidden in the soul's disposition.

Maria's refusal to speak, Holly's negotiated silence, and Regan's vocal manipulations interrogate cultural preoccupation with female sexuality, privacy, and surveillance of language in the 1970s. The Supreme Court in *Roe v. Wade* relied on an artificial temporal structure to qualify the right to privacy and navigate its mandatory forced confessions. Didion, Malick, and Friedkin organize their texts around the central technologies of speech and surveillance—Maria's vanishing voice and Carter's camera lens, Kit's recording device and Holly's Stereopticon, Chris's team of doctors and the priests' clerical collars. The gendered dynamics of these narratives, moreover, reveals the implications of *Roe*'s application of the right to privacy specifically to a female body. The Court's division of personhood—a concept that the majority explicitly acknowledges lacks clear definition—into a tripartite timeline and its refusal to inhere the right to speech (or silence) within the pregnant woman herself fundamentally alter the terms of privacy that it established in *Griswold* and *Eisenstadt*. And by altering these terms, privacy itself, previously ungendered, becomes specifically entangled with the pregnant female body. *Roe*, Nelson argues, “explo[des]...the distinction between inside and outside to conceive what privacy might mean if it were not located in a contained and

bounded space, however fragile, but reimagined with respect to a body defined by its exposure.”¹⁶² The majority in *Roe* makes explicit the implicit logical contradictions of *Griswold* and *Eisenstadt*—and indeed makes those contradictions regarding the indeterminate boundaries of time, of the individual and the state, and of the public and the private the bases for their authority.

¹⁶² Nelson, *Pursuing Privacy*, 116.

CHAPTER 6. FROM A PENUMBRA TO A LEAK: SOME CONCLUDING THOUGHTS ON LEGAL NARRATIVES OF REPRODUCTIVE POLITICS

Throughout this dissertation, I have argued that the Supreme Court's rulings on reproductive rights have made privacy subject to state surveillance such that its exercise mandates forced disclosure. Prior chapters have demonstrated that narratives of privacy and the trajectory of reproductive law in the United States rest on rules-governed practices that are entangled in ways both inextricable and unresolvable with privacy. The Court's continual refinements of reproductive law reveal not that its original ruling on privacy in *Griswold v. Connecticut* was merely in need of updating, but rather that the concept of state-protected privacy is based on unstable authority and tenuous narratives distinguishing between "inside," or private and therefore (supposedly) inviolable, and "outside," or public and regulable. By continually reconfiguring the state's relationship with privacy in legal decisions concerning contraception and abortion, the Court positions the female body as the site of contradiction that makes legible its own unstable authority.

The Court initiated its complex matrix of privacy regulations in 1965's *Griswold* by reviving high cold war strategies of sexual containment and anxieties of proliferation to situate the domestic family home as the self-regulating locus of sexuality. The Court's reliance on containment—a strategy made evident in the Court's ruling that married couples, but not unmarried individuals, could enjoy access to contraceptives—reveals complicated disquiet about the potential porousness of the domestic space, in that the Court reiterates cultural narratives of the home as under siege and no longer within the exclusive domain of the nuclear family, yet simultaneously a space of such potential internal instability that the family must surveille itself. Contemporary representations of the nuclear family and the home space, however, complicate broader cultural narratives

of birth control as a form of protection for the impenetrable marital home. *The Birds* and *Night of the Living Dead* destabilize the lingering rhetorical strategies of containment that align domesticity and the nuclear home with safety from external threat, instead depicting the family home as a gothic space whose instability lies within, rather than without.

But by relying on high cold war metaphors of containment and proliferation, the Court revived a rhetorical register that, by its *Griswold* ruling in 1965, had already outlived its usefulness. *Griswold* attempted to address a sexually freer society while still retaining the mechanisms of surveillance as embedded within a reliably self-regulating domestic home, a logical impossibility that *Who's Afraid of Virginia Woolf*, *Couples*, and *Bob & Carol & Ted & Alice* expose. The Court's expansion of contraception access to all individuals regardless of marital status in 1972's *Eisenstadt v. Baird* inherited the right to privacy in the subject rather than a space, instead relying on explicitly enumerated rules or guidelines as the regulatory mechanism whereby privacy could be both allowed and policed. But by making privacy explicit, the Court links the enjoyment of privacy with the disclosure of the private acts it purports to protect, for only by revealing that which is private can the subject ask the state to protect it. Following in the tradition of *Virginia Woolf*, 1970s melodramas *The War Between the Tates* and *The Serial: A Year in the Life of Marin County* interrogate at the level of language the shift from implicit allusions and innuendos to explicit discussions of sex, demonstrating that rules-governed mechanisms for regulating privacy and sexuality overlook a logical instability—that what is explicit cannot be private, for by making the private explicit, it is no longer private.

Eisenstadt laid the foundation, by transplanting the right to privacy from the home to the individual, for the Court's most controversial extension of privacy and its first

retraction of it in 1973's *Roe v. Wade*. Implicit in *Griswold* and *Eisenstadt* is the recognition that women's bodies serve as the site upon which containment and explicitness are delimited, destabilized, and dismantled. *Roe* makes these links explicit, and, in clearly gendering privacy, removes privacy from the individual woman altogether. The pregnant female body demarcates the unstable border between public and private, which becomes entangled with the boundaries between the individual and the state. *Roe* is explicit about the absence of precedential authority, and the Court's decision makes explicit—in fact, makes the basis of its ruling—*Griswold*'s and *Eisenstadt*'s implicit acknowledgement that authority always relies on artificial distinctions between what falls under its purview and what does not. Finding no governing authority to guide its decision on abortion rights, the *Roe* Court uses this authoritative vacuum to embed privacy further within the regulatory power of the state. Contemporary texts, including *Johnny Got His Gun*, *The Godfather*, *Breakfast of Champions*, and “Self-Portrait in a Convex Mirror,” trace the state's variable and arbitrary exercises of authority and represent the unstable borders between the center and the margin as an unbalanced relationship of investment and exchange.

The Court's trimester system for regulating a woman's access to abortion, then, signals both the state's strategies for circumventing an absence of authority and a mechanism for navigating the gendered implications of construing abortion as a component of protected privacy. If *Griswold* clarifies the “where” of the right to privacy—the marital home—and *Eisenstadt* the “who”—the individual—then *Roe* rules on the “when.” It complicates this “when,” moreover, by representing the infringements on the right to privacy not as a matter of state restrictions but rather as a matter of when

one “life” or potential life merits state protection to another life’s detriment. *Roe*’s time-based structure for determining when a private action becomes no longer private defines and delimits individual autonomy for speech, ultimately inhering the authority for speech to the state rather than the subject. Far from isolating itself in its attempts to harden the hazy boundaries of time as a compensatory regulatory mechanism, the *Roe* Court reinscribes and reiterates larger cultural preoccupations with temporal instability and the tenuous authority upon which the right to assert one’s privacy is based. Cultural texts such as *Play It As It Lays*, *Badlands*, and *The Exorcist* represent the Court’s disquiet about the gendered implications of linking privacy with sexuality and both with the regulation of speech, and challenge this gendered narrative about autonomy over both sex and language to reveal the implications of the Court’s application of its privacy regulations specifically to a female body.

In this conclusion, I want to explore the implications of these narratives on reproductive politics in the next almost two decades, between the legalization of abortion in *Roe* and the Court’s first major rollback of abortion rights in *Planned Parenthood v. Casey* (1992),¹ which established the social and legal conditions for *Roe*’s repeal in *Dobbs v. Jackson Women’s Health Organization* (2022).² “*Roe* became a flash point for deeper struggles about the meaning of human life, sex roles, sexuality, and the greater role of the judiciary,” Mary Ziegler observes; “[t]o a much greater extent than any single Supreme Court ruling, *Roe* matters because we have invested it with so much

¹ *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

² *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. _____ (2022).

significance.”³ One day after the Court announced its decision in *Roe*, majority decision author Justice Harry Blackmun distributed an eight-page memorandum to his fellow justices to explain how they should affirm, dismiss, or vacate and remand other abortion cases remaining on the Court’s docket. Shortly after, he gave an interview with the *Cedar Rapids Gazette* in which he addressed his personal feelings about *Roe*: “I really resent that it had to come before the Court because it is a medical and moral problem.”⁴ Blackmun implies, then, that abortion access should have remained a private issue rather than a legal—and therefore public—one, thereby revealing abortion as the slippery site where the Court’s doctrine on privacy could come unraveled. Contemporary legal scholars similarly critiqued the *Roe* decision, not from any objections to abortion itself but rather from the tenuous legal basis upon which the Court rested its protections. In particular, they criticized the Court’s failure to recognize that, by extending the right to privacy to include abortion, they were addressing an explicitly gendered subject. The Equal Protection Clause of the Fourteenth Amendment, which ensures that no state shall deny any individual within its jurisdiction the equal protection of the law, would, they argued, provide a firm foundation for protecting abortion rights, whereas the penumbras and emanations of privacy both elided the gendered implications of abortion protections and provided constitutionally uncertain authority. New York University Law School professor Sylvia Law argued that “the rhetoric of privacy, as opposed to equality, blunts the ability to focus on the fact that it is *women* who are oppressed when abortion is

³ Mary Ziegler, *After Roe: The Lost History of the Abortion Debate* (Cambridge, MA: Harvard University Press, 2015), xv.

⁴ David J. Garrow, *Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade* (New York: MacMillan Publishing Company, 1994), 607.

denied,” maintaining that the Court erred in “falsely casting the abortion decision as primarily a medical question” [emphasis original].⁵ Guido Calabresi, former Supreme Court clerk and future dean of Yale Law School, expanded on Law’s critiques, arguing that “without a right to abortion women are not equal to men in the law.”⁶ Antiabortion statutes were “laws enacted by a dominant group which disproportionately burden a disfavored group.” Protection for abortion, he argued, should be cast not as a privacy issue but as an equal protection concern, in that abortion enables “equality of access to sex—equality in *sexual freedom* among men and women” [emphasis original.] “The right at stake,” Calabresi concluded, “is the right of women to participate equally in sex without bearing burdens not put on men.”⁷

Blackmun’s comments and legal scholars’ critiques indicate the central position that *Roe* would occupy, both in the immediate aftermath and in subsequent years, in national narratives about sexuality and women’s rights. “Events and activism since 1973,” Ziegler claims, “have transformed and multiplied the meanings of *Roe*.”⁸ Feminist abortion rights movements upheld *Roe* as a reminder that, as Law and Calabresi insisted, abortion is a fundamental women’s issue. While the emergence of pro-abortion activists as a discrete interest group can be traced pre-*Griswold*—largely to activism surrounding California’s Therapeutic Abortion Act, or the Beilenson Bill, which came into effect in 1967—*Roe* signaled a “new and fundamentally different stage in the abortion debate,”

⁵ Sylvia Law, “Rethinking Sex and the Constitution,” *University of Pennsylvania Law Review*, 132 (1984): 1020.

⁶ Guido Calabresi, *Ideals, Beliefs, Attitudes, and the Law* (Syracuse: Syracuse University Press, 1985), 106.

⁷ Calabresi, *Ideals*, 110.

⁸ Ziegler, *After Roe*, xi.

one in which “abortion ceased to be a technical, medical issue and became a ‘woman’s issue’ of great moral significance.”⁹ But at the same time, anti-abortion activists viewed the Court’s 1973 decision as “like a bolt out of the blue,” a ruling that “the Court had suddenly and irrationally decided to undermine something basic in American life, and they were shocked and horrified.”¹⁰ *Roe*, despite this perception, was in no way sudden, but was in fact the result of longstanding political activity and the passage of liberalized abortion laws in sixteen states. What the Court’s decision did was bring conversations and movements that had been confined to individual states to the national stage—a shift that simultaneously enlivened abortion activism on both sides of the issue and opened the possibility for reconfiguring (and misreading) the narratives upon which the Court relied. If, as Kristin Luker argues, “[a]bortion was no longer a technical, medical matter controlled by professionals; it was now emphatically a public and *moral* issue of nationwide concern” [emphasis original],¹¹ then post-*Roe* narratives about abortion and its implications for women’s rights and sexuality derived not from the decision itself—in which abortion remains firmly within the realm of the medical—but rather from popular discourse surrounding it.

Movement reinterpretations of *Roe* began almost immediately after the decision was announced. For pro-abortion commentators, *Roe* “represents the constitutionalization of reproductive rights or even the recognition of the relationship between fertility control and women’s liberation”¹²—an interpretation that, as previous chapters here have

⁹ Kristin Luker, *Abortion and the Politics of Motherhood* (Berkeley: University of California Press, 1984), 93-94.

¹⁰ Luker, *Abortion*, 126.

¹¹ Luker, *Abortion*, 94.

¹² Ziegler, *After Roe*, xi.

demonstrated, derives more from implication and wishful thinking than from the text of the decision itself. For legal scholars on both sides of the abortion issue, *Roe* serves as “a stand-in for all ‘activist’ judicial decision-making or its policy consequences.”¹³ And for anti-abortion activists, *Roe* converted an issue that belonged in the private sphere into a fundamental social belief on par with the right to free speech.”¹⁴ The worst casualties of the excessively negative but nonetheless pervasive consensus about *Roe*’s wrongheadedness,” David J. Garrow argues, “were astonishingly forgetful or ignorant journalists.”¹⁵ A July 1977 article in *The New Republic* claimed, “In the early 1970s, antiabortion laws were on the way out,”¹⁶ while a 1978 *Newsweek* article in its “Abortion Under Attack” issue argued that abortion “was never fully debated in state legislatures” before *Roe*, quoting an ACLU staffer as stating, “The Supreme Court decision was too fast and too easy.”¹⁷ If, as Ziegler argues, “it is axiomatic that *Roe* protects women’s decision-making freedom...this interpretation departs from the text of the original opinion....Indeed, the contemporary view of *Roe* emerged as social-movement interactions informed the popular understanding of the Court’s opinion, helping to produce the interpretation familiar to us today.”¹⁸

We need to ask, then, what political and social purpose these reconstructed narratives perform, and how the post-*Roe* language of “right to choose” versus “right to life” both produces and is produced by cultural conceptions of gender, sexuality, and

¹³ Ziegler, *After Roe*, xii.

¹⁴ Luker, *Abortion*, 141.

¹⁵ Garrow, *Liberty and Sexuality*, 616.

¹⁶ “The Unborn and the Born Again,” *The New Republic* (2 July 1977): 5-6.

¹⁷ “Abortion Under Attack,” *Newsweek* (5 June 1978): 37-47.

¹⁸ Ziegler, *After Roe*, xiii-xiv.

domesticity in the mid-1970s and 1980s. These questions hinge on the matrix of sexuality and speech that, as I argue in this dissertation, is central yet implicit in *Roe*. Post-*Roe* pro-life activists, Luker claims, failed to grasp that, “for many people, abortion was ‘unspeakable’ not because it represented the death of a child but because it represented ‘getting caught’ in the consequences of sexuality. Sex, not abortion, was what people didn’t talk about.”¹⁹ The Court’s decision, however, not only discussed abortion explicitly, but also directly addressed the issue of personhood; by ruling on abortion, the Court brought abortion out of the private sphere into the public. However, public discussion of abortion did not, as we see in the text of the majority decision, necessarily move conversations about sexuality into the public alongside abortion. Over the course of the 1970s and 1980s, “activists and politicians entered into an unpredictable set of negotiations about what it meant to support abortion rights,”²⁰ negotiations that shaped and were shaped by political changes in the decade after *Roe*. Abortion-rights feminists remade their movements’ identities in the wake of *Roe*, a case whose actual content focuses on physicians’ rights but which became reconstructed as “a signal of the Supreme Court’s recognition that women had a right to control their own bodies.”²¹ This narrative of *Roe* as a touchstone for women’s rights bridged the relationship between abortion-rights activists and feminism, such that “prominent activists made *Roe* synonymous with autonomy for women.”²² On the other side of the debate, the New Right and Religious Right coopted abortion as a strategic incentive for opponents to join a larger conservative

¹⁹ Luker, *Abortion*, 129.

²⁰ Ziegler, *After Roe*, xiv.

²¹ Ziegler, *After Roe*, 121.

²² Ziegler, *After Roe*, 128.

coalition aligned not only with entrenching narratives of a “right to life” but also with popularizing the neoliberal economic and social policies that would define the Ronald Reagan administration.

“The post-1973 period,” Ziegler argues, “resembles the decades preceding it in salient ways;”²³ we can see how *Roe*’s rhetorical strategies of ruling on abortion without explicitly addressing sexuality, conservative activism to codify fetal personhood, and neoliberalism align to revive narratives about sex and domesticity that not only predate *Roe*, but predate *Griswold*. If the pro-abortion feminist movement repackaged *Roe* as an indication that, by allowing women freedom to control their reproductive choices, women would now enjoy equal participation in the civic, economic, and social life of the nation, then anti-abortion activists reiterated midcentury attitudes about women’s obligations to produce and care for children in family-oriented domestic spaces. Reagan’s December 3, 1983 Radio Address to the Nation on American Family encapsulates these reactionary narratives: “Families stand at the center of society, so building our future must begin by preserving family values. Tragically, too many in Washington have been asking us to swallow a whopper: namely, that bigger government is the greatest force for fairness and progress.”²⁴ Reagan continues, “There is no question that many well-intentioned Great Society-type programs contributed to family breakups, welfare dependency, and a large increase in births out of wedlock....If we can strengthen families, we’ll help reduce poverty and the whole range of other social problems.” He reiterated this narrative of the

²³ Ziegler, *After Roe*, 1.

²⁴ Ronald Reagan, “Radio Address to the Nation on the American Family,” Records of the White House Television Office. 3 December 1983, *available at* <https://www.reaganlibrary.gov/archives/speech/radio-address-nation-american-family>. Accessed 25 February 2023.

family as under threat in his Radio Address to the Nation on Family Values on December 20, 1986: “[I]n recent decades the American family has come under virtual attack. It has lost authority to government rule writers.”²⁵ During the Reagan administration, then, the family occupied a position of utmost importance by virtue of its perceived disintegration—a disintegration caused both by an overreaching government and widespread cultural devaluation of the nuclear family as an insulating unit. Reagan explicitly extended the values articulated in his radio addresses to abortion in his 1988 Message to the Congress Transmitting the Pro-Life Act. In submitting the President’s Pro-Life Act of 1988 to Congress, Reagan refers to fetuses as “unborn children” whose “rights” he is committed to protecting in an effort to “emphasize the urgent need...to reaffirm life’s sacred position in our Nation.”²⁶ This “sacred position” that “life” occupied in the Reagan administration’s agenda depends, then, on strengthening the family unit, i.e., returning familial, and by extension gender, politics to an era in which it was stronger. And these anxieties about the decline of the American family and the national doom it inevitably spells were revived at precisely the moment when feminist activists argued that women could, post-*Roe*, enjoy equal participation in the nation.²⁷

²⁵ Ronald Reagan, “Radio Address to the Nation on Family Values,” Records of the White House Television Office. 20 December 1986, *available at* <https://www.presidency.ucsb.edu/documents/radio-address-the-nation-family-values>. Accessed 25 February 2023.

²⁶ Ronald Reagan, “Message to the Congress Transmitting the Pro-Life Act of 1988.” Ronald Reagan Presidential Library. 8 June 1988, *available at* <https://www.reaganlibrary.gov/archives/speech/message-congress-transmitting-pro-life-act-1988>. Accessed 25 February 2023.

²⁷ See Elaine Tyler May, “‘Family Values’: The Uses and Abuses of American Family History,” *French Journal of American Studies*, 97 (2003), 7-22.

A full explication of the complex bipartisan narratives about abortion leading to and after the Supreme Court's decision in *Planned Parenthood v. Casey*, in which the Court amended its trimester-based regulatory system to allow states to restrict access to abortion at any time as long as these restrictions were not "unduly burdensome" to the woman seeking an abortion, is the work of an additional chapter to come in the future. But this brief discussion of the ways in which *Roe* was taken up and reconstructed by activists on both sides of the abortion debate at least lays the foundation for understanding the road leading to 2022's *Dobbs v. Jackson Women's Health Organization*, which repealed *Roe* altogether. How have these narratives, then, led us to where we are today, and why do the narratives with which I grapple in this dissertation matter now, even more than they did when I began writing it? This dissertation has been a trans-pandemic project, and right in the middle of writing the third and fourth chapters, the draft of the Supreme Court's decision in *Dobbs* was leaked. On June 24, 2022, it became law. In a very strange twist of fate, I was attending a plenary presentation on racial capitalism and crises of social reproduction at the Futures of American Studies Institute at Dartmouth when Robyn Wiegman announced to the lecture hall that *Roe v. Wade* had been overturned. In upholding Mississippi's Gestational Age Act, which prohibits all abortions, with few exceptions, after fifteen weeks' gestational age, the Court held that the Constitution does not confer a right to abortion, and indeed that the *Roe* and *Planned Parenthood* Courts "short-circuited the democratic process." Their misguided decisions, Justice Alito's majority decision claims, caused a distortion of law in other areas despite the fact that they lacked grounding in the constitutional text, history, or judicial precedent.

The irony that the story of American privacy and reproductive politics begins in *Griswold* with anxieties about radiation and emanations ends with a leak is not lost on me. The *Dobbs* Court approached its decision—officially issued six weeks after the draft was leaked on May 2, 2022—as an exercise in containing runaway judicial decisions that had their origins not with *Roe*, but with *Griswold*. Justice Clarence Thomas’s concurring decision in *Dobbs* particularly emphasizes how far back the Court is willing to turn the clock, and as a result is especially chilling: “[W]e should reconsider all of this Court’s substantive due process precedents, including *Griswold*, *Lawrence [v. Texas]*, and *Obergefell [v. Hodge]*. Because any substantive due process decision is ‘demonstrably erroneous,’ we have a duty to ‘correct the error’ established in those precedents.”²⁸ Abortion rights, then, are not the only rights at risk; if Thomas has his way, then all protections based on *Griswold*’s initial doctrine of the right to privacy are fair play. What’s more, Thomas does not merely seek to “reconsider” the cases that protect access to contraception, the right to engage in private consensual sex acts, and the right to same-sex marriage; he explicitly assumes that these decisions must fail under renewed scrutiny: “After overruling these demonstrably erroneous decisions....”²⁹ But while the possibility that the most fundamental cases protecting privacy are on notice is certainly terrifying, it is not particularly surprising, because, as I have argued in this dissertation, privacy has rested since its inception upon an unstable, and ultimately untenable, foundation. The *Roe* Court, by dedicating significant space to disclaiming its own lack of precedent or guiding authority, embedded the rationale for its own eventual overturning directly into the basis

²⁸ Clarence Thomas, “Concurring Opinion,” *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. ____ (2022).

²⁹ Thomas, “Concurring Opinion.”

of its decision. We have already begun to see that the implications of *Dobbs* can extend far beyond abortion rights to encompass all manner of increasing state control over its subjects' physical bodies. What remains to be seen is how far back the Court's renewed interest in containment will take us.

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- Ziegler, Mary. *After Roe: The Lost History of the Abortion Debate*. Cambridge, MA: Harvard University Press, 2015.

VITA

EDUCATION

PhD	University of Kentucky, English	(expected)	2023
MA	Northwestern University, Literature		2017
LLM	Georgetown University, National Security Law		2013
JD	DePaul University College of Law		2012
BA	Tulane University, Latin American Studies/Political Science		2009

PROFESSIONAL POSITIONS

Research Assistant for Professor Alan Nadel, University of Kentucky	2021-2023
Teaching Assistant, University of Kentucky, Department of English	2020-2023
Teaching Assistant, University of Kentucky, Department of Writing, Rhetoric, and Digital Studies	2017-2023
AP Test Reader, Educational Testing Services	2019
ACT Test Preparation Writer, UpScore Test Prep	2018
Student Essay Consultant, Preminente College Counseling	2016-2017
Neighborhood Examiner, The Examiner and AXS	2013-2015
Research Assistant for Professor Andrew Schoenholtz, Georgetown University	2012-2013
Immigration Chart Developer, Georgetown University Center for Applied Legal Studies	2012-2013
Research Assistant, DePaul Legal Writing Department	2010-2012
Articles Editor, DePaul Journal for Social Justice	2010-2012
Asylum Project Intern, National Immigrant Justice Center	2012
Student Legal Representative, DePaul College of Law Immigration and Asylum Clinics	2011-2012
Research Assistant for M. Cherif Bassiouni	2010-2011
Staff Writer, DePaul Rule of Law Journal	2010-2011

SCHOLASTIC AND PROFESSIONAL HONORS

Awards

People's Choice Winner, 3-Minute Thesis Competition, University of Kentucky, Lexington, KY	2022
Nietzel Visiting Distinguished Faculty Award, University of Kentucky, Lexington, KY	2022
Provost Outstanding Teaching Award, University of Kentucky, Lexington, KY	2022
Horror Studies Interest Group Graduate Student Essay Prize Runner-Up, "What We Find in the Wilderness: Representations of the Frontier, Settler Sexuality, and the Colonial Education of Desire in the Horror-Western," Society for Cinema and Media Studies	2022
Ellershaw Award for Outstanding Ph.D. Candidate, University of Kentucky, Department of English, Lexington, KY	2020

Royster Award, University of Kentucky, Department of English, Lexington, KY
2017-2020

Gary Burns Graduate Student Paper Award, "A Girl is No One: The Spectral Woman in *Game of Thrones* and *You Too Can Have a Body Like Mine*," Midwest Popular Culture Association
2018

Center for Computer-Assisted Legal Instruction Award for National Security Surveillance Law and Policy, Georgetown University
2013

Center for Computer-Assisted Legal Instruction Award for National Security Implications of Immigration Law, Georgetown University
2013

Center for Computer-Assisted Legal Instruction Award for Contemporary Peacekeeping, Georgetown University
2013

Center for Computer-Assisted Legal Instruction Award for Legal Clinic I: Asylum and Immigration, DePaul College of Law
2011

Center for Computer-Assisted Legal Instruction Award for Senior Research Seminar on Sex Trafficking, DePaul College of Law
2011

Center for Computer-Assisted Legal Instruction Award for Public International Law, DePaul College of Law
2010

Center for Computer-Assisted Legal Instruction Award for International Protection of Human Rights, DePaul College of Law
2010

Dean's List, DePaul College of Law
2009-2010

Phi Beta Kappa, Tulane University
2009

Dean's List, Tulane University
2006- 2009

Fellowships and Stipends

Summer Stipend Recipient, University of Kentucky, Department of English, Lexington, KY
2022

University of Kentucky Women's Club Endowed Fellowship, University of Kentucky, Lexington, KY
2021

Summer Stipend Recruitment Fellowship, University of Kentucky, Department of English, Lexington, KY
2021

Department Recruitment Dissertation Fellowship, University of Kentucky, Department of English, Lexington, KY
2021

Summer Stipend Recruitment Fellowship, University of Kentucky, Department of English, Lexington, KY
2020

PROFESSIONAL PUBLICATIONS

Forthcoming

"Earners and Spenders, Husbands and Wives: The Affective Restraints on Women's Labor in High Cold War American Sitcoms," *New Review of Film and Television Studies*, (12,793 words)

"Locked Doors and Fondled Doorknobs: Gothic Domesticity and Deviant Sexuality of 1950s America in Shirley Jackson's *The Haunting of Hill House*," *Arizona Quarterly* (9,868 words)

“Enter Your Chambers and Shut Your Doors Behind You: Bodily Containment, Proliferation, and the Right to Privacy,” *Journal of Cinema and Media Studies* (13,501 words)

In Print

“Cinderella on the Homestead: Labor Nostalgia in *I Love Lucy*,” *New Review of Film and Television Studies*, February 2023, digital.

“On Not Existing—*Pig* and an Underworld Myth for the Anthropocene,” *Confluence*, vol. 28, no. 2, October 2022, pp. 145-151.

“A Woman of Obvious Power: Witchcraft and the Case Against Marital Rape in 1980s America,” in *Screening #MeToo: Rape Culture in Hollywood*, SUNY Press, 2022, pp. 79-92.

“‘Lottery in June’: Ritualistic Collapse of Mimetic Temporality in 1940s Law and Literature,” *Studies in the American Short Story*, January 2022, digital.

“Uncanny Juxtapositions—Conjuring the Trans-Anthropocene in *Summer Sons* and *A Bestiary of the Anthropocene*,” *ASAP/J*, January 2022, digital.

“We Ate Them To Destroy Them: Carnivores, Cannibals, and the Critique of Mass-Market Feminism in the Age of Consumption,” *Popular Culture Studies Journal*, vol. 9, no. 2, October 2021, digital.

“The Ghost Dance: Accessing and Accepting Intersectional Identity Through Spectrality,” *Proceedings of the Third Purdue Linguistics, Literature, and Second Language Studies Conference*, edited by Libby Chernouski and David O’Neil, Cambridge Scholars Publishing, 2019, pp. 188-215.

“Square Pegs in Round Holes: The Case of Environmentally Displaced Persons and the Need for a Specific Protection Regime in the United States,” *Tulane Journal of International and Comparative Law*, vol. 22, 2014, pp. 263-303.

“The Disposable Class: Ensuring Poverty Consciousness in Natural Disaster Preparedness,” *DePaul Journal for Social Justice*, vol. 7, 2013, pp. 55-86.

Public Scholarship

“You’re Pissing on My People: *Midsommar* and the Revenge of the Research Subject,” *Horror Homeroom*, March 2022, digital.

“Anonymous Animals and the Making of a Monster,” *Certified Forgotten*, January 2022, digital.

“America’s Original Sins—Top Ten Movies About the Horrors of Settler Colonialism,” *Horror Homeroom*, January 2022, digital.

Textbooks

“Dealing with Opposing Arguments.” In *Town Branch Writing Collective*. Cincinnati: VanGriner, 2019. Print.

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