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CONFESSIONAL POETRY AND CONSTITUTIONAL PRIVACY: PARADOXES
OF SELF-DISCLOSURE IN COLD WAR AMERICA

by

DEBORAH L. NELSON

A dissertation submitted to the Graduate Faculty in English
in partial fulfillment of the requirements for the degree of
Doctor of Philosophy, The City University of New York

1996

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This manuscript has been read and accepted for the Graduate Faculty in English in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

CONFESSIONAL POETRY AND CONSTITUTIONAL PRIVACY: PARADOXES
OF SELF-DISCLOSURE IN COLD WAR AMERICA

by

Deborah L. Nelson

Adviser: Professor Nancy K. Miller

This dissertation examines confessional poetry in light of the Supreme Court's privacy decisions between 1945 and 1989. I place the work of Robert Lowell, Anne Sexton, Sylvia Plath, W.D. Snodgrass and Paul Monette within the wider debate about privacy that was one of the Cold War era's most divisive domestic controversies. With a focus on the period from NAACP v. Alabama in 1958 and the publication of Lowell's Life Studies in 1959 to Roe v. Wade in 1973 and the death of Anne Sexton in 1974, I organize a series of close readings through the language of the Court's shifting definitions of privacy. Moving back and forth between a cluster of poems and a landmark Supreme Court opinion generates what I am calling a "poetics of privacy," a rhetorical analysis that exposes the deeply rooted contradictions in Cold War ideology. Chapter one explores the paradox of the home, conceived in Poe v. Ullman (1960) as the ideal retreat from totalitarian surveillance but imagined by poets like Sexton as the site of an intolerable

scrutiny. In the second chapter, I examine an ethical problem often associated with confessional poetry--the exposure of a family member--by considering Lowell's Life Studies and The Dolphin in terms of Griswold v. Connecticut's (1965) creation of privacy within a relationship. The third chapter traces the evolution of individual privacy that culminated in Roe v. Wade in juxtaposition with "operation poems"--poems which feature the opening of the body in surgery. Bringing the relationship between confessional writing and constitutional rights up-to-date, I conclude with an analysis of Paul Monette's Love Alone and Bowers v. Hardwick (1986) and ask how, in the context of AIDS and the end of the Cold War, this later-generation confessional poet conceived of privacy so that it protected without imprisoning the gay citizen. This poetics of privacy, which derives from reading across disciplinary boundaries--from the public voice of the Supreme Court to the private voice of the lyric poet--resituates confessional poetry not as an apolitical art of personality but as an art actively engaged in a debate central to postwar America's self-definition.

Acknowledgements

No one has been more important to the development of my work than my advisor, Distinguished Professor Nancy K. Miller. I cannot imagine how this project could have developed without her creativity, insight, and encouragement. It has been both extremely difficult to reach her impossibly high standards and immensely rewarding to have approximated them.

My advisors and second readers, Professor Louis Menand and Professor Charles Molesworth, have provided me with thoughtful and detailed comments which have not only improved this version of the project but will help me to re-imagine and revise it for the next.

I would also like to thank my friends at the Graduate Center who have read an unreasonable number of drafts of each chapter. Without Brian Brewer and Mary Jo Haronian reading even the earliest drafts, the work would never have been generated. Without Jane Collins and Lorna Smedman heatedly disputing every point, I would never have found my argument much less made it believable to anyone else. Without the insight and perspective of two Twentieth-Century Dissertation Workshops -- in 1994/5 with Page Delano, Julia Nevárez, Jay Prosser, Michael Rothberg, Karen Winkler, and Carina Yervasi and in fall 1995 with Dewey Day McLeod, Jerrod Hayes, Erika Rohrbach, and Victoria Rosner -- I would never have brought the chapters to completion.

My family has supported my efforts to finish this degree for many years and never waived in their confidence that it would be completed. I thank them for their faith in me, for their efforts to read something of my work, and for their unfailing optimism and pragmatism.

Finally, there really would be no dissertation without my partner, Adrienne Hiegel. Her advice on the legal sections of this project was, of course, essential to its development. But this advice, valuable as it was, represents only the smallest part of my debt to her. She is my best reader, most thoughtful critic, and most patient advisor. I dedicate the following two hundred pages to her.

This dissertation was supported by a fellowship from the Graduate Center. I am exceedingly grateful for this year of financial support, which was essential to the speedy conclusion of my work.

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Introduction

No Privacy: Confessional Poetry, Constitutional Privacy, and the Cold War

We are rapidly entering the age of no privacy, where everyone is open to surveillance at all times, where there are no secrets from government.
Justice Douglas, Hoffa v. U.S. (1965)

Lord Devlin believes that it is permissible for any society to take the steps needed to preserve its own existence as an organized society, and he thinks that immorality -- even private sexual immorality -- may, like treason, be something which jeopardizes a society's existence.
H.L. Hart, Law, Liberty, and Morality. (1962)

The notion that confessional poetry is solipsistic is so ingrained that the phrase "confessional solipsism" is like the phrase "communist aggression": you never see the first word without the second.

James E.B. Breslin, From Modern to Contemporary. (1984)

At first it was private.
Then it was more than myself;
it was you, or your house
or your kitchen...

Anne Sexton, For John Who Begs Me Not Enquire Further. (1959)

This dissertation explores the relationship between confessional poetry, a type of lyric poetry that originated in the United States in the late 1950s and the legal right to privacy, which reemerged in this country to become an obsessive focus of national debate throughout the sixties, seventies, and eighties. While the public declarations of the Supreme Court and the private declamations of the lyric poet may seem unrelated, both express the upheavals in

American notions of privacy that marked the Cold War era. Confessional poetry and constitutional privacy rulings interconnect and it is in their dialogue that the stakes of privacy can be measured. Examining this interchange between poetry and law produces a cultural poetics: a rhetorical analysis of a term integral to postwar America's self-definition and the deeply rooted contradictions of Cold War ideology.

* * *

Literary histories most often explain confessional poetry as a rejection of New Critical values and the kind of poetry these values produced. In support of this interpretation, critics frequently note Robert Lowell's Paris Review interview in which he attributed his famous attempt to "break through back to life" to his frustration with the academic puzzles of highly formal, paradoxical, and ironic poetry. My goal is to investigate the pressures outside of the world of poetry that contributed to moving poets toward autobiography when the "impersonality" of T.S. Eliot's Modernism no longer seemed useful or desirable. Certainly it was the express intention of many poets to make use of their personal experience to reinvigorate what they perceived as a moribund poetics. Nevertheless, understanding the movement toward autobiography as simply a logical antithesis of New Criticism, the inevitable swing of the pendulum, fails to assess the changes in postwar American culture that made this move so significant.

Within the broad spectrum of American poets whose work grew out of personal experience, the category of "confessional poet," a critical designation most often rejected by the poets themselves, served to mark a boundary between the permissibly autobiographical and the objectionably private. This boundary, though somewhat vaguely defined, was based on the intimate content of the confessional poets work. Though "private" was invariably used to describe the poetry of Anne Sexton, Robert Lowell, W.D. Snodgrass, and Sylvia Plath, the word itself had no consistent meaning or value. This instability suggests that whatever confessional poetry might have been, the term private was itself in transition.

Two critics, Diane Middlebrook and Paul Breslin, have identified a relationship between voluntary self-disclosure, privacy, and public discourse. In "What Was Confessional Poetry?" Diane Middlebrook relates this body of work to postwar developments in psychoanalysis, anti-communism, and television, which, she notes, acts "as a solvent of boundaries between public and domestic life" (633), while Paul Breslin's 1987 study The Psycho-Political Muse interprets confessional poetry as part of a general personalizing of public discourse in the Cold War era. Even so, neither has addressed the magnitude of the privacy debate in America during the Cold War, nor asked what the confessional poets themselves revealed about privacy in their poetry. Since these poets were well-known for their

disregard of literary and social decorum, we ought to consider how their poetry dramatizes the costs and benefits of rendering private life in language. A closer examination of their meditation on privacy demonstrates that in addition to the baneful or beneficial effects of notorious publicity, confessional poets also represent the impossibility of exposing the private self while recognizing the cost of remaining private. In other words, the confessional poets of the sixties and early seventies, as well as Paul Monette, a poet who not only linked himself to these earlier confessional poets, but directly addressed a Supreme Court privacy ruling, embrace and explore the paradoxes of privacy.

To look beyond the language of postwar literary criticism for the word "private" is to enter into a debate of enormous proportions and consequences. Numerous changes in postwar American society, many of which directly affected the confessional poets, brought the concept privacy into public discussion. For example, the housing boom featured the rapid construction the single-family homes based on a "open" architectural plan, which, though marketed for their privacy, offered little. Psychoanalysis, which became increasingly popular in the Cold War period, asked patients to reveal memories so private they were unknown even to themselves. The computer, developed to perform the massive number of calculations necessary to build a hydrogen bomb, turned out to be equally well-suited to storing vast amounts

of data about ordinary citizens. In a phrase popularized in the 1950s, the "organized society" made privacy a topic of more than casual concern. These various privacy issues that were subjects of national debate were brought together in "exposés" on the loss of privacy, one of which, The Naked Society by Vance Packard, received a front page notice in The New York Times Book Review and spent twenty-two weeks atop the bestseller list. This first major evaluation of the loss of privacy was followed by countless others throughout the Cold War decades.

But more important rhetorically than these developments were the problems of privacy associated with Cold War politics. The McCarthy hearings and the trial of Julius and Ethel Rosenberg profoundly influenced the idea of privacy in the Cold War by offering two images that would haunt public discourse long after the perceived threat of communist infiltration had been found groundless. The first image is that of the coerced confession. The Senate subcommittee's hearings, though staged as courtroom dramas, afforded none of the testimonial privileges American courts guarantee, the most important one being the Fifth Amendment's right to refrain from self-incrimination, what is more commonly known in the post-Miranda U.S. as the "right to remain silent." The assumption of guilt that motivated these hearings created a damning paradox: both confession and silence constituted an admission of guilt. There was therefore no real option not to confess because without a structure that

legitimated privacy, silence was confession. Law review articles on privacy from this period either directly or indirectly cite the coerced confession of the McCarthy hearings and this rhetoric found its way into the court's formulation of a right to privacy. The freedom to self-disclose could only be made meaningful by the right to remain silent.

The second image, the "enemy within," literalized in both the McCarthy hearings and the Rosenberg trials, had a practical and a rhetorical effect. The practical effect of the specter of the "enemy within" was to legitimate a host of intrusions into the private life of ordinary citizens. From the accumulation of dossiers on individual citizens by the FBI to the abuse of surveillance technology by law enforcement, from the personality testing in business, government and the military to the psychological testing in schools, the obligation to be on guard against the "enemy within" justified the abuses of an increasingly powerful and often lawless surveillance society. In addition to the practice of surveillance, the "enemy within" was also a pervasive metaphor in the Cold War era. An example of the suppleness of this metaphor comes from the titles of two books published in 1960 and 1961--The Enemy Within and The Traitor Within--long after the witch hunts had been discredited. Neither dealt with communism or political treason, but rather suicide and organized crime's infiltration of labor unions. Even when the enemy was no

longer clear or stable, the metaphor of an internalized traitor shaped conflict into a public private division that could be healed only through exposing the enemy to the cleansing glare of public scrutiny.

Nevertheless, the logic of Cold War binary definitions dictated that since Soviet totalitarianism was defined by its denial of privacy to individual citizens, privacy should be one of the defining rights of American democracy. So even as the American government employed totalitarian tactics to deprive its citizens of their ability to withdraw from public scrutiny, privacy was simultaneously heralded as a definitively American right. This relationship between totalitarianism and privacy makes the Court's recognition of the right to privacy one of the most important postwar developments in American constitutional law. This "tremendous hunk of liberty," as one judge called it, was an essential legal barrier to the government's interference with its citizens' private decision-making. Seen in light of the McCarthy hearings, privacy becomes as important to liberty in the Cold War as the right to free speech. The freedom to speak one's mind was no longer adequate to democratic citizenship; it became crucial to the free citizen to be able to refrain from speaking.

Constitutional privacy continues to be a paradox in American politics. While it remains solidly accepted, even taken for granted, by the vast majority of citizens, (David Garrow argues in Liberty and Sexuality that Judge Bork's

nomination to the Supreme Court was undone not by his opposition to abortion but by his hostility to the right to privacy). it is also constantly under siege in the courts. This dissertation investigates this paradox by examining the evolution of privacy's symbolic meaning in American culture and politics.

How did the Court develop the right to privacy? Occasioned by Cold War pressures and the increasing organization of society, a series of cases repeatedly asked the Court to rule on issues of privacy. It eventually crafted a "right" out of the restrictions on government imposed by different amendments: the first, which guarantees the right to free speech and free assembly; the fourth, which protects the citizen from illegal searches and seizures; the fifth, which is the "right to remain silent;" and the ninth, which leaves powers not already enumerated in the Bill of Rights to the citizens and the states. This patchwork right has been one of the court's most controversial rulings, and the fact that it was established in birth control rather than in surveillance cases exacerbated that conflict.

In the early sixties, the court was largely concerned with protecting of the physical curtilage of the home. In Mapp v. Ohio (1961), the Court easily recognized that a generalized search that went beyond the stated purpose of a warrant was a violation of the fourth amendment. But in Silverman v. U.S. (1961), a case in which a tiny "spike-

mike" was inserted into the wall to eavesdrop on conversations inside the appellant's house, the Court confronted one of the Cold War's increasingly complex variations on the invasion of the home. Because this surveillance technology "penetrated" the home, the Court ruled that it violated the fourth amendment. At the same time, the Court also recognized that there were any number of surveillance devices that could accomplish the same intrusion without ever trespassing the physical structure. Literal intrusion into that space was becoming unnecessary. Nevertheless, the Court did not name a right to privacy in either of these cases.

That same year, however, the Court did move a step closer to "finding" the right to privacy in a case called Poe v. Ullman (1961). Though there was no intrusion at all in this case, there was a metaphorical trespass. In Poe v. Ullman the court was asked to grant declaratory relief from Connecticut's birth control ban, which means that though no one had been arrested, the appellants wished the court to declare the law unconstitutional so that they would not have to fear prosecution should they choose to use birth control. In this case because no home had been invaded, nor birth control "user" prosecuted, the court did not grant the sought for relief, arguing that there was no threat to the appellants. However, two important dissents from this decision--Harlan's, which defined the home as a sacred space, completely separate from the public sphere, and

Douglas's, which was charged with anti-totalitarian rhetoric--set the terms of legal privacy.

The next phase of the privacy debate begins with Griswold v. Connecticut (1965) which, relying on the dissents from Poe, established a right to privacy by declaring that married couples had a right to privacy in their own homes. Thus the Court created a right which lay within a "zone" of privacy, the home, and within the bonds of marriage. Griswold was also a birth control case brought by Planned Parenthood of Connecticut, but this time there had been an arrest, though again, no home had been invaded. The appellant, Estelle Griswold, the head of Planned Parenthood, had been arrested along with a doctor at their headquarters. Nevertheless, though the trespass of the home was only implied, the Court was sufficiently bothered by the conclusion that Connecticut's law would permit the police to enter marital bedrooms in search of evidence of birth control that it found the right to privacy.

This case became the crucial precedent that the Court needed to protect citizens against surveillance which did not necessarily breach the plane of the physical home. At the same time, since it derived from a birth control case, privacy was firmly related to reproduction and sexuality. The problems of gender and sexuality that are not directly suggested in Griswold nevertheless arise from Griswold's precedent. Once the right had been established, the Court had to contend with the arguments it had developed or

overturn the decision. The importance of Griswold in allaying postwar anxieties about privacy made it impossible to reject, even in the face of the enormous pressure created by the unquestionably more controversial privacy decision, Roe v. Wade.

After Griswold had established that citizens had a right to privacy inside the home, the Court redefined the right to privacy as an individual right as case after case in the late sixties proved that the citizen was being surveyed in any number of contexts outside the protected zone of the home. Three cases were essential to the transformation of privacy from the right to withdraw in Griswold to the right of self-determination in Roe. Katz v. U.S. (1967), a case in which the FBI recorded the conversations of illegal gamblers at public pay phones, underscored the notion that citizens were private only in the zone of their homes. In Katz, the court decided that a "reasonable expectation of privacy" could make other zones private, arguing that the government did not have free reign to observe citizens once they left their homes. Terry v. Ohio (1968) declared that the citizen's person, this body, had an integrity that could be trespassed only in light of a very high threshold of suspicion. This case, in which a "suspicious" person was searched for a concealed weapon, extended privacy to the integrity of the body itself since frisking went beyond observation to physical contact. Finally, Eisenstadt v. Baird (1972), a case in which a

doctor was convicted of unlawfully dispensing birth control to an unmarried woman, declared that individual citizens, not just married couples, had the right to privacy. At this point, neither the zone nor the marital relationship was necessary for privacy, and thus the stage was set for Roe. However, applying the safeguards of Terry, Katz, and Eisenstadt to the pregnant woman demonstrated that the rights of the abstract citizen would not easily be transferred to the citizen who was irreducibly female. This decision, which made privacy a fully embodied right, shifted the debate into a new realm by granting privacy to women, though this right to privacy was compromised by the doctor who oversaw her private decision-making.

The last case to alter substantially the public understanding of the right to privacy was Bowers v. Hardwick (1986), a case which occurred at the end of the Cold War and in the context of AIDS, a disease which created a host of new privacy concerns. This case, in which the Court upheld Georgia's sodomy statute (though only in application to gay men) denied that homosexuals were protected by a right to privacy. Michael Hardwick's complaint echoes the tradition of privacy decisions: while Roe's dissents allowed for marital privacy, they specifically excluded homosexuals; Griswold's imagined invasion of the bedroom was made real by the policeman who arrested Michael Hardwick in his bedroom for committing sodomy with another man. Hardwick marked the end of the Cold War expansion of the idea of

privacy. It also made evident privacy's symbolic nature since the Court was explicitly uninterested in the prosecution of the statute. The first case to actually retract the right, Bowers v. Hardwick crystallized the relationship between privacy, sexuality, and citizenship.

These Supreme Court decisions point to a critical issue in the privacy debate and in the reception of confessional poetry: the centrality of gender and sexuality to the definition of public and private. Historically, men's and women's different access to and control of the public sphere have been reflected not only in our institutions but in our language. Likewise, gay men and lesbians have been defined as exclusively private, entering public discourse only through the medium of confession, as Eve Sedgwick has demonstrated in The Epistemology of the Closet. Because the definition of public and private determines how we conceive the term "confessional," the following chapters foreground the asymmetrical effects of changing definitions of privacy on men, women, and homosexuals.

Rereading confessional poetry in light of the Supreme Court privacy decisions reveals the extent to which this poetry contains a metadiscourse on privacy and its paradoxes. With a focus on the period from the publication of Lowell's Life Studies in 1959 and Poe v. Ullman in 1961 to Roe v. Wade in 1973 and the death of Anne Sexton in 1974, I organize a series of close readings through the language of the Court's shifting definitions of privacy. Alternating

between a cluster of poems and a landmark Supreme Court opinion generates what I am calling a "poetics of privacy," a rhetorical analysis that exposes the deeply rooted contradictions in Cold War ideology. Such a poetics, which derives from reading across disciplinary boundaries--from the public voice of the Supreme Court to the private voice of the lyric poet--resituates confessional poetry not as an apolitical art of personality but as an art actively engaged in a public debate central to postwar America's self-definition.

In each chapter, I suggest the metaphorical importance of one of the Court's three locations of privacy--the home, the family, and the body--and consider how the court and the confessional poets represent its privacy. The first chapter, "Penetrating Privacy: Confessional Poetry and the Surveillance Society," explores the paradox of the home, which is conceived in Poe v. Ullman (1960) as the ideal retreat from totalitarian surveillance but imagined by poets like Anne Sexton in "Self in 1958" as the site of an intolerable scrutiny. I link the pervasive sense of surveillance to what Elaine Tyler May has called "containment" ideology--the belief that the home provided a defense against the insecurity of Cold War nuclear diplomacy--as well as to the mass produced privacy of the rapidly expanding suburbs. Using the dissents from Poe v. Ullman, I demonstrate that as the private home rose in political importance as the crucible of democratic

citizenship, it was simultaneously denied a place in public discourse as anything but an ideal. Betty Friedan's critique of the suburban home's "open architecture," which effectively did away with privacy for the woman who was to occupy this space, also provides a context for confessional poetry's anti-idealizing visions of the home. With poems like Plath's "Eavesdropper," Sexton's "Housewife" and "For John Who Begs Me Not to Inquire Further," I illustrate how the paradoxes embedded in this ideology and material practice were being examined by female confessional poets, who revealed the home not as a private space but as the site of the most powerful form of surveillance, self-scrutiny.

In "'Proper Names become Improper Lives': Family Secrets and Relational Privacy," I consider a problem often associated with confessional poetry--the exposure of a family member--by reading Lowell's Life Studies and The Dolphin in terms of the Supreme Court's 1965 decision Griswold v. Connecticut. Lowell's desecration of his "proper name" shows how the terms of privacy radically shifted in 1959; in Life Studies we find the exposure of the family perpetrated by a "gentleman," on whose "natural" recognition of the distinction between public and private the framers of legal privacy had relied. From this dismantling of the nineteenth-century notion of individual privacy, I explain how "relational" privacy took hold temporarily in the 1960s. Analyzing Griswold's definition of privacy as based in the marital relationship, I show how

the Court protected the married couple from the state while simultaneously putting the privacies of husband and wife into conflict. I explore the resulting paradox of self-disclosure in The Dolphin. Lowell's narrative of divorce which binds him to his ex-wife, Elizabeth Hardwick, even as he is writing himself out of relationship to her.

"Beyond Privacy: Confessions Between a Woman and Her Doctor" traces the evolution of individual privacy that culminated in Roe v. Wade by juxtaposing the changing legal doctrine with "operation poems"--poems which feature the opening of the body in surgery. After Griswold, when the Court began to locate privacy in the individual rather than in a protected zone, privacy was conceived less as a right of the citizen to withdraw from the public than as a right to self-determination and autonomy. However, as a right of the individual, privacy was suddenly inflected by sexual difference. Reading "The Operation" by W.D Snodgrass in terms of the Court's evolution of individual privacy illustrates how men resisted the perception of invasion while at the same time creating the illusion of exposure. Though both men and women assessed the loss of bodily privacy in operation poems, the doctor that became so central to privacy in Roe created a paradox of privacy that only women confronted. Sexton's "The Operation" considered with Roe v. Wade reconfigures female privacy as an act of confession. For women, unlike for men, displaying one's scars and revealing one's insides to someone else--precisely

what confessional poetry did--became the preconditions for the privacy offered by Roe. This confusion of privacy and confession did not do away with the possibility of privacy, as Sexton, Plath, and Maxine Kumin make clear. Instead, as we see in their poems, privacy was to be secured by the multiplication of confession.

The final chapter, "Confessing the Ordinary: Paul Monette's Love Alone and Bowers v. Hardwick," asks how, in the context of AIDS and the end of the Cold War, this later-generation confessional poet conceived of privacy so that it protected without imprisoning the gay citizen. I explain that when Hardwick denied gay men a right to privacy in 1986, the Court made any testimony to their private life the evidence of a crime and an invitation to invasion. This decision, which Monette explicitly claims as an intertext to his elegies, provoked him to reimagine a right to privacy in the body, the home, and the family. In "The Supreme Pork," Monette mimics the Court's obsession with sodomy, demonstrating that it is not a private act but the public representation of homosexual identity that Hardwick jeopardizes. "The House on King's Road" distinguishes the private home from the closet, broadening the concept of gay privacy to encompass a whole range of ordinary activities, the most important of which is reading. Finally, in "Brother on the Mount of Olives," Monette incorporates a third party into marriage, suggesting that this private relationship, so protected by the court for heterosexual

couples, is only possible for gay men when it includes a larger community.

If we look back through the lens provided by Monette's confrontation with Bowers v. Hardwick, we can see how the right to privacy derived from the citizen's access to the public realm. Like the women confessional poets before him, Monette realized that his privacy had no meaning isolated from a greater public engagement. Confession for women and gay writers of the last decade precedes the right to privacy and makes it meaningful. Once the speaker who is defined as solely private has a public presence, privacy can be reclaimed in a more meaningful way. Just as the McCarthy hearings showed that without a recognized right to silence, there was no choice in self-disclosure, so too did the confessional poets realize that without full access to the public sphere, any revelation of themselves would be confessional. Again, there would be no choice but to confess. Through the vehicle of confession, American poets challenged conventional notions of what could be represented in public, and in doing so, legitimated the discussion of a range of topics which were to become not private, but public issues. At the same time, in the debate over legal privacy, American citizens asked both what and who this right protected, confronting the limits of an abstract notion of citizenship. The dialogue between confessional poetry and constitutional privacy demonstrates finally a larger and paradoxical fact: privacy and confession have taken on

dramatic symbolic importance in postwar America not because they tell us something about who we are as private entities, but because they have transformed what we perceive to be our collective public identity.

CHAPTER 1

Penetrating Privacy: Confessional Poetry and the
Surveillance Society

Ideologically, family behavior may remain 'the most private and personal of all areas of behaviour, almost totally free from external supervision and control,' in practice it is anything but, and it is out of this discrepancy between ideal and real families, the one with simple and natural rights, the other propped up by a mass of civil, political and social sealing wax, that modern female sexual citizenship emerges.

---David T. Evans¹

Home is our spy pond pool in the backyard,
the willow with its spooky yellow fingers
and the great orange bed where we lie
like two frozen paintings in a field of poppies.

---Anne Sexton, "The Wedlock"²

Confessional poetry needs to be reevaluated in the context of the highly charged political debate about privacy in which it arose. Critics of this poetry claim that the dark terrain the confessional poet explored was a private plot, nothing more than the suburban half acre that symbolized middle class life. Called private, narcissistic, and self-indulgent, confessional poetry has seemed the antithesis of sixties protest poetry that spoke to and for those embattled in the civil rights and anti-war movements.³ However, the political debates central to America's redefinition of itself in the Cold War are not exhausted in these two movements; the debate over the right to privacy has also figured as one of the most volatile political controversies of the Cold War era. From N.A.A.C.P. v. Alabama⁴ in 1958, to Griswold v. Connecticut⁵

in 1965, to Roe v. Wade⁶ in 1973, and Bowers v. Hardwick⁷ in 1986, each decade's most significant privacy decision has echoed the political questions of its time and offered a site in which the definitions of "private" and "public" could be disputed. Moreover, since the right to privacy has primarily sheltered domestic liberty, protecting such areas as child rearing, contraception, and marriage, the battles waged over privacy have metonymically represented the conflicts over gender and sexuality that have marked the post-war era.

The period between 1960 and 1966, when the legal privacy debate focused almost exclusively on the privacy of the home, also witnessed an unprecedented exposure of the domestic sphere in such landmark confessional works as Anne Sexton's To Bedlam and Part Way Back, All My Pretty Ones, and Live or Die; Sylvia Plath's Colossus and Ariel; Adrienne Rich's Snapshots of a Daughter-in-Law; Allen Ginsberg's Kaddish; John Berryman's Dream Songs; with Robert Lowell's Life Studies in 1959 and W.D. Snodgrass's Heart's Needle in 1958 immediately preceding them. That this confessional moment should occur simultaneously with an outbreak of concern about the loss of privacy in the home suggests a contradiction. However, I propose that we read this apparent paradox as instead a parallel that reveals the irreconcilable tensions of Cold War domestic ideology. If we characterize both privacy and confession as issues of self-disclosure--who chooses if or when to make information

about the self available and to whom--then the articulation of a right to privacy works with rather than against the explosion of confessional writing as responses to a pervasive sense of surveillance.⁸ Confession, placed in the context of invasive scrutiny of the home, would seem to pre-empt surveillance by appearing to expose the desired secrets. The right to privacy, seen in the context of transgressive revelations about the home, would appear to censor the domestic realm by idealizing the withdrawal of private life from public scrutiny.

The pervasive sense of surveillance arose out of the paradox of what Elaine Tyler May has called "containment" ideology -- i.e. that the home provided a defense against the insecurity of Cold War nuclear diplomacy (May, Homeward Bound, 10-11). The excessive political importance this containment philosophy placed on the home necessitated its surveillance in order to guarantee compliance with the political ideals it was meant to represent. That is to say, the security offered by the private home could only be assured by violating its privacy. In contrast, by designating the home as the cradle of personal liberty and the cornerstone of democratic self-governance, the legal community paradoxically defined the home as apolitical. The Supreme Court in particular sought to protect the home as a wholly private sphere in order, it was said, to preserve liberty in the face of an increasingly intrusive organized society. However, as the private home rose in political

importance as the crucible of democratic citizenship--the symbol and locus of the liberty denied to the subject of a totalitarian government--it was simultaneously denied a place in public discourse as anything but an ideal. Since the home of domestic ideology was, therefore, principally a metaphor and a contradiction, a figure for conformity as well as for libertarian individuality, exposing the metaphor of the ideal home as the fantasy that it was meant undermining a cherished ideological bulwark against totalitarianism.

While elevating domesticity to a sacred and quintessentially American virtue, the idealization of the home silenced the experience of women, the citizens who were to occupy this realm as their exclusive domain. In this context, their anti-metaphorical representations of the home placed women confessional poets at the crossroads of the politicization of the home, its silencing, and its surveillance. In order to enter the public sphere, women writers had to violate privacy and confront the myths of the private home as a source of liberty and even, ironically, of privacy itself. Writing from within the home about the home, these poets not only changed literary decorum, but they transformed a central political metaphor, legitimizing the discussion of what went on inside the home and making that discussion a reasonable concern of public discourse. In keeping with the 1960's radical questioning of American at-home authority and ideology, women poets like Sylvia

Plath, Adrienne Rich, and Anne Sexton provided evidence that the threat was no longer just "out there," it was also "in here," and its very containment was unfitting the home for its political purpose. Confessional poetry's contribution to public discourse was dismantling domestic ideology through the act of exposure itself, through the self-disclosure of that which should have been the subject of surveillance.

With the 1959 publication of The Eavesdroppers, a series of academic studies and journalistic exposés describing the encroachments on privacy from government, big business, higher education, medical research, and computer databases began to reach wide audiences.⁹ Within the context of these popular, and sometimes apocalyptic, discussions of privacy, the Supreme Court heard an increasing number of cases in which the home was invaded. These cases presented a diversity of violations from literal invasion, as in the case of Mapp v. Ohio,¹⁰ where police entered a private home without a warrant, to metaphorical intrusion, as in the case of Poe v. Ullman,¹¹ where Connecticut's statute banning contraceptives opened the door for police trespass of bedrooms. Yet, despite the perceived encroachments on individual privacy during the Cold War, privacy was hailed as one of the characteristic rights of a democracy, one that defined "America" in opposition to the Soviet Union. The right to privacy became during the sixties an extremely important symbol distinguishing

American democratic government from the police state, despite the totalitarian practices the U.S. government employed in order to defend itself against totalitarianism. Nevertheless, while privacy was a right of enormous importance, to actually seek or make use of it invited suspicion from neighbors and, occasionally, government agencies like the FBI.¹²

The omnipresence of surveillance in Cold War society was converting the notion of confession as a sacrament into the perception of confession as a criminal act. In the context of the invasive scrutiny of private life, Sylvia Plath, a poet who is rarely considered political, connects the pervasiveness of surveillance in ordinary life to this transformation of confession. The following poems written in 1962, for example, "The Other," "Words heard, by accident, over the phone," "The Detective," "The Courage of Shutting-Up," "A Secret," "The Jailer," "Purdah," and "Eavesdropper," some of which were marked for inclusion in the Ariel collection, illustrate an extraordinary sensitivity to surveillance and the assault on privacy.¹³ In these works, metaphors of policing, interrogation, and spying make the home a crime scene, and so a subject of surveillance. In terms similar to the Court's explanation in Mapp v. Ohio that an invasion of privacy constituted a "coerced confession," Plath's poem, "The Other," reveals the overdetermination of guilt that results from surveillance:

The police love you, you confess everything.

Bright hair, shoe black, old plastic,

Is my life so intriguing?
Is it for this you widen your eye-rings?

There may be no crime to confess to ("Is it for this you widen your eye-rings?"), but it does not matter: everything--"bright hair, shoe black, old plastic"--constitutes evidence of a crime, everything contributes to the confession. When surveillance is never identified, the questions are always controlled by the observer. The watched have no idea what they might be confessing because they have no idea of what they are suspected. Plath then shows how omnipresent surveillance takes interpretation further out of the hands of the observed when she quickly shifts position from criminal to investigator, from confessor to interpreter. As if making an arrest, she begins her interrogation:

Open your handbag. What is that bad smell?
It is your knitting, busily

Hooking itself to itself,
It is your sticky candies.

From the evidence she collects, Plath supplies her own answers, offering the interpretation that should be supplied by the silent defendant. Because both the questions and the answers are supplied to the confessor, the interpretation of the watchers is all that matters.

In Plath's "Eavesdropper" this climate of suspicion moves from official surveillance to infect personal relationships. In this poem in which neighbors spy on one

another, the confessional poem becomes a hall of mirrors in which the watcher and the watched cannot be distinguished from each other:

Do not think I don't notice your curtain--
 Midnight, four o'clock,
 Lit (you are reading),
 Tarting with the drafts that pass,
 Little whore tongue,
 Chenille beckoner,
 Beckoning my words in--
 The zoo yowl, the mad soft
 Mirror talk you love to catch me at.

How you jumped when I jumped on you!
 Arms folded, ear cocked,
 Toad-yellow under the drop
 That would not, would not drop
 In a desert of cow people
 Trundling their udders home
 To the electric milker, the wifey, the big blue eye
 That watches, like God, or the sky
 The ciphers that watch it.

As she watches "you" reading, the reader watches her in the "mad soft/mirror talk you love to catch me at." Not only is Plath caught looking at herself, this "mirror talk" is what he reads--the words of her confessional poems. "How you jumped when I jumped on you!" reverses the watcher and the watched again. Plath watches him watch himself in her writing, creating an endless series of reflections in which each regards the self watching the other. This mirrored watching allows each to keep the other and the self in view, all the while policing the self while appearing to police the other. Moreover, this mutual regard, this double scrutiny, takes place beneath another all watching force: "the big blue eye/that watches, like God, or the sky/the ciphers that watch it." Beyond their individual

surveillance, a larger investigation is taking place, one that, "like God or the sky," is simply inescapable. And yet, once again, the doubling redoubles as the watcher--blue eye, God, or sky--watches the "ciphers" watch it. By using the word "cipher"--which can disguise meaning or indicate the lack of meaning--Plath suggests both the coding of their behavior and its meaninglessness. This endless watching ultimately becomes exposed as a futile and paralyzing process for it only reveals more surveillance.

The decentralization of surveillance and suspicion that Plath's poem reflects flourished in the post-war growth of the suburbs, which, while placing the private home at the center of American consciousness, simultaneously enforced homogeneity and conformity. By the mid-fifties, fifty percent more Americans owned their own home than in the pre-war years, and the building of single-family dwellings was continuing apace (Davison, 188). GI mortgages and William Levitt's application of the techniques of mass production to the building of homes made home buying accessible to citizens of even modest means (Halberstam, 136-139). Mass-produced privacy was the paradox of the day. Intensifying this paradox, the marketing of single-family homes stressed white Anglo Saxon conceptions of privacy and domesticity while these same suburbs enforced an ideal of the American nuclear family through the convenience of neighborhood surveillance.¹⁴ As Adrienne Rich imagines in "September

21," the house itself served as an instrument of surveillance rather than a refuge from scrutiny.¹⁵

Wear the weight of equinoctial evening,
light like melons bruised on all the porches.
Feel the houses tenderly appraise you.
hold you in the watchfulness of mothers.

Once the nighttime was a milky river
washing past the swimmers in the sunset,
rinsing over sleepers of the morning.
Soon the night will be an eyeless quarry

where the shrunken daylight and its rebels,
loosened, dive like stones in perfect silence,
names and voices drown without reflection.

Then the houses draw you. Then they have you.
(emphasis mine)

What begins as benign and even fond attention--the "houses tenderly appraise you/hold you in the watchfulness of mothers"--becomes threatening by the end of the poem: "Then the houses draw you. Then they have you." It seems that the comfort offered by the houses does not protect the speaker from the blind and self-obliterating night--"names and voices drown without reflection"--but instead threatens to absorb her. Instead of returning to the bosom of the watchful mother, the houses "have you," as if "you" could not escape. In like manner, the suburbs were understood to absorb individuality, to homogenize each family in the tremendous pressure to conform to the norms of the local community. In other words, the suburban home, while marketed as a source of privacy, was in fact a place defined by surveillance.

For Anne Sexton, as for most women of her generation, the home was not a private place at all. However, because it offered little opportunity for adult communication, for public or political discourse, it was not really public in any significant way just as it was not private in any meaningful way.¹⁶ We can see this paradox of mass-produced privacy in Sexton's "Self in 1958," a poem written in 1958 and revised in 1965:

What is reality?
 I am a plaster doll; I pose
 with eyes that cut open without landfall or nightfall
 upon some shellacked and grinning person,
 eyes that open, blue, steel, and close.
 Am I approximately an I. Magnin transplant?
 I have hair, black angel,
 black-angel-stuffing to comb,
 nylon legs, luminous arms
 and some advertised clothes.

I live in a doll's house
 with four chairs,
 a counterfeit table, a flat roof
 and a big front door.
 Many have come to such a small crossroad.
 There is an iron bed,
 (Life enlarges, life takes aim)
 a cardboard floor,
 windows that flash open on someone's city,
 and little more.

Someone plays with me,
 plants me in the all-electric kitchen,
 Is this what Mrs. Rombauer said?
 Someone pretends with me --
 I am walled in solid by their noise --
 or puts me upon their straight bed.
 They think I am me!
 Their warmth? Their warmth is not a friend!
 They pry my mouth for their cups of gin
 and their stale bread.

What is reality
 to this synthetic doll
 who should smile, who should shift gears,
 should spring the doors open in a wholesome disorder.

and have no evidence of ruin or fears?
 But I would cry,
 rooted to the wall that
 was once my mother,
 if I could remember how
 and if I had the tears.

The second stanza of the poem describes the suburban structure that underlies so much of Sexton's work: "I live in a doll's house/with four chairs,/a counterfeit table, a flat roof/and a big front door./Many have come to such a small crossroad." For Sexton, it was the inevitable position of this doll in the doll's house to live a paradox--to dwell entirely within the walls of the home, which, though completely divorced from the public, is neither private nor individual. Although no reference to a "doll's house" can fail to recall Nora's exit, in Sexton's poem the speaker seems immobilized, caught in the gunsights of an oppression, "(...life takes aim)," so generalized as to defy naming. The feeling of being a watched target extends beyond the threshold of her home so that, unlike Nora, she cannot simply close the door behind her to escape. If "life takes aim," there is no outside to escape to nor inside to hide within; there is only an overpowering sense that every action is monitored and that a wrong move could draw fire. From her position trapped in her doll's house, "windows...flash open on someone's city/and little more," offering no more than a glimpse of "someone's city"--a city and therefore a public world so far removed from her own life that she cannot even name whose city. Even so, this unknown city is the only view from her window.

To a large extent, this diffuse sense of surveillance was built into the structure of the suburban home itself. As Jane Davison writes in To Make A House a Home, the "open design" in the architecture of small suburban homes did away with doors and separate rooms, maximizing the sense of space while minimizing the opportunity for privacy. Along with this architectural elimination of privacy, Davison argues that the advocacy by women's magazines of "family togetherness" made women "wonder what was so private about life in homes..." (188). Betty Friedan diagnosed the results of such a loss of privacy when she associated the open plan in contemporary houses with the problem of the "feminine mystique."¹⁷ As she said in 1963, the open plan, since it did away with privacy, forced woman "to live the feminine mystique....There are no true walls or doors...she need never feel alone for a minute, need never be by herself. She can forget her own identity in these noisy open-plan houses" (246). This correlation between the physical structure of the house--its absence of personal privacy--and the psychic structure of women--their loss of personal identity--governs confessional poetry as well. The loss of personal identity, which derived from a loss of privacy, gave birth to an autobiographical mode of writing which appeared to construct the personality of the poet obsessively while eschewing any notion of privacy. Compounding the lack of privacy within, the scrutiny of the home from without further dissolved the binary between

public and private, obscuring the line between voluntary self-disclosure and forced confession. The open door of Sexton's last stanza symbolizes the suburban mandate to be open, which is the most effective surveillance of the home because the housewife who made an exhibition of her openness policed herself. What is demanded by Sexton's unnamed observer is clear: "what is reality/to this synthetic doll/who should smile, who should shift gears,/should spring the doors open in a wholesome disorder/and have no evidence of ruin or fears?". Sexton implies that "they" demand a fiction of openness, which exposes a pretense of health; she is permitted some "disorder" only so long as it is "wholesome." Most important, the openness conveys that there is nothing to hide, which is all the more oppressive for it necessitates a willingness to be observed. In these terms, confessional poetry would seem to be the open door, and as such, a submission to surveillance through self-exposure.

Nevertheless, Sexton turns this openness inside/out and instead uses it as her most effective disguise. On the one hand, her "disorders" are never "wholesome" and so she defies the unstated agreement to reveal only that which is not secret. On the other, the fiction of openness is always misread as the transparent fact of openness. The confession which appears to "tell all" hides all the more effectively for telling only some, and so renders a paradoxical privacy. As a result, Sexton can appear to comply with the imperative

to be open--all the while subverting it-- by taking advantage of one of confessional poetry's defining tropes: the fiction of sincerity. Sexton's ironically triumphant exclamation "They think I am me!" attests to the success of this impersonation, which is nothing more than playing herself seamlessly. Instead of claiming another role, Sexton consistently acknowledges that she herself is the role, and that therefore she has no sincere self to reveal. However, while she clearly deceives "them," she does so through a fiction of sincerity, her most artful disguise, which begins to erode her own sense of reality. When she asks "what is reality to this synthetic doll...?" she suggests that the complete erasure of privacy does away with truth as a component of confession; the confessor not only does not tell the truth, she can no longer distinguish what that truth might be.

The poem, "Live," in which Sexton responds directly to criticism of her confessional work, addresses the limitations of the fiction of sincerity. The second stanza reads:

Even so,
 I kept right on going on,
 a sort of human statement,
 lugging myself as if
 I were a sawed-off body
 in the trunk, the steamer trunk.
This became a perjury of the soul.
It became an outright lie
and even though I dressed the body
it was still naked, still killed.
 It was caught
 in the first place at birth,
 like a fish.

But I played it, dressed it up,
 dressed it up like somebody's doll.
 Is life something you play?
 And all the time wanting to get rid of it?
And further, everyone yelling at you
to shut up. And no wonder!
People don't like to be told
that you're sick
and then be forced
to watch
you
come
down with the hammer.
 (emphasis mine)

For Sexton, nakedness is also a disguise, one among the many that she employed to create the "perjury of the soul" that is her confession. Yet, her lament that "...even though [she] dressed the body/it was still naked, still killed," attests to the power of the confessional label which makes every costume appear "naked"--that is, transparent, literal, real--and so "killed," that is, metaphorically dead and dead to metaphor. Regardless of the fact that she describes her work as a "perjury" and an "outright lie," the consistent reading of her work as pure confession denied it a metaphorical status, which is to say, the status of poetry. Rather than giving in to "everyone yelling at you to/shut up" in the belief that they are reading a confession rather than a poem, Sexton attempts to shift her "human statement" from confession, implying guilt, to testimony implying witness. This idea of witness is carried through to Sexton's explanation that "People don't like to be told/that you're sick/and then forced/to watch/you/come/down with the hammer." This watching, however, is complicated by the warning that she's sick and the idea that her watchers are

forced. In what way does Sexton "force" "them" to watch? Who or what compels them to watch her "come down with the hammer?" This belief that watching is not a choice but a requirement forces us to understand the confessionalism of Sexton's work as response to a sense of wide-spread and unavoidable surveillance. In the case of the open door of the suburban home--as with the self-revelation of the confessional poem--the watching will happen. "They," it appears, must watch.

On one level, therefore, confessional poetry echoes the sense of omnipresent surveillance that we find in other discourses. For example, in his 1966 dissent from Osborn v. U.S., Lewis v. U.S., and Hoffa v. U.S.,¹⁸ Justice Douglas, the Supreme Court's most fervent champion of the right to privacy, provides a succinct and dramatic retrospective of the assaults on privacy that had provoked widespread concern and condemnation. This trio of cases, all of which revolved around privacy issues, brought into focus the dangers of the surveillance society. Douglas begins his dissent by declaring that:

We are rapidly entering the age of no privacy, where everyone is open to surveillance at all times; where there are no secrets from government. The aggressive breaches of privacy by the Government increase by geometric proportions. (323)

He continues, sketching a harrowing portrait of the "age of no privacy" by citing examples from the Senate Committee on the Judiciary's 1965 hearings on "Invasions of Privacy":

Secret observation booths in government offices and closed television circuits in industry, extending even to rest rooms, are common. Offices, conference rooms, hotel rooms, and even bedrooms...are 'bugged' for the convenience of government. Peepholes in men's rooms are there to catch homosexuals....Personality tests seek to ferret out a man's innermost thoughts on family life, religion, racial attitudes, national origin, politics, atheism, ideology, sex, and the like. Federal agents are often 'wired'....They have broken and entered homes to obtain evidence. Polygraph tests of government employees and of employees in industry are rampant. The dossiers on all citizens mount in number and increase in size. Now they are being put on computers so that by pressing one button all the miserable, the sick, the suspect, the unpopular, the offbeat people of the Nation can be instantly identified. (323-324)

While I have not reproduced Douglas' complete record of invasions, I quote him at some length because his catalogue is as wide-reaching as it is well-documented. Moreover, the interpretation Douglas places on the government's dossier system, that "all the miserable, the sick, the suspect, the unpopular, the offbeat people of the Nation can be instantly identified," indicates that mind control rather than crime control was perceived as the principal motivation for government surveillance. The Senate Committee studying the abuse of police state tactics by government agencies provides ample evidence for Douglas to conclude in a footnote that "Government is using such tactics on a gargantuan scale and has become callous of the rights of the citizens" (324, footnote 9). Furthermore, a brief inspection of this list indicates that law enforcement was not the only perpetrator of offensive intrusions into

private life: big business, education, and bureaucracy were all complicit in invading the "sacred" space of the home.

On another level, however, the home figured in women's confessional poetry calls into question the Court's notion of a "sacred" or private space untainted by public interests. In Griswold v. Connecticut, the 1965 decision which struck down Connecticut's prohibition against the use of birth control, the Court erected a constitutional right to privacy that would protect the home from scrutiny and consequently interference from the public realm. Douglas, speaking for the majority, argued that "The present case... concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees" (480). This zone, which is the home, represented an absolute a priori privacy that could be reclaimed by imposing legal barriers to surveillance. By relying on the 1886 case Boyd v. U.S.,¹⁹ the Court implicitly invoked Victorian notions of public and private spheres and even the recurring image in privacy cases of a "man's home is his castle." Likewise, the home Justice Harlan described in Poe v. Ullman in 1960 and reiterated in Griswold is a political metaphor that gathers ideological gravity from the layers of abstraction that both idealize and mystify:

If the physical curtilage of the home is protected, it is surely as a result of solicitude to protect the privacies of the life within. Certainly the safeguarding of the home does not follow merely from the sanctity of property rights. The home derives its

pre-eminence as the seat of family life. And the integrity of that life is something so fundamental that it has been found to draw to its protection the principles of more than one explicitly granted constitutional right. (551)

The language that Harlan used points to the fundamentally metaphorical character of his construction of the home. "Sanctity," "seat of family life," and elsewhere "sacred," all indicate that the ideal privacy being lost in the view of the Court is an abstraction born of traditional conceptions of the home as a male retreat from public life.

That contraception should be the arena in which the Court defined the right to privacy tells us about the fears for specifically male privacy that lie behind this right.

Douglas's famous image from Griswold v. Connecticut --

Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? (480)

-- echoes his earlier imagined invasion in Poe v. Ullman:

If we imagine a regime of full enforcement of the law in the manner of an Anthony Comstock, we would reach the point where search warrants issued and officers appeared in bedrooms to find out what went on. (651)

In both cases, it is the imagined presence of the policeman in the bedroom that elicits the right to privacy. What we can see is that the Court perceived the Connecticut statute legitimating the surveillance of the bedroom to be more threatening in the context of a heightened awareness of invasions of privacy. In other words, the very real possibility of this penetration--both the ability and willingness to survey the bedroom--was documented in court cases, popular exposés, and legislative hearings, and this

documentation compelled the Court to establish the home as the sacred zone of the right to privacy.

It is the way that Douglas conceives of the invasiveness of the birth control statute that indicates the feared loss of male prerogative behind the invasion of the bedroom. Douglas's footnote to his imagined enforcement of the law--officers appearing with warrants in bedrooms--relates Connecticut's contraception statute to another invasive law. He notes:

Those warrants would, I think, go beyond anything so far known in our law. The law has long known the writ of de ventre inspiciendo authorizing matrons to inspect the body of a woman to determine if she is pregnant. This writ was issued to determine before a hanging whether a convicted female was pregnant or to ascertain whether rightful succession of property was to be defeated by assertion of a suppositious heir. (651)

Douglas's reading of the invasiveness of the Connecticut statute bears investigation. In his interpretation the "writ of de ventre inspiciendo authorizing matrons to inspect the body of a woman to determine if she is pregnant" is less invasive than a warrant to enter a bedroom. By his standards, the intrusion into the bedroom "goes beyond anything so far known in our law." Yet, it is difficult to equate the inspection of a woman's body, particularly to verify pregnancy, with the invasion of the bedroom, much less to perceive the bedroom's trespass as the more troubling violation. What we can determine from Douglas's use of this analogy, however, is that the bedroom is at least as private to a man as her body is to a woman. The

house, then, or at least the bedroom, becomes analogous to the woman's body. To allow the police to penetrate the bedroom is to allow them to figuratively penetrate the man's body. That the woman's body can be literally invaded, in fact that the policing of her body makes up a long tradition in "our law," demonstrates that women's privacy is not truly at issue in birth control cases like Poe v. Ullman and Griswold v. Connecticut, but rather it is the father's privacy that is being defended. The surveillance of the woman's body for the purposes of patriarchy--to determine inheritance--is a legal legacy that reemerges in Roe v. Wade in the person of the doctor who has replaced the matron.

In these dissents, we can see that the privacy safeguarded as a newfound constitutional right is the privacy of the patriarch whose moral autonomy is challenged by the paternalism of the state. The public intervention in the home represented by the state prohibition against contraception mocked this patriarchal authority, which was maintained through a rigid distinction between public and private. The blurring of the boundaries of public and private represented for the Court an improper contamination of the private sphere with public concerns, as if those concerns manifest themselves only in the physical intrusion of the home. Therefore, the Court reasserts patriarchal privilege when it redraws the boundaries between public and private. In contrast, Sexton's poems about the home denied the possibility of an a priori privacy and repositioned the

home as a social, rather than private, territory, one which was political because implicated in public concerns, but private only insofar as it was isolated from public forums. Defined by its lack of privacy, the home of the confessional poets is neither properly public nor safely private.

The analogy between the home and the woman's body in Douglas's footnote reappears in "Housewife," a poem in which Sexton fuses "house" and "wife" in order to show the effects on men and women of a too intimate identification between women and the metaphorical home. In the poem, the transformation of the woman into the house makes the intrusion into the house or body a similar violation while at the same time, the collapse equates the disclosure of the private home with the exposure of the body.

Some women marry houses.
It's another kind of skin; it has a heart,
a mouth, a liver and bowel movements.
The walls are permanent and pink.
See how she sits on her knees all day,
faithfully washing herself down.
Men enter by force, drawn back like Jonah
into their fleshy mothers.
A woman is her mother.
That's the main thing.

The merging of the woman with the house determines the man's relationship to the private. Unlike Douglas's or Harlan's vision of the man's position in the home, Sexton's line "Men enter by force, drawn back like Jonah" suggests that men have a very temporary (as opposed to "permanent") presence in the house and that their position inside is unnatural. Their entry "by force" evokes a rape and the analogy to

Jonah, the disobedient prophet who was expelled from the whale three days after his ingestion, reminds us of men's withdrawal from the home rather than their coexistence in it. The unnaturalness of their position inside the home becomes clearer when we find that they are drawn into their "fleshy mothers." For a man, to be inside the house is to be inside the mother, which provides two equally uncomfortable alternatives: he becomes either a child or an incestuous rapist. With this invocation of the mother, the structure of the house completely disintegrates--public and private, inside and outside intertwine, generational divisions disappear ("a woman is her mother"), and history draws to a halt. Instead, there is an endless cycle of transgression that perpetually returns to the beginning--the mother. From this perspective, the home is the world not of adult citizens but of mothers and children; it is a nursery where independent adults do not exist.

The poem works by literalizing the word "housewife," defining it first as the wife of a house--"some women marry houses"--and then, as the wife who is a house. Just as the poem begins by describing "some women" and concludes by defining all women ("A woman is her mother."), so too does the woman who marries a house inevitably become that house. Initially, the woman remains separate from the structure: "It's another kind of skin; it has a heart, / a mouth, a liver and bowel movements"--indicating that while the house is a body, it is not clearly human, nor specifically female.

However, with the line "the walls are permanent and pink," the house is no longer "it," comfortably separate from the woman and so the distinction between the woman and the house begins to break down. By the time we "[s]ee how she sits on her knees all day/faithfully washing herself down," the woman has completely merged with the house and as a result, we are privy to her most intimate moments--we see her bathing--and so distinction between the public and private no longer exists external to the woman as the threshold to the home. Instead, she has internalized it and so the only private space left to her is that which is within the body. All spaces external to the body have become public spaces.

When the woman becomes the house and internalizes the public/private boundary, she is both exposed and silenced. What's more, her transformation marks the moment of the reader's and speaker's dis-identification with the subject of the poem. For the first time, the speaker addresses the reader with an imperative, "see," shifting the relationship to the woman from one of possible identification to one of observation. We are explicitly instructed to become voyeurs, and as a result, the poem takes place at a distance from the woman. Because reader and poet speak about, but no longer with or to her, becoming the house has excluded her from the public discourse the poem engages. As Sexton shows, this disconnection of the woman from public discourse was one of the results of marking the threshold of the home as the border between public and private and then idealizing

privacy. While men risked committing violence by crossing into the private sphere, they could move and speak freely beyond the threshold of the house. As a result, the prohibition against violating privacy did not leave men voiceless. In contrast, women, whose whole existence in the Cold War 1950s and early 1960s was defined within the walls of the home, were left silent with the prohibition against disclosing the private. Furthermore, the internalization of the threshold meant any entry by a woman onto the public stage would be perceived as a kind of exposure. Privacy would always be violated when women, who are defined as wholly private, speak about their lives.

Anne Sexton's "For John Who Begs Me Not To Enquire Further," written in 1959, and Justice Harlan's dissent in the 1960 Supreme Court opinion, Poe v. Ullman, form a dialogue about the relationship of the private to public discourse. Poe v. Ullman, a forerunner to Griswold v. Connecticut, was a case brought by a married couple, a married woman, and their doctor, which asked the court to grant declaratory relief from the Connecticut statute prohibiting the use of birth control. Though Poe was held by the majority on the court to be non-justiciable (meaning that the court could not rule on it) because they perceived no imminent threat to the appellants, Justice Harlan's dissent became a crucial building block in the formation of constitutionally protected privacy. Taken from precisely the same historical moment, Sexton's poem and Harlan's

dissent present divergent conceptions of the relationship of private life to public discourse. Harlan's vision of privacy aspires to a complete silencing of private life and retains the strict binary opposition between public and private that fifties Cold War ideology held in place. Sexton, in contrast, maps out the territory between the public and the private, acknowledging both the uselessness and the impossibility of maintaining a rigid division between the two.

Justice Harlan's 1960 dissent in Poe v. Ullman addresses the suitability of private life, particularly sexuality, for public discourse. Harlan finds the statute unconstitutional not because it criminalizes recreational (as opposed to procreational) sex but because it would require criminal prosecution which would, more ominously, necessitate testimony about private matters. His dissent reads:

Precisely what is involved here is this: the State is asserting the right to enforce its moral judgment by intruding upon the most intimate details of the marital relation with the full power of criminal law. Potentially, this could allow the deployment of all the incidental machinery of the criminal law, arrests, searches and seizures; inevitably, it must mean at the very least the lodging of criminal charges, a public trial, and testimony as to the *corpus delicti*. Nor could any imaginable elaboration of presumptions, testimonial privileges, or other safeguards alleviate the necessity for testimony as to the mode and manner of the married couples' sexual relations, or at least the opportunity for the accused to make denial of the charges. (emphasis added) (498)

It is frequently instructive to read the way that justices shift from the issue at hand to a more troubling issue at

the margins of the case they are adjudicating. Like Douglas, who imagined the policeman's invasion of the marital bedroom, Justice Harlan also imagined what might happen but what, in fact, did not happen in Poe v. Ullman: married couples testifying about their sex life. For Harlan the mere possibility of this testimony justifies striking down the Connecticut statute. Yet, the reason that this statute stayed on the books from 1879 to 1965 was that such testimony was never indeed compelled; the law, not enforced in the home, functioned only to prohibit the distribution of contraceptives by birth control clinics. Furthermore, married couples rarely testified on their own behalf or even attached their names to briefs, hence the use of pseudonyms -- Poe, Doe, and Roe -- in all the landmark birth control cases. In fact, the only names associated with birth control and abortion cases are those of clinic operators and doctors, providers rather than users of birth control.

Justice Harlan does not deny that the state traditionally regulated the morality of its citizens; he claims that all civilized societies do that. Nor does the Justice trouble himself over whether regulating family size is a rational implementation of state power. Instead, Harlan finds that forcing testimony about private conduct, even if the testimony consisted of no more than a denial of the criminalized behavior, would constitute an unjustifiable exercise of state power even though regulating the private behavior would not. The violation is intolerable to him for

he sees the physical home, sanctified as the "seat of family life," as fundamentally outside of the realm of public discourse and he cannot envision any kind of procedural safeguard that would prevent its disclosure. What Harlan, and later Justice Douglas, conclude is that the ineffable importance and "sacred" nature of private life necessitate silence about it. On the one hand, private matters derive their sacredness from being so intimate that they are withdrawn completely from public view. On the other, withdrawing from public view is what makes private life so sacred. In any case, the mutual reinforcement of sacredness and privacy necessitates that private life remain unvoiced or else risk pollution.

The court argued that private life, however, not public discourse would be compromised whereas critics of confessional poetry, like John Holmes, Sexton's first mentor and teacher, believed that public discourse suffered from its contamination with the trivialities or tragedies of private life. In response to his warning not to publish her first collection of poems, To Bedlam and Part Way Back, Anne Sexton wrote a personal letter defending the publication of her confessional work and enclosed the poem that was her poetic manifesto and, ultimately, her critique of privacy: "For John Who Begs Me Not To Enquire Further."

Not that it was beautiful,
but that, in the end, there was
a certain sense of order there;
something worth learning
in that narrow diary of my mind.

in the commonplaces of the asylum
 where the cracked mirror
 or my own selfish death
 outstared me.
 And if I tried
 to give you something else,
 something outside of myself,
 you would not know
 that the worst of anyone
 can be, finally,
 an accident of hope.
 I tapped my own head;
 it was glass, an inverted bowl.
 It is a small thing
 to rage in your own bowl.
 At first it was private.
 Then it was more than myself;
 it was you, or your house
 or your kitchen.
 And if you turn away
 because there is no lesson here
 I will hold my awkward bowl,
 with all its cracked stars shining
 like a complicated lie,
 and fasten a new skin around it
 as if I were dressing an orange
 or a strange sun.
 Not that it was beautiful,
 but that I found some order there.
 There ought to be something special
 for someone
 in this kind of hope.
 This is something I would never find
 in a lovelier place, my dear,
 although your fear is anyone's fear,
 like an invisible veil between us all...
 and sometimes in private,
 my kitchen, your kitchen,
 my face, your face.

In addition to its private circulation, Sexton also published the poem in her first collection and so it became a public affirmation of her decision to break down the barriers between public and private. Many feminist critics have read "For John..." as Sexton's clearest expression of her motivations for writing poems which dealt openly and even flamboyantly with subjects that cross over from the

autobiographical into those deemed secret and shameful, subjects such as suicide, madness, adultery, menstruation, abortion, incest, and domestic violence. Yet we can see, given the reservations articulated by John Holmes, that Sexton was responding to a question of what both poetry and public discourse could represent.

In "For John..." Sexton mocks the narcissism of her confessions as "the narrow diary of [her] mind," "the cracked mirror," and "[her] own selfish death," bitterly but ironically exclaiming, "It is a small thing/to rage in your own bowl." Yet this "rage" is not a "small thing," rather the bowl is, and the bowl is glass, a transparent fishbowl, an instant metaphor of exposure. As we can see from the next lines, her revelations do not remain private, and hence, they are no longer insignificant personal matters but rather, as Alicia Ostriker claims in Seduction and Theory, "transpersonal."²⁰ In the first crossing from one private domain to another--"Then it was more than myself;/it was you, or your house/or your kitchen"--the rage that would be small in one's own bowl repeatedly assaults the private space of the reader/John Holmes, insisting through repetition on identification--"you...your...your." This identification with the reader returns in the final lines of the poem, no longer echoing, searching for a response, but instead rendering a precise symmetry that admits no evasion: "my kitchen, your kitchen,/my face, your face." Not only does Sexton construct an analogy between face and kitchen,

an unexpected alignment that links the private zone of the kitchen with the private and public self of the face, she suggests that the reader cannot disavow this identification. Though it happens "in private," the lessons of the confession inevitably find their way behind the "invisible veil between us all..." which is the barrier imposed by the reader's fear of identification. It is not, after all, the irrelevance of her work that motivated John Holmes to attempt to silence Sexton, but rather his identification with her that unnerved him. Sexton intimates that the motive for shrouding private life under a "veil" is the resistance to identifying with writers who make us anxious, particularly women writers, with whom she suggests male readers will identify if they would permit themselves to do so. So when she discarded her veil, refusing to disguise herself by adopting more appropriately "public" subjects and forms, she forced an intimacy and identification that changed the face of contemporary poetry.

The revelations of self and of private life, symbolized by the "house" and the "kitchen," make up what Carolyn Forché has called the "social," that intermediate ground between the private and the political.²¹ We can see that Sexton's justification depends on speaking the private, but not simply in private. Private matters, according to this poem, do not need a public forum because they move inexorably from home to home through the power of identification. And yet the circumstances of the

publication--she addresses her reader in the public domain of a collection as well as in the private sphere of a letter--remind us that Sexton does in fact need a public forum, in this case a publisher willing to promote her work, and that it is the impending publication of her work that finally moves John Holmes to express his distaste and discomfort. At issue for Sexton, and for many of her readers, both sympathetic and suspicious, is the appropriateness of her subject--private life--for public discourse.

The title "For John Who Begs Me Not to Enquire Further" echoes Sophocles' Oedipus, a reference Sexton suggests in the epigraph she chose from a letter Goethe wrote to Schopenhauer making reference to Jocaste's telling Oedipus "not to enquire further." As Alicia Ostriker points out, this reference to Oedipus positions Sexton in the traditionally male role of truth-seeker and public figure while placing Holmes in Jocaste's conventionally timid female role (156). Furthermore, Diane Middlebrook explains his timidity as Holmes' own guilt over his wife's suicide, a guilt Sexton unconsciously exploited in her response to his complaints that her poetry gave nothing to the reader.²² But, though each critic notes Sexton's role as Oedipus and each remarks on the quest for a "transpersonal" aesthetic, neither considers the political implications of this choice of frame for her poem. Oedipus is not merely a "transpersonal" character; he is a political figure. What's

more, Oedipus is a drama that revolves around the relationship of private sin to political health. It is the city's suffering, after all, that prompts Oedipus to search out and divulge his private transgressions. This complicated link between political health and private morality had long been a staple of Cold War ideology as Elaine Tyler May has shown. This allusion indicates that Sexton was aware of the political implications of her personal revelations and that her manifesto, at least as part of her collection, does not depend on a personal motivation for writing. In other words, it is not just John Holmes to whom she writes.

Opponents of confessional poetry and the framers of constitutional privacy shared a common desire to keep what happened in the home outside of public discourse. Taking up positions akin to John Holmes', later critics like Paul Breslin, Charles Altieri, and Walter Kalaidjian could not appreciate how the exposure of the inadequacies or mythologies of the home contributed to a public and political debate.²³ Similarly, Harlan's development of the right to privacy depended on maintaining the sanctity of the home, whose image could only be tarnished by public testimony about private sexual behavior. For these writers and thinkers, the public and private spheres remained pure only insofar as each could be distinguished from the other and this distinction could only be sustained by preventing private life from becoming a subject of public discourse.

However, confessional women poets' construction of the home irrevocably changed the threshold between public and private. Their display of suburban domesticity made clear that it was no longer, nor had it ever been, an absolute retreat from public concerns. The debate over privacy in the sixties, by paradoxically legitimating the exposure and discussion of private life, helped women to cross the threshold into the public arena and eventually to lobby for their own right to privacy, represented however ambivalently by Roe v. Wade. And perhaps the effect of this open house continues, though in ways less frightening because now familiar. Julie Iovine's 1994 New York Times Magazine article on home design states that "the line between public and private, once absolute is not only shifting but dissolving. In its place is the possibility of a comfort zone where public and private overlap, share the same elements and create a new sense of community."²⁴ It appears that opening the home to the public and the public to the home continues to demand a reimagination of both.

1 David T. Evans, Sexual Citizenship: The Material Construction of Sexualities (London: Routledge Press, 1993), 245.

2 Anne Sexton, The Complete Poems (Boston: Houghton Mifflin, 1981). All poems cited are taken from this collection.

3 Walter Kalaidjian's extensive critical history of contemporary poetry in Languages of Liberation: The Social Text in Contemporary American Poetry (New York: Columbia University Press, 1989) offers a thorough retrospective on the perception of confessional poetry as a "private" art (10-32). Kalaidjian's contention that confessional poetry "led to a poetic solipsism at the end of ideology and 'beyond' politics" (14) needs revision if we remember that privacy itself was one of Cold War America's defining political controversies. Many feminist literary critics have, of course, long argued the political relevance of confessional poetry.

4 357 U.S. 449 (1958).

5 381 U.S. 479 (1965).

6 410 U.S. 113 (1973).

7 478 U.S. 186 (1986).

8 While I have not drawn directly on Foucault's theories of surveillance and confession, I am certainly indebted to his landmark studies Discipline and Punish: The Birth of the Prison, trans. Alan Sheridan (New York: Vintage Books, 1979) and The History of Sexuality Volume One: An Introduction, trans. Robert Hurley (New York: Vintage Books, 1978).

9 Samuel Dash, The Eavesdroppers (New Brunswick, NJ: Rutgers University Press, 1959). In 1962, Morris Ernst's Privacy: The Right to be Let Alone (New York: Macmillan) began to define a constitutional right to privacy; in 1964 two best selling books--Myron Brenton's The Privacy Invaders (New York: Coward-McCann) and Vance Packard's The Naked Society (New York: D. McKay, Co.)--alerted the nation to the perils of the surveillance society; in 1967, Alan Westin's Privacy and Freedom (New York: Atheneum) took a comprehensive look at privacy from anthropological, legal, and philosophical perspectives; in 1968 Bernard Spindel's The Ominous Ear (New York: Award House) described the sophistication of wiretapping and its widespread use; and in 1969, On Record: Files and Dossiers in American Life (New York: The Russell Sage Foundation) revealed the kinds and

amounts of information the government compiled in dossiers on private citizens while Jerry Rosenberg declared The Death of Privacy (New York: Random House). Roe v. Wade in 1973 and the Privacy Act and the Freedom of Information Act of 1974 transformed the context of the privacy debate.

10 367 U.S. 643 (1961).

11 367 U.S. 497 (1961).

12 Benita Eisler, Private Lives: Men and Women of the Fifties (New York: Franklin Watts, 1986). In the logic of the "mushroom cloud" of personality tests administered to school children and job applicants alike, "[s]olitude and solitary pursuits were not only worrisome in themselves; such preferences pointed to other, still more dangerous tendencies" (37).

13 Sylvia Plath, The Collected Poems, ed. Ted Hughes (New York: Harper & Row, 1981). It is well known that Plath's selections for Ariel were amended and reordered after her death by her husband/editor, Ted Hughes, omitting, as Marjorie Perloff in Poetic License (Chicago: Northwestern University Press, 1991) has argued, poems that revealed Plath's anger over his infidelity. While I find Perloff's reading persuasive, these poems also have intriguing political readings. Furthermore, there are indications throughout her work that Plath was sensitive to her political context. The introduction to The Haunting of Sylvia Plath (Cambridge: Harvard University Press, 1991) by Jacqueline Rose is perhaps the most complex working through of Plath's political and historical awareness.

14 Both Jane Davison and Myron Brenton associate privacy with "Anglo-Saxon" norms. Throughout her discussion of twentieth-century architecture, Davison remarks on the nostalgia for supposedly Anglo-Saxon ideals manipulated by architects and housing developers. Brenton argues that "[t]hroughout modern history man--in particular Anglo-Saxon man--has bitterly resisted any attempt to encroach too greatly on his privacy" (225). Given the culturally specific nature of privacy, we should recognize that the privacy endorsed by the Supreme Court and deconstructed by confessional poets derived from Anglo-American roots.

15 Adrienne Rich, Snapshots of a Daughter-in-Law 1954-1962 (New York: W.W. Norton, 1967).

16 Anita Allen defines the concept of "meaningful privacy" in Uneasy Access: Privacy for Women in a Free Society (Totowa, NJ: Roman & Littlefield, 1987).

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- 17 Betty Friedan, The Feminine Mystique (New York: Norton, 1963). Page references are included in the text.
- 18 385 U.S. 323, 87 S. Ct. 439 (1966).
- 19 116 U.S. 616 (1886).
- 20 Alicia Ostriker, "Anne Sexton and the Seduction of Audience," in Seduction and Theory ed. Diane Hunter (Urbana: University of Illinois Press, 1989), 157.
- 21 Carolyn Forché, Against Forgetting: Twentieth-Century Poetry of Witness (New York: W.W. Norton, 1993), 31.
- 22 Diane Middlebrook, Anne Sexton: A Biography (Boston: Houghton Mifflin, 1991), 98-100.
- 23 See Paul Breslin, The Psycho-Political Muse: American Poetry Since the Fifties (Chicago: University of Chicago Press, 1987), and Charles Altieri, Enlarging the Temple: New Directions in American Poetry during the 1960's (Cranbury, NJ: Associated University Presses, 1979), for their critiques of confessional poetry's refusal to engage public issues.
- 24 Julie V. Iovine, "The New Comfort Zone." New York Times Magazine Part 2 2 October 1994, 21.

CHAPTER 2

'Proper Names become Improper Lives': Family Secrets and Relational Privacy

Should revelation be sealed like private letters,
till all the beneficiaries are dead,
and our proper names become improper Lives?
Robert Lowell, The Dolphin²⁵

The years 1959 and 1960 mark turning points in the history of privacy in American poetry and law. 1959 saw the publication of the first works of what was to be called confessional poetry--Lowell's Life Studies and Snodgrass's Heart's Needle--and in 1960, just as an influential legal scholar was tracing the history and scope of the "right to privacy," the Supreme Court rendered this map obsolete by shifting the right from the province of tort law, which governs the relationship between citizens, to that of constitutional law, which regulates the citizen's relationship to the state. This case, Poe v. Ullman, in which Planned Parenthood of Connecticut sought but failed to overturn Connecticut's statute prohibiting the use of contraceptives, points to a third landmark in the new decade's re-formation of privacy: In May of 1960 the FDA approved the distribution of the birth control pill. Family and privacy were about to undergo a dramatic transformation, as marriage, birth, and divorce statistics would bear out.²⁶

By contrasting legal constructions of privacy from this time period, which locate the right to privacy in the marital relationship, with the confessional poets' "family"

poems, those that name and expose family members, we can chart the shifts in postwar conceptions of privacy and family. Though certainly different models of the family co-exist in any historical moment, confessional poetry and legal privacy decisions show a reconfiguration in the dominant conceptions of family, from the patriarchal family, where privacy is protected by guarding the proper name of the father, to the nuclear family which, for a period in the mid-sixties, derived its privacy from the marital relationship. In the short lived "relational" privacy of the nuclear family, the Court recognized a partnership at the center of the private family and sought to protect its autonomy by devising a right to privacy for married couples. At the same time, confessional poetry revealed that the privacy of the family unit produces conflicts over privacy between individual family members, conflicts which were to play themselves out, in and through publication. This chapter, which traces the parallel evolution in cultural constructions of family and privacy through the poetry of Robert Lowell and Anne Sexton and in the legal decisions of Poe v. Ullman and Griswold v. Connecticut, also reveals that the individual privacy located in the father, which became a "relational" privacy based in marriage, returned to the individual, relocated, however uneasily, in the mother.

The proper name, whose protection is central to the patriarchal family, figures prominently in the history of

legal privacy and in theories of life writing.²⁷ To begin a discussion of the transformation of this model of family and this construction of privacy, it is perhaps not merely fortuitous that the name that has signified the proper name in the United States is Lowell. William Prosser's influential law review article, "Privacy," published the year after Robert Lowell's Life Studies, provides a barometer of the importance of the name "Lowell" in 1960.²⁸ In a taxonomy of the tort derived from the 1890 Harvard Law Review article by Louis Brandeis and Samuel Warren that created the right to privacy,²⁹ Prosser used the Lowell name to suggest both the importance of name to personal identity and the instability of the proper name in American culture. Prosser writes:

It is the plaintiff's name as a symbol of his identity that is involved here, and not his name as a mere name. There is, as a good many thousand John Smiths can bear witness, no such thing as an exclusive right to the use of any name. Unless there is some tortious use made of it, any one can be given or assume any name he likes. (403)

Then he quips:

The Kabotznicks may call themselves Cabots, and the Lovelskis become Lowells, and the ancient proper Bostonian houses can do nothing but grieve. (403)

Prosser locates the origins of the right to privacy in the Boston aristocracy of the late nineteenth century, within which, as the saying goes, the Lowells spoke only to the Cabots and the Cabots spoke only to God. In retelling the history of the right to privacy, Prosser claims that Samuel Warren's outrage at the Saturday Evening Gazette's coverage

of his wife's parties in the "blue blood" gossip column sparked him and his law partner to write the article that would become the "outstanding example of the influence of legal periodicals" on American law (383). The abuses of "yellow journalism" and the advent of instant photography had spawned an entirely new area of jurisprudence for the twentieth century: privacy. This social elite and the city of Boston itself--"perhaps, of all of the cities in the country, the one in which a lady and gentleman kept their names and their personal affairs out of the papers" (Prosser, 383)--these form the essential context for understanding the historical roots of legal privacy. Given this backdrop, how are we to understand the meaning of Robert Lowell's exposure of one of the "ancient proper Bostonian houses" in Life Studies?

In Prosser's joke about naming, he seems to be suggesting more than the difficulties of using someone's name without her permission to endorse products, one of the four separate violations he saw incorporated in the legal evolution of the right to privacy. This commercialization of personal identity that we are now so familiar with was legally protected in 1953 when the "right to publicity" assured that one's name and "image" could not be appropriated for commercial purposes without permission.³⁰ More than this, Prosser indicates that family name is both a patrimony that can be inherited, as in the "proper Bostonian houses," and an appropriation, as much an

obfuscation as a clarification of identity. Because they can be changed and appropriated, names erase as well as preserve family histories and create as well as confuse family connections. Families, especially the immigrant families Prosser gestures to with the names "Kabotznick" and "Lovelski," can Anglicize their names and attempt to lose themselves in what Lowell called the "mob of ruling-class Bostonians." If privacy is associated with family and social class, as it is in Brandeis and Warren's article, Prosser hints that the easy equation of personal identity and family name may in fact be made more complex by the assimilation that makes family identity, and thus racial identity, less discernible. If anyone can "take your name," the relationship between proper name, privacy, and propriety is less clear than Brandeis and Warren imagined.

It is within this relationship of proper name, privacy, and propriety that Life Studies does its most influential work by destabilizing the relationship between family name and family identity through the disclosure of family secrets. Through his revelations, Lowell shows that the identity of "his kind" is dependent on the definition of "his kin." Lowell begins "91 Revere Street," his prose memoir in Life Studies, with a juxtaposition of family history and an omission from that history:

The account of him is platitudinous, worldly and fond, but he has no Christian name and is entitled merely Major M. Myers in my Cousin Cassie Mason Myers Julian-James's privately printed Biographical Sketches: A Key to a Cabinet of

Heirlooms in the Smithsonian Museum. The name-plate under his portrait used to spell out his name bravely enough: he was Mordecai Myers. (11)

By referring to Biographical Sketches by his Cousin Cassie, Lowell reminds us in the opening sentence that the Lowells are museum pieces, historical Americans catalogued for the larger public. In this book that records family biographies, there is an omission from the historical record, a surprise in the family lineage that could potentially disrupt family name: a Jewish ancestor. By evoking this hidden ancestor at the outset of his autobiographical fragment, Lowell's initiating gesture is to call into question the well-known name of "Lowell" as well as the Boston Brahmin purity it had come to signify. Naming itself--his Cousin's abridgment of the Major's name, a shortening that hides identity, in contrast to her own concatenation of names, which preserves ancestral heritage--creates the concept of family that Lowell seeks to interrogate. Where Cousin Cassie distances herself from the dangerous name "Mordecai" while preserving the innocuous "Myers," Lowell aligns himself with the little known Major to mark himself as an outsider rather than as the consummate insider, which the name Lowell should guarantee.

Because family name and lineage are so important to Lowell and his family's self and public image, Lowell initiates their story by restoring the family's amnesia regarding their ancestor Major Mordecai Myers:

Major Mordecai Myers' portrait has been mislaid
past finding, but out of my memories I often come

on it in the setting of our Revere Street house, a setting now fixed in the mind, where it survives all the distortions of fantasy, all the blank befogging of forgetfulness. There, the vast number of remembered things remains rocklike. Each is in its place, each has its function, its history, its drama. There, all is preserved by that motherly care that one either ignored or resented in his youth. The things and their owners come back urgent with life and meaning -- because finished, they are enduring and perfect. (12-13)

Like Cousin Cassie's museum piece, Lowell in this passage gives his memoir museum-like powers of preservation. The "mislaying" of the portrait points to the family's erasure of ancestral blood mixing, which Lowell counts as the cost of preserving the family's name. Lowell's imaginative appropriation of the Major constitutes a second revelation and exposure of the Lowells.

Major Mordecai Myers was not an iconoclast, a rebel, or the outsider Lowell seeks as an imaginative forebear. Instead, in Cousin Cassie's "sketch," the Major is the very image of the patrician patriarch that the "Lowell" name evokes. He "died in 1870 at the age of ninety-four, 'a Grand Old Man, who impressed strangers with the poise of his old-time manners.'" Lowell quotes from his Cousin Cassie's "platitudinous" biographical sketch. Unwilling to believe the sketch because it conflicts with his "rocklike" memory of the portrait, Lowell suggests that the sketch erases racial difference. Nevertheless, Lowell betrays his own preconceptions of the Major which force him into recovering what has been left out of Cassie's sketch. He finds his evidence in the portrait itself, "reading" the painting for

a truer sign of the man than is provided in the written sketch:

Undoubtedly Major Mordecai had lived in a more ritualistic, gaudy, and animal world than twentieth-century Boston. There was something undecided, Mediterranean, versatile, almost double-faced about his bearing which suggested that, even to his contemporaries, he must have seemed gratuitously both ci-devant and parvenu. He was a dark man, a German Jew--no downright Yankee... (11)

Lowell's description based on his memory of a long misplaced portrait makes the Major a paradox of origins--both ci-devant and parvenu--and a combination of stereotypes from the "double-faced" to the "Mediterranean" aspect of a "German Jew." The point in Lowell's description is that Myers lacks the "backcountriness" (Lowell's emphasis) of his mother's family, the Winslows of Boston, but adds into his ancestral mix an aesthetic sensuality lacking in his Anglo-Saxon relatives. Lowell himself seeks to accentuate the difference bequeathed from the Major in his "adolescent war on [his] parents: "I tried to make him a true wolf, the wandering Jew!" And yet, Lowell can invoke the Jewish ancestor without in anyway factoring Jewishness into his own or his ancestors' identities. The Jewish ancestor functions only as a symbol, a skeleton in the closet which serves to disrupt assumptions about the Lowell name without conferring any other kind of identity on it. Lowell is no more Jewish for having had a Jewish ancestor; the name Lowell is simply disrupted. To be a Lowell, he indicates, requires a series of forgettings of that which is not Lowell. His memoir,

however, makes this forgetting more unlikely, preserving as it does what the family would choose to forget. Even while Lowell is debunking the name of Lowell, he is not able to completely empty it, so powerful are the associations that it carries.

While critics of Life Studies reflected on the grief of the family upon Lowell's embarrassing disclosures, what is important about Lowell's violation in terms of cultural and legal constructions of privacy is not merely the exposure of private details of a prominent family but more significantly the violation of privacy by an insider (no matter how hard he tries to cast himself as an outsider). It is not a "Lovelski" calling himself Lowell, nor a muckraker passing on private gossip, but a Lowell providing the inside glimpse of the Lowells and their circle. The elegies Lowell wrote for his family and his family's name take part in the shift in privacy that his generation was beginning to effect. The privacy that Brandeis and Warren had taken to be self-evident³¹ was passing with the concept of the family that Lowell was elegizing. Lowell's elegy for his family is also an elegy for their notion of privacy; throughout Life Studies we can see that Lowell carefully locates his family in the context of the late Victorian generation that gave us the first formulation of legal privacy, one which proved useful in the early part of the century but inadequate to the Cold War politicization of privacy and family. Moreover, Lowell's act of exposure, which is the measuring

of the decline of his family, reveals not just the fall of the "House of Lowell" (as some critics have called it) but the decline of family name and a particular notion of the family as hierarchical, patriarchal, generational, and of course, proper.

A more contemporary privacy dispute, one that involves another confessional poet, sheds some light on the origins of the right to privacy and its connection with the propriety of publication. William Strong, a copyright attorney who contributed to the privacy debate surrounding Diane Middlebrook's biography of Anne Sexton, locates legal and social interpretations of privacy historically, emphasizing how privacy had changed since it was first formulated in 1890. Strong mourns the loss of decorum when tracing the roots of the right to privacy:

Brandeis and Warren would have been shocked [by the prying of the biographer] as would probably anyone of their generation. Remember Henry Stinson [sic], who as Secretary of War refused to read certain intelligence reports because "Gentlemen do not read other gentlemen's mail." One likes to think that at least some Americans even now are shocked by such invasive writing as Diane Middlebrook has done, but one suspects, given a look at any recent bestseller list, that they are in a minority. (6)³²

This statement points to facets of tort privacy that influence our understanding of how Lowell's transgressions in Life Studies paved the way for Diane Middlebrook's "invasive writing." First, the codes that Strong idealizes are the codes of "gentlemen," who, it could be said, have historically comprised "the public." Second, these

gentlemen belonged to a generation of men who, like Brandeis and Henry Stimson, as well as Lowell's father and grandfather (Lowell was born in 1917), came of age in the nineteenth century when what "just isn't done," as Strong terms it, wasn't done. In setting up his contrast with the gentlemen's gentleman, Henry Stimson, Strong idealizes the era when gentlemen, who observed the boundary between public and private, comprised the public, and "invasive" writers like Diane Middlebrook were not sanctioned as legitimate contributors to public discourse. For Brandeis and Warren, readers and writers outside the gentlemen's family and his social circle constituted the threat to privacy, though their article chastises the press for creating the appetite for gossip rather than mass readers for their consumption of it. Gentlemen, as Henry Stimson affirmed, did not expose gentlemen even to each other and certainly not for the entertainment of those outside of their social circle.

In contrast, Lowell's poem, "My Last Afternoon with Uncle Devereux Winslow," elegizes his family and its history on "The farm, entitled Char-de-sa in the Social Register." This reference to the Social Register, which locates his family within the social elite of Boston, places his book of naming, Life Studies, in contrast to another a book of names and families. The Social Register, which identifies the social elite to itself and to anyone who cares enough to peruse it, reinforces its membership by publication, its members trading a portion of their privacy for their measure

of elitist recognition. The Social Register symbolizes a community that is created through a book to be public, and yet, to remain private. By placing his family within the pages of the Social Register, Lowell confesses both kin and kin(d). Moreover, what makes Lowell's exposure transforming, is that instead of the prying cameras of the yellow journalists so loathed by Brandeis and Warren, a gentleman is violating the code of the Social Register by exposing his family.

Lowell's publication of his memoir and his damaging portraits of his father and mother was a new kind of exposure. William Prosser emphasized in his article that privacy as a right was formulated not out of a fear of government intrusion (i.e. the trespass of the house protected against in Griswold), but out of the dread of the "evils of publication." Brandeis and Warren argued that only the individual had the right to expose himself; no one else could publish "private" information without that individual's consent. This right not to publish, to withhold from the public information about one's self or domestic circle--which they derived from the right not to publish one's creations literary or otherwise--seemed to them self-evidently good. One of their assumptions was that no gentleman would ever publish private information about himself, for allowing publication of information about the domestic circle was automatically to "expose" one's self in a shameful way--shameful in the content of the material and

shameful in seeking publicity, pandering to the vulgar public. This, of course, puts any autobiography and Robert Lowell's especially in a very suspect position. The most famous autobiography of Brandeis and Warren's era, The Education of Henry Adams, is truly a "gentlemen's autobiography," devoid of questionable "private" content or the mere mention of domestic life. Even though Lowell fashioned himself as a twentieth-century Henry Adams, he called the omission from Adams's biography of his marriage and his wife's suicide "ruinous imaginatively."³³ The domestic circle was conceived as a "sacred" area about which revelations could only be damaging, whether the information revealed was embarrassing or not. The violation was simply revealing the private self at all.

More than the self, Brandeis and Warren argue that the private domestic circle cannot bear exposure. In a footnote from the English case, Prince Albert vs. Strange, which formed the key precedent for their article, Brandeis and Warren quote:

I think, therefore, not only that the defendant here is unlawfully invading the plaintiff's rights, but also that the invasion is of such a kind and affects such property as to entitle the plaintiff to the preventive remedy of an injunction.--an unbecoming and unseemly intrusion.--an intrusion not alone in breach of conventional rules, but offensive to that inbred sense of propriety natural to every man.--if intrusion, indeed, fitly describes a sordid spying into the privacy of domestic life.--into the home (a word hitherto sacred among us), the home of a family whose life and conduct form an acknowledged title, though not their only unquestionable title, to the most marked respect in this country."

Knight, Bruce, V.C. in Prince Albert v. Strange, 2 DeGex & Sm. 652, 696, 697. (The Right to Privacy, 202, footnote 1).

This footnote represents the English Court's almost apoplectic offense at the unsanctioned publication of etchings by Prince Albert, whose suit created a foundation for Brandeis and Warren's right. The court here cannot express sufficiently--it keeps interrupting itself to further denounce the invasion--its revulsion at the transgression of domestic borders. The key point of outrage is that the intrusion is "offensive to the inbred propriety natural to every man" for violating the home "a word hitherto sacred among us" of a family that had come to symbolize domesticity. What Brandeis and Warren failed to question in their appropriation of Prince Albert v. Strange is how "natural" the sense of propriety might be and whether the inbred "natural" propriety of a man was the same for a woman. In naturalizing the sense of propriety, Brandeis and Warren made speaking in public about the domestic circle constitute an unnatural act. In contrast, Robert Lowell denaturalizes the domestic circle by exposing it in Life Studies, calling into question the very idea of a gentlemen in Brandeis and Warren's terms.

Brandeis and Warren begin "The Right to Privacy" by showing how the common law had responded to changing social conditions and how these changes had transformed the law's conception of "human" from the corporeal to the incorporeal

and from the body of the man to the bodies of the domestic circle. From the observation that

Man's family relations became a part of the legal conception of his life, and the alienation of a wife's affections was held remediable. (194)

Brandeis and Warren noted:

...then the feelings of the parent, the dishonor to himself and his family, were accepted as the most important element of damage [of seduction]...The allowance of these damages would seem to be a recognition that the invasion upon the honor of the family is an injury to the parent's person, for ordinarily mere injury to parental feelings is not an element of damage... (note 5.194)

From these observations, Brandeis and Warren show that the expansion of the legal definition of a man to include his family subsumes the family, and especially the wife, into his person. As Brooks Thomas argues in "The Construction of Privacy in and around The Bostonians":

Because the domestic circle has such an important social role, it was established by a contract much more public in nature than the business contract. This public contract created a sacred sphere that should not be violated by public or private parties. Private as that sphere might seem, however, it was not a sphere in which husband and wife could legally assert 'the right to be let alone' against one another. On the contrary, the marriage contract created one legal body out of two. (729)

In this conception of tort privacy, the only legally recognized right to privacy up to 1965, there was only one legal body in the domestic circle--the father's. As Thomas suggests, the violation of privacy the law protected against is the violation by outside entities, public or private; the violation by one within the domestic circle is

inconceivable. The reason this violation is inconceivable in 1890 is that only men--fathers--have access to the public realm, and as Brandeis and Warren accept, a gentleman will observe the "natural propriety" to which he is bred. To reveal any aspect of the domestic circle, or for any member of the domestic circle to reveal him or herself, is to reveal the patriarchal father. However, as Thomas also notes, husband and wife could not legally assert their "right to be let alone" from one another. The potential conflict of competing privacies--husband's and wife's--was resolved by incorporating the wife's privacy into the husband's.

The father's centrality to the domestic circle in legal privacy parallels the father's centrality to the definition of confessional poetry. If the ultimate violation of privacy as the law conceives it is the exposure of the father, M.L. Rosenthal's review of Life Studies, which names "confessional poetry" and Lowell a confessional poet, also forges the link between confessional poetry and the violation of the father. Rosenthal says:

About half the book, the prose section called "91 Revere Street," is essentially a public discrediting of his father's manliness and character, as well as of the family and social milieu of his childhood...The father, naval officer manqué and then businessman and speculator manqué, becomes a humiliating symbol of the failure of a class and of a kind of personality. Lowell's contempt for him is at last mitigated by adult compassion though I wonder if a man can allow himself this kind of ghoulish operation on his father without doing his own spirit incalculable damage. (109)³⁴

Similarly, the first book-length study of confessional poetry, The Confessional Poets, published in 1973, claimed:

One could be facetious and say that a Father Complex and the willingness to write openly about it is a necessary criterion for becoming a confessional poet -- since the reader will encounter here such poets as Sylvia Plath, John Berryman, Theodore Roethke, and Robert Lowell, all of whom appear obsessed by father love/hatred or by the necessity of father atonement, as is Stanley Kunitz. (xii)

James E.B. Breslin took a page from Harold Bloom and summed up this critical take on confessional poetry by compressing the fixation on the father with the overweening influence of the Modernist poetic father.³⁵ This focus on the relationship of the father and son, and most often the son's relationship to the father, has been generalized as distinctive of this moment in American culture. If this relationship was indeed central to American culture, what bearing has it had on constructions of privacy?

Life Studies is a chronicle of failed and absent fathers and the crisis of masculinity and proper name that ensues. Lowell's major revelation about his father is not simply that he is weak, but that he is weaker than his mother. While his portrayal of her snobbery, sarcasm, and willfulness is certainly unflattering, Lowell's mother comes across with a vitality that throws his father into the shadows. As a result of Lowell's portrait of his mother's energetic control, Lowell's father, whose naval rank of "commander" inevitably sounds sarcastic, appears diminished. On top of this unflattering contrast, Lowell portrays his

father as "weak" and most importantly, "unmasterful." His father fails because he fails as a model of patriarchal authority. Portraying himself as a worshipper of authority and in love with all things military--as a boy he put himself to sleep by memorizing the names of French generals--Lowell acknowledges that his contempt for his father derives from his failure to live up to his Naval uniform. This failure of the father leads to the central violation of privacy in Life Studies. Lowell can expose his father because his father has forfeited his exemption from exposure by betraying the family name. As a result, Lowell cannot betray the name Lowell because his father had already done so before him. As John Crowe Ransom once said, Lowell was a "boy who would have revered all his elders if they were not unworthy" (15).³⁶ Like his father who was "forlornly fatherless," Lowell connects the lack of a powerful male presence in his domestic circle to his confessional project.

The absence of powerful men and the overwhelming power of women dominate Lowell's depiction of his childhood in the prose section of Life Studies. Women only pretend, and not very successfully in Lowell's ironic representation, to be weak: the headmistress of Brimmer, Miss Manice, explained her "pet theory...that 'women simply are not the equals of men,'" while "browbeating [his] white and sheepish father" (26). So ruled by women was his boyhood prep school that the young Lowell "wished [he] were an older girl...wrote Santa Claus for a field hockey stick" and claimed that "[t]o

be a boy at Brimmer was to be small, denied, and weak" (27). Worst still, to be a man at 91 Revere Street was to suffer the identical fate. This lack of male presence in the domestic circle coupled with the powerful and domineering rule of the mother leaves Lowell wondering:

With the egotistic, slightly paranoid apprehensions of an only child...what became of boys graduating from Brimmer's fourth grade...And to judge from [his] father, men between the ages of six and sixty did nothing but meet new challenges, take on heavier responsibilities, and lose all freedom to explode. (28)

Lowell's childhood question in "91 Revere Street" asks not merely how but more anxiously, why a boy should become a man. The masculine protest of this autobiography is a rebellion against growing up and becoming a man when there seem to be no advantages in doing either. Lowell in many places refuses to grow up: he tries to stay at Brimmer past the age when all boys graduate; when his mother playfully suggests that she relies on his protection when "Commander Lowell" is gone, Lowell protests: "I am not a man...I am a boy." He declines to take on the role of man because there is nothing to be gained from usurping his father's place. His last hope lies in achieving a measure of power by refusing to grow up:

A ray of hope in the far future was my white-haired Grandfather Winslow...he was all I could ever want to be: the bad boy, the problem child, the commodore of his household.(28)

The child Lowell recognizes that manhood has nothing to offer. Masculinity does not exist in his domestic circle:

power is to be achieved by remaining a boy, a child to the woman's/mother's all powerful domination of the home.³⁷ Life Studies connects the problem of family name, exposure, and failed masculinity. Lowell's major revelation in writing about his family is that the patriarch is dead; in his place is the domineering mother and her "problem child." As a result, there is no privacy to protect in this home because there is no patriarch. The patriarch himself is, however, paradoxically not revealed because he does not exist; what is revealed instead is the demise of the patriarchal home and the patriarchal family.

In contrast to his disruption of the Lowell name beginning with his evocation of Major Mordecai Myers and continuing in his portrait of his father, the name of Winslow is ultimately defended and even burnished. Since Lowell perceives his father to have betrayed the Lowell name, he imaginatively renames himself a Winslow. The proper patriarch, or the semblance of one in Grandfather Winslow, becomes Lowell's father in "Dunbarton:"

When Uncle Devereux died,
Daddy was still on sea-duty in the Pacific;
it seemed spontaneous and proper
for Mr. MacDonald, the farmer,
Karl, the chauffeur, and even my Grandmother
to say, "your Father." They meant my Grandfather.

Lowell and his grandfather tend the graves of the ancestors, raking off dead leaves, preserving their place, literally uncovering their graves to recover their names. The poem places Lowell within the Winslow line of ancestors, "Edward

Winslow/once sheriff for George the Second./the sire of bankrupt Tories." to the present day descendants, among whom only Grandfather Winslow retains some measure of dignity and vitality. In the closing elegies, Lowell becomes his grandfather's child, which is to refuse to take the place of his own father, to become a Winslow, and to take a place alongside his mother, fraternal rather than patriarchal. Throughout the elegiac Part IV, the Lowell line is degraded while the Winslows remain intact: at Dunbarton, Lowell's father is disparaged as the only "unhistoric" soul; "For Sale" quickly disposes of his father's property--"my Father's cottage at Beverley Farms/was on the market the month he died," and his mother's elegy, "Sailing Home from Rapallo" completes the erasure of his father: "In the grandiloquent lettering on Mother's coffin./Lowell had been misspelled LOVEL." The final elegy of the family memoir ends with this erasure of his father's name. Lowell himself remains a Lowell, but after the preceding elegies, "Lowell" no longer means what it once did. Lowell, the last bearer of the name, is also the defacer of the name. In this reversal of patrimony and subversion of proper name, Lowell strips his father of his good name, but the poet retains his sense of his own aristocracy by inheriting the maternal line. Nevertheless, appropriating the maternal inheritance engenders a crisis of masculinity that will have Lowell endlessly mourning a loss he himself creates--the loss of the name of Lowell.

Robert Lowell is not writing about the consequences of being a Lowell, but the inconsequence. His poems taken as a whole function as an elegy for family name and the notion of elite WASP family prestige.³⁸ While he does work to undermine the power of the family, the highly elegiac and honorific tone of the poems dedicated to his grandparents indicates his losses--of them, their world, and their position in the world. He juxtaposes his grief and his confessional project in the elegy "Grandparents": "Tears smut my fingers. There/half my life-lease later,/I hold an Illustrated London News--:/disloyal still,/I doodle handlebar/mustaches on the last Russian Czar." Lowell's mourning is simultaneous with his defacement. His "disloyal still," a strange statement at first, implicates his defacement of aristocracy, blood lines, and family power. The last of the Russian Czars represents the deposed aristocrat--the ci-devant-- the powerless anachronism who has been stripped of title and entitlement. Like the Russian Czar who no longer represents Russia, the Lowells no longer represent the United States. Lowell heaps ignominy on both houses by doodling on the picture of the czar and by defacing his own family, through his parents and himself, the powerless heirs.

Lowell is not commenting simply on his father's lack of place in the "mob of ruling-class Bostonians;" he is also displacing the only place his father could have belonged. Like Elizabeth Hardwick's article "Boston: A Lost Ideal"

also published in 1959. Life Studies demonstrates that the "ruling-class Bostonians" are both powerless and elitist, and that their very elitism had exiled them from the "hub of the hub of the universe." It is important to remember the geographical location of Lowell's family as depicted in "91 Revere Street":

...Late that summer, we bought the 91 Revere Street house, looking out on an unbuttoned part of Beacon Hill bounded by the North End slums, though reassuringly only four blocks away from my Grandfather Winslow's brown pillared house at 18 Chesnut Street. In the decades preceding and following the First World War, old Yankee families had upset expectation by regaining this section of the Hill from the vanguards of the lace-curtain Irish. This was bracing news for my parents in that topsy-turvy year when the Republican Party and what were called "people of the right sort" were no longer dominant in city elections. Still, even in the palmy, laissez-faire '20s, Revere Street refused to be a straightforward, immutable residential fact...Houses, changing hands, changed their language and nationality. A few doors to our south the householders spoke "Beacon Hill British" or the flat nay nay of the Boston Brahmin. The parents of the children a few doors north spoke mostly Italian.

My mother felt a horrified giddiness about the adventure of our address. She once said, "We are barely perched on the outer rim of the hub of decency." We were less than fifty yards from Louisburg Square, the cynosure of old historic Boston's plain-spoken, cold roast elite--the Hub of the Hub of the Universe. Fifty yards! (15)

If Life Studies can be seen as a journey from "the Hub of the Hub of the Universe," this journey ends with "Skunk Hour," a poem in which Lowell contrasts the "hierarchic privacy" of the wealthy spinster on the hill, yet another representative of a nineteenth-century generation that is dying out, to himself, a wandering mad man far from "the hub

of the hub" and far from the comforting privacy of another generation.

Lowell moves the reader from the hub of the hub through a succession of residences, from Grandfather Winslow's home, a hub in itself, to 91 Revere street, to Beverley Farm, the home Commander Lowell buys in his dotage, to his mother's final resting place, her coffin, on which the name of Lowell is misspelled. However, the dislocation results not because the Lowells have moved from the hub but because the hub has moved from the Lowells. As Hardwick explains:

The importance of Boston was intellectual and as its intellectual donations to the country have diminished, so it has declined from its lofty symbolic meaning, to become a more lowly image, a sort of farce of conservative exclusiveness.
(quoted in Hamilton, 279)³⁹

Ian Hamilton, Lowell's biographer, continues her observation, compounding the snobbery she chastised:

But in any case the Boston New Englander, i.e. the Anglo-Saxon--is now pure anomaly: the town is governed by Irish and Italians, and governed rather badly.

Both Hardwick and Lowell seem to be obsessed with the "Anglo Saxon" ruling "mob's" faded glory at the end of the decade. As Hardwick's and Lowell's ambivalent elegies mark the close of the fifties with the demise of an historic family and historic city, 1960 marks a shift in family name and political power with the emergence of a new family from Boston that would supplant the Lowells as the family that signified family. John F. Kennedy's inauguration represents the passing of power from the "ancient proper Bostonians'

houses" to the "lace-curtain" Irish, the immigrant outsider.

An anecdote about Life Studies exemplifies this passage:

...Lowell, it seems, was fairly high on the list of those "artists and intellectuals" whom the White House was anxious to flatter and parade. He had attended Kennedy's inauguration, and had sent the President an inscribed copy of Life Studies; and had responded to at least some of the "new dawn" glamour that surrounded the first months of the presidency...Of the inauguration, Lowell said: 'When I was introduced to him he gave me the kind of compliment that indicated he'd really read the book, so I said to him, 'You're the first President who's treated your peers as equals.''
(Hamilton, 298-99)

In suggesting Lowell's importance as an "artist and intellectual" Hamilton overlooks the irony of the inscribed copy of Life Studies. At 1600 Pennsylvania Avenue, the hub of the hub of the "free world," Lowell, who Hamilton notes was Kennedy's age, had become a graceful and grateful witness to the rise of the outsider whom "his kind" barely tolerated in their neighborhood a generation before.

Anne Sexton, who like Lowell came from an upper-class Boston family (though not one as storied as his), also imagined the end of the patriarchal family and foresaw the transition to a nuclear, mother-centered family structure. In "Doors, Doors, Doors" she writes of the diminishment of the patriarch:

Old man, you are their father holding court
in the dingy hall until their alarm clock
rings and unwinds them. You unstopper the quart

of brandy you've saved, examining the small print
in the telephone book. The phone in your lap is all
that's left of your family name. Like a Romanoff prince

you stay the same in your small alcove off the hall.
 Castaway, your time is a flat sea that doesn't stop,
 with no new land to make for and no new stories to
 swap.

Though the "old man" could be a grand patriarch, a "Romanoff prince," he is now sovereign of a single room rather than master of the house, presiding over illicit love--"father" to the couple that meet for a lunch hour tryst--rather than domestic circle bound by legal marriage. The phone book, another book of names, is, unlike the Social Register, a democratic listing and cannot place the old man. His family name resides not in the book, but in his "one luxury," the phone that sits silent on his lap, the possibility not the fact of family connection. The lines that bind this family are not blood lines but phone lines, ever more distant and possibly disconnected.

When Lowell leaves off the elegies and begins to write of himself as a husband and father, his new family is not conceived as "Lowells." In his later work, the poems he called his "family poems," the collection that became For Lizzie and Harriet only once feature the family--poet, wife and daughter--in one poem.⁴⁰ The idea of a Lowell family or even a Winslow family has ended with Lowell's childhood; the new nuclear family identifies the poet in different ways because family name no longer means public recognition. A poem by Anne Sexton, "Funnel," demonstrates how the nuclearization of the family cut off the vertical descent of family identity.

The family story tells, and it was told true.

of my great-grandfather who begat eight
genius children and bought twelve almost new
grand pianos...

.....

Back from that great-grandfather I have come
to puzzle a bending gravestone for his sake,
to question this diminishing and feed a minimum
of children their careful slice of suburban cake.

The grandfather's prodigious family, eight sons and
daughters, shrinks over time to the "minimum/of children"
while the extravagance of her ancestors dwindles to a
"careful slice of suburban cake." Like Lowell's
"Dunbarton," the graveyard as a repository of memories and
family history prods Sexton "to question this diminishing."
Sexton is commenting on not merely her family history, but
on the history of the family, which had "diminished" from an
extended, sprawling family defined vertically in terms of
generations and horizontally in terms of extended blood
ties. Sexton implicates her whole generation, which had
abandoned the notion of family that sprawled upward,
downward and side to side, for one which remained contained,
careful, and minimized. The nuclear family and especially
its suburban family form had reconstituted the very notion
of family.

With this re-formation of the notion of family comes
subtle changes in the privacy issues confronting family
members. The loosening of patriarchal control over the
family permits individual family members greater autonomy
since they are no longer simply adjunct to the father. The
central issue of privacy shifts from the damage to family

name and reputation that exposure threatens to the battle of individual privacies--those of individual family members in conflict with one another. These battles become so intense, given the family's greater isolation from community and extended family, that the conflicts between family members displace anxiety about family name. Exposing this conflict becomes one way of managing it, despite the cost to both name and the concept of family that this exposure will extract.

The emphasis on marriage and family in the construction of privacy mirrored the political uses of family in American culture at large during the Cold War. In "What Was Confessional Poetry," Diane Middlebrook quotes J. Edgar Hoover as saying: "When the home is destroyed, everything in our civilization crashes to its doom." in order to corroborate her insight that "[t]he emphasis on decorum, or of breaking taboos in the case of confessional poets, can hardly be understood...without reference to the ethos of the cold war years, during which decorum developed extreme political significance" (287). In "What Was Confessional Poetry?," she concludes that in this Cold War context there were political stakes to the confessional poets willingness to make the "I" of their poems clearly autobiographical, especially when discussing family life and the often painful aspects of it. As Middlebrook argues:

Their confessional poetry investigates the pressures on the family as an institution regulating middle-class private life, primarily

through the agency of the mother...Confessional poems sought to expose the poverty of the ideology of the family that dominated postwar culture and to draw poetic truth from the actual pain given and taken in the context of family life, especially as experienced as children. (289)

Not only does the concept of family regulate "middle-class private life," the concept of family regulates privacy by defining its boundaries. The formal political regulation of family life, as well as the informal surveillance of family conformity, was peculiar to the middle class. Confessional poetry necessarily engaged what it meant to be a family in the terms of the white middle class, terms we now see as less universal than peculiar to a particular class, race, and historical time period.

In middle-class family life, the problem of surveillance is structured within as well as outside of the private family. While private from the larger communities of extended family, local community or the state, the nuclear family does not foster the privacy of the individual. The mantra of "family togetherness" endlessly repeated by women's magazines of the fifties meant prioritizing the unit. Confessional poetry, in contrast, pitted family members against one another, implicitly forcing the reader to question assumptions about collective family identity. Sexton, of all the confessional poets, grasped the consequences of fifties notions of family on privacy. Her retrospective accounts of the home of her parents feature, in addition to alcoholism and sexual abuse (itself an extreme invasion of privacy), a preoccupation

with her mother's violent intrusions on her privacy. "Those Times..." whose title predicts a nostalgic return to better days in the wistful dot, dot, dot of the ellipse, instead trots out the "nightly humiliations when Mother undressed me." In this poem, the poet/child escapes these humiliations through fantasy and by hiding in "the closet...away from the glare of the bulb in the ceiling," an image that recalls an inquisition or a hostile investigation. Further heightening the sense of surveillance, the poet imagines the window she avoids as an "ugly eye," reversing the direction of viewing. Instead of providing access to the outside world, the window as an "eye" looks into the home, conflating internal and external surveillance, drawing the outside world into complicity with the humiliations of the family. Moreover, Sexton's image of the "ugly eye" recognizes that surveillance that peers in prevents the speaker from looking out and so maintains the focus of the child on the inside of the home.

The poem at first conceals the "mother's humiliations," but finally explains:

and in this way I waited out the day
 until my mother,
 the large one,
 came to force me to undress.
 I lay there silently,
 hoarding my small dignity.
 I did not ask about the gate or the closet.
 I did not question the bedtime ritual
 where, on the cold bathroom tiles,
 I was spread out daily
 and examined for flaws.

This nightly ritual, the examination and humiliation of the young child's body, is linked to Sexton's vocation as a confessional poet.

I did not know that my life, in the end,
 would run over my mother's like a truck
 and all that would remain
 from the year I was six
 was a small hole in my heart, a deaf spot,
 so that I might hear
 the unsaid more clearly.

The result of this childhood humiliation is a "small hole in [her] heart, a deaf spot," a mixing of body parts that joins her hearing of the "unsaid," which is her poetic vocation, to her heart, her ability to empathize. The paradox of the "deaf spot" that can hear the "unsaid more clearly" doubly links Sexton's poetry to exposure: her wound permits her to ferret out what is hidden, what remains "unsaid." The poem, itself an examination of "the privates," reenacts this hearing of the "unsaid" by revealing the mother's private humiliations of the daughter to the reader. With a form of violence, the poet repays the mother's humiliations in kind, she opens her up to the "eye" and the "glare of the light bulb" through her poems. This retribution explains how "[her] life...would run over my mother's like a truck": the public exposure of her mother through her highly public autobiographical poems overwrites her mother's public identity, rewriting her mother's memory. The mother as the perpetrator of exposure links the family relationship with violation rather than privacy and with the later violations

of Sexton's work. The absolute lack of privacy within the nuclear family leads to exposures outside of it.

In the 1960s the Court located the constitutional right to privacy in the zone of the home and in the marital relationship, accentuating the opposition of the domestic circle to the public realm in order to protect the domestic sphere from state interference. This opposition between family and state withdrew the family from the public sphere in a way that mirrored changing conceptions of the family in the postwar era. Elaine Tyler May argues that the family was losing its public function in the fifties, noting that the function of the family in the nineteenth century--to produce model citizens--was disappearing in the postwar era and being replaced by a view of the family as an end in itself (A History of Private Life, 543). May contends that the family was being doubly privatized; more than providing the retreat from public life that made public life possible (for men of course), the family became simply the escape from public life. As the private nuclear family turned in on itself, transforming even members of the extended family into guests, the ability to define oneself to one's family came into conflict with presenting a collective identity to the outside world.

We can see the mirroring of the extreme separation of public life and private family in the Court's conception of marriage as articulated in the privacy decisions. An ideal

notion of the marital relationship, the sacredness of the home, and the sanctity of family form the basis of two founding privacy decisions: Poe v. Ullman in 1960 and Griswold v. Connecticut in 1965. In "The Construction of Privacy in and around The Bostonians," Brook Thomas connects Brandeis and Warren's right to privacy to the later Supreme Court articulation of a constitutional right to privacy in Griswold v. Connecticut through the notion of the "sacredness" of the domestic circle:

It is the almost sacred realm of the domestic circle that Warren and Brandeis and Godkin seem most concerned to protect. They share a concern with Justice Douglas, who in Griswold v. Connecticut appealed to the sanctity of the domestic circle to uphold the right of a married couple to use contraception. Waxing eloquently he asks: 'Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship. We deal with a right of privacy older than the Bill of Rights--older than our political parties, older than our school system. Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred.' The domestic circle may be considered by many of us the most sacred zone of privacy, but, as Douglas's quotation makes clear, it is not an asocial realm. (727-728)

Though Thomas claims that Douglas "makes clear" that the domestic circle is not an "asocial" realm, this is precisely what he does not do. By saying that marriage is "intimate to the degree of being sacred," Douglas implied that the sanctity of marriage lay in direct proportion to its withdrawal from the public realm.⁴¹ Moreover, by arguing that "[w]e deal with a right of privacy older than the Bill

of Rights--older than our political parties, older than our school system." Douglas suggests that marriage and the domestic circle stand above what we might consider the most "sacred" American political and public institutions. Marriage in this opinion is explicitly withdrawn from its social context in an effort to preserve its independence from the state. Though of course marriage as an institution precedes the construction of the United States, Douglas's elevation of that social institution above all others--especially those most likely to be held valuable by the widest spectrum of citizens--indicates how much the value of the private realm was rising in opposition to that of shared public institutions. Because marriage lies prior to the Bill of Rights, it is a self-governed unit that exists apart from the larger community. The zone of privacy and the description of marriage sever the relationship between the married couple and the partners' other social claims.

Marriage was defining privacy just as privacy was defining marriage in this opinion. The rhetoric used in describing what privacy protects reveals the extent to which privacy was meant to enforce and protect an ideal of domesticity. The word "sacred" that reverberates throughout the decisions and discussions of privacy, both late Victorian and postmodern, makes marriage holy and withdraws it from scrutiny as an institution. Being holy, marriage is something to be taken on faith, not questioned or criticized. Part of the power of the ideal of marriage and

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its "sacredness" lies in its not being expressed, quantified, qualified, or described. To the degree that marriage is intimate, it is silent and part of its rhetorical power lies in this silence. The end of Douglas's final paragraph in Griswold derives its rhetorical force as much from what he does not say as from what he does:

The association 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.

While he summarizes precisely what is protected by privacy--a "way of life...a harmony in living...a bilateral loyalty"--he does so all the more effectively by leaving a blank, in essence relying on the power of the reader's identification with marriage, family and home to supply the emotional recognition he requires to make the right to privacy appear familiar.⁴² His last sentence--"Yet it is an association for as noble a purpose as any involved in our prior decisions"--allows each reader's private associations with marriage fill in that purpose. In light of the contraception law that was struck down by Griswold, marriage and the curtailment of reproduction are being linked in ways that promote more rational family planning--producing what Sexton called the "minimum of children." Nevertheless, the rhetorical blank at the end of Douglas's opinion depends on the more traditional notions of family to supply the emotional connection to the institution.

In Life Studies both marriage poems--"Man and Wife" and "'To Speak of Woe that is in Marriage'"--begin in the marital bedroom, the very site of the Supreme Court's greatest protection. "Man and Wife" places us in the first line "on Mother's bed," which is now the couple's bed, providing a glimpse of the inner sanctum where privacy is supposed to be absolute for married couples. However, instead of the impermissible view of the father, "Mother's bed" immediately presents us with the son. This is not a patriarchal man, but a boy still, even though married. The poem concludes on the bed as well, with the wife's back to the husband and her "shrill invective" "break[ing] like the Atlantic Ocean on [his] head." Likewise, the second marriage poem, "'To Speak of Woe that is in Marriage'" begins in the bedroom and concludes with the exact image that the court was trying to keep from view: marital sex. "Gored by the climacteric of his want,/he stalls above me like an elephant." Told from the wife's point of view, the married man we see in the definitive private moment is more animal than human, less welcomed than endured. By showing a marital bedroom that is not "sacred" but carnal, Lowell has executed the "repulsive" invasion of marital privacy that Douglas imagines in Griswold, presenting us with an image that is nothing if not itself repulsive.⁴³

Sexton's "Man and Wife," subtitled To speke of wo that is in mariage, combines the titles of the two marriage poems from Life Studies as Sexton tropes on Lowell's marital

exposures. However, unlike Lowell who begins and ends with the couple in the marital bedroom, Sexton reimagines the zone of privacy as the bathroom. She begins, "We are not lovers," immediately distinguishing the married couple from those who would spend time in the bedroom. The couple become family, but more akin to brother and sister--"We look alike"--than husband and wife. While Lowell assumes his representativity, Sexton makes clear within the poem that she is retelling the story of her generation: they are "pigeons," homing pigeons we assume, "that pair who came to the suburbs/by mistake/forsaking Boston..." leaving behind the urban life of "fruit stalls in the North End" for the "green rain for everyone." She characterizes this move to the suburbs as a move to the single family dwelling, the private home of the American dream, which she describes as "a two-seater outhouse."

Now they are together
 like strangers in a two-seater outhouse,
 eating and squatting together.
 They have teeth and knees
 but they do not speak.
 A soldier is forced to stay with a soldier
 because they share the same dirt
 and the same blows.

Zoning marital privacy in the bathroom instead of the bedroom does not admit the mythologizing "sacredness" of the Court, producing instead only a profane view of marriage. In the outhouse the couple shares privacy from the outside world, but in their "two-seater" they are never private from one another and yet, they are not intimate, still

"strangers" because they "do not speak." Like two soldiers "forced to stay...because they share the same dirt/and the same blows," the marital couple remains together because of their secrets--their "dirt"--and their violence--their "blows." The hidden dirt is preserved by the privacy of "man and wife," which hints at the dangers as well as the sacredness that make marriage a private affair. The privacy that the outhouse affords is viewed as less protective than suffocating. In the beginning of the poem Sexton admits: "we have nothing to say:" at the end, the couple are "two asthmatics/whose breath sobs in and out," two invalids who do not have "a language" but a "kind of breathing." They do not talk, but "gasp in unison behind our window pane," two people whose privacy is suffocation. In their silence, each is isolated from the other and the outside world.

At the same time that the right to privacy withdraws the family from the public sphere, it makes privacy dependent on the relationship between the married couple, from which privacy extends to the domestic circle. As John Eakin has demonstrated, the issues raised by Brandeis and Warren's landmark article, "The Right to Privacy," do little to help us clarify one of the most contentious issues in confessional poetry: the ethics of revealing an "other" in the poems.⁴⁴ The concept of "inviolable personality" on which the right to privacy was formulated assumes the primacy of the individual, indisputably a major component, if not the foundation of American law. However, the

convergence between literary and legal privacy that interests us--that moment from the late fifties to early seventies in which confessional poetry flowered and a constitutional right to privacy was "found"--points to another conception of privacy that resides not in the individual but in the marital couple.

In his 1960 Poe v. Ullman dissent, reissued as a concurrence in Griswold, Harlan staked out privacy as a right of married couples:

I believe that a statute making it a criminal offense for married couples (emphasis in the original) to use contraceptives is an intolerable and unjustifiable invasion of privacy in the conduct of the most intimate concerns of an individual's personal life. (emphasis mine)

Though in this sentence Harlan sees the Connecticut statute as an "intolerable" invasion of privacy in an "individual's personal life," he is not making privacy a right of individuals; instead he is assuming that all individuals will marry. He summarizes his position as follows:

In sum, even though the State has determined that the use of contraceptives is as iniquitous as any act of extra-marital sexual immorality, the intrusion of the whole machinery of the criminal law into the very heart of marital privacy, requiring husband and wife to render account before a criminal tribunal of their uses of that intimacy, is surely a very different thing indeed from punishing those who establish intimacies which the law has always forbidden and which can have no claim to social protection.

By transferring the issue of the morality of the Connecticut statute itself to the constitutionality of its enforcement, Harlan granted tremendous moral autonomy to the married

couple. Arguing that "[t]he secular state is not an examiner of consciences: it must operate in the realm of behavior, of overt actions, and where it does so operate, not only the underlying, moral purpose of its operations, but also the choice of means becomes relevant to any Constitutional judgment on what is done," Harlan differentiates between married couples and non-married adults. The state is not an examiner of married persons' consciences, according to his formulation, but a perfectly justified examiner of the unmarried adult. Admitting that birth control is "iniquitous," he nevertheless exempts married couples from the enforcement of a moral law because "the intimacy of husband and wife is necessarily an essential and accepted feature of the institution of marriage, an institution which the State not only must allow, but which always and in every age it has fostered and protected" (553). In order to rationalize the exceptional privacy of the marital couple, Harlan makes the state involvement in regulating marital sexuality appear to be foreign, an aberration from the protection it has received "always and in every age." Like Douglas, Harlan appeals to a timeless conception of marriage that stands outside of the law; however, unlike Douglas, Harlan stresses that only marriage sanctions adult moral autonomy; the state will enforce morality in cases involving adults who are not married.⁴⁵ Moral autonomy can only be achieved by entering

into heterosexual marriage; without this relationship, the citizen remains a child of the state.

The structuring of a right within marriage and the nuclear family--that family that can be housed in the "zone" of privacy created in Griswold with its protection in mind--turns out to have been short lived. The "marital privacy" in Poe v. Ullman and Griswold v. Connecticut marked a departure from Brandeis and Warren's concept which situated privacy in the domestic circle but nevertheless defined it as a right of personality, necessarily an individual right. Almost immediately upon the announcement of Griswold, however, the right to privacy began to move toward an individual construction. By 1972, the birth control challenges out of which the Court "found" the right to privacy, forced a recognition of competing privacies, husband's and wife's. Reasoning that the marital couple was not "an independent entity with a heart and mind of its own but an association of two individuals each with separate intellectual and emotional makeup," the Court refocused on the individual members of the "association" called marriage. The two definitions of privacy, withdrawal and autonomy, broke apart only seven years after they had been welded together in marital privacy. The conflicts then between members of the nuclear family in terms of their individual privacies undid the concept of a right based in a relationship. What largely restored an individual right to privacy was privacy's feminization. Because in Roe v. Wade,

women gained a right to privacy independent from their husband's, the notion of familial privacy was completely undone. Though efforts to return to a patriarchal privacy continue in the anti-abortion movements of the far right, the restoration of this concept cannot occur without reconceptualizing the family, returning to a concept of the family based in the father's person.

As confessional poetry demonstrates, locating privacy in a relationship more tightly binds individuals members of the family to one another. Confessional poetry presents family membership from the perspective of individuals with conflicting needs of privacy and self-disclosure, whose privacy cannot be maintained in the absolute. Unlike the individual right to privacy in which withdrawal produces autonomy, the conflict between different family members' privacy places the two meanings of privacy--withdrawal and autonomy--at odds, revealing a number of paradoxes in a relationship based notion of privacy. In conceiving of themselves as members of a family, though taking on different roles--son, nephew, father, husband or daughter, niece, wife, mother--confessional poets like Lowell and Sexton realized that withdrawal would not create autonomy because withdrawal collapses all privacies into one, the family's. Emphasizing one's family membership--seeing oneself in relation to another--paradoxically entails subjecting that relationship to scrutiny; permitting the "other" his/her privacy subordinates both individuals to the

family unit. Writing as a member of the family requires that the family be subjected to a scrutiny which, paradoxically, undoes traditional notions of the family. Self-disclosure of the poet as a family member, the abandonment of the earliest notion of privacy, paradoxically creates autonomy by putting the privacy interests of different family members in conflict and thus exploding the unit. The more pressure on the unit as a unit, the more need to assert autonomy. In other words, as the family became a more compelling unit politically, morally, artistically, medically, and psychologically, the individual had a greater need to break out of this unit and assert his or her autonomy from it. Nevertheless, this autonomy entails yet another paradox. In setting the privacy concerns of one family member against the other through self-disclosure, the individual doing the disclosing is linked all the more powerfully to the family member who is exposed along with her. If autobiography is relational, the more autobiography transgresses the privacy of other family members, the tighter the knot between the writer and the "other" that the exposure seeks to untie.

The Dolphin. Robert Lowell's controversial sonnet sequence of divorce and remarriage, embodies the paradox of entanglement and privacy that writing the private self in relation, or in Lowell's case out of relation, produces. Though the most intense period of confessional writing -- from Heart's Needle and Life Studies in 1959, to Sexton's

Live or Die in 1966, saw the sustained exposure of the family, the confessional work most infamous for its exposure of an "other" was published in 1973, just as individual privacy was becoming fully established in Roe v. Wade. After conferring with numerous friends and critics about the propriety of this work, Lowell ultimately published as part of The Dolphin sonnets created out of his ex-wife Elizabeth Hardwick's private letters, telegrams, and phone conversations, "documenting" their break up. While creating a public record of the end of the marital relationship and the disbanding of the domestic circle, The Dolphin represents Lowell's most self-conscious consideration of the problems of poetic autobiography and of the ethical dilemmas of writing from within the family.

The second of the poems created out of Hardwick's personal correspondence with Lowell, "Letter" from the series "Hospital II," illustrates how Lowell uses the voice of the "other" to break apart the marital "we" and expose it for an "I."

We wanted to be buried together in Maine...
You didn't, "impractical, cold, out of touch."

The ellipsis at the end of the line conveys Lowell's nostalgic remembrance of the married "we," which is interrupted by the "You" of the next line. The quotation marks themselves visually divide the other from the poet, creating a separate space for the other within the poet's narrative, thereby accentuating the cleaving of the marital

"we" by giving autonomy to "you." Nevertheless, the quoted words that give voice and autonomy to Hardwick throughout the collection simultaneously confuse the separation of the married couple by occasioning a questioning of the autobiographical project. This questioning derives from the paradox of cleaving--both dividing and separating--that marks the collection of The Dolphin as a whole, as well as the other "family poems," For Lizzie and Harriet, published simultaneously.⁴⁶ The violation of privacy in printing Hardwick's letters, which serves, in Lowell's terms, to present the "truth" of the narrative of their divorce, also engenders a crisis of conscience that doubly marks the collections, especially The Dolphin. In addition to the poems in Hardwick's voice, of which there are no fewer than ten completely marked off within quotations marks, Lowell's meditations on the problems of fact and fiction, truth, conscience, and propriety imprint dozens of the other poems to become the overwhelming concern of the narrative. In attempting to create the "truth" of his divorce, Lowell recreates the couple, a "we" in counterpoint of two voices.

The battle between "truth" and "conscience" subordinates the new marriage to the drama of the old love. It is Hardwick who takes center stage because she is given a voice, no matter how compromised, rather than Blackwood. Rarely appearing in her own voice, the new wife, like the lover in For Lizzie and Harriet, becomes abstracted as symbol--the dolphin or mermaid--thus more poetic and

therefore less referential, less "real." Hardwick's centrality to The Dolphin, a work dedicated to Blackwood to celebrate their marriage, indicates that Hardwick's exposure creates both autonomy from the poet and entanglement with him. Hardwick, through her own words, becomes an autonomous presence, though exposed and violated by the exposure. At the same time, in becoming autonomous, Hardwick is made more central to Lowell's autobiographical project, captured in the entanglement of lines that forms a central pattern of imagery in the work. He tangles himself with her to such an extent that unknotting them would have meant writing an entirely different work. It is as much her work, though in an entirely powerless and compromised way, as his.

Though critics were nearly unanimously appalled at the violation of Hardwick's privacy,⁴⁷ this exposure was only the most conspicuous of Lowell's incorporations of her into his work. As Robert Giroux revealed after The Dolphin was published, "To Speak of Woe that is in Marriage," the only poem in Life Studies that appears as the voice of an "other" (from beginning to end in quotation marks), was also taken from private letters (Hamilton, 434). By including Hardwick's voice throughout his poetry, Lowell was simultaneously giving her a separate linguistic existence in his work and incorporating her into his body (of work). From this early appropriation of her voice, situated in the bedroom in both Life Studies poems, to the later inclusions of her letters, Hardwick had become for Lowell the voice of

privacy itself. Through his wife (and their daughter Harriet whose voice also appears throughout For Lizzie and Harriet). Lowell was able to explore the domestic circle not simply by writing of it, but by letting it appear to write itself, simulating the "real" presence of intimate others, the life of the family as separate yet integral voices in his autobiography. Because the letter writer has no knowledge of a reader besides Lowell, because Lowell in essence allows the reader to "eavesdrop" on a private conversation, the reader of the poetry seems to glimpse a purely private person, unguarded and unmasked. Hardwick's own words are far more exposing than any of Lowell's could be because the poetic shaping, though present in the fourteen line stanzas, seems absent. The reader senses that the "real" Hardwick is before her, and the desperation of some of the letters, the vulnerability of Hardwick's pleading, confirm that impression. Lowell creates J.S. Mill's definition of lyric, the "overheard," not through the confessional poem, which is highly aware of audience, but through the letter, precisely because it is not lyric in origin. He can create the impression of privacy only by violating it.⁴⁸

The most astute critic of this violation was, in Lowell's view, Elizabeth Bishop. In comments that return us full circle to the initial violations Lowell perpetrated against his family members in Life Studies, she explains:

Lizzie is not dead, etc.--but there is a 'mixture of fact & fiction,' and you have changed her letters...IF you were given permission--IF you hadn't changed them...etc. But art isn't worth that much. I keep remembering Hopkins' marvelous letter to Bridges about the idea of a "gentleman" being the highest thing ever conceived--higher than a "Christian" even, certainly a poet. It is not being "gentle" to use personal, tragic, anguished letters that way--it's cruel. (Hamilton, 443)

Lowell recognized the "terrible thing" in The Dolphin was not the confusion of "fact and fiction" or the changing of the letters:

...but the wife pleading with her husband to return--this backed by 'documents.'...However, even fairly small changes make Lizzie less a documented presence. A distinct, even idiosyncratic voice isn't the same as someone, almost fixed as non-fictional evidence, that you could call on the phone. (Hamilton, 445)

Yet he was wrong in his assessment of the revisions; even the appearance of documentation created the impression of someone "you could call on the phone." And clearly this impression was what Lowell wanted or one simple change--erasing the quotation marks-- would have eradicated it. Creating the "documented presence" in the poetry distinguished him from Hardwick, separated two individuals from the merger of their marriage and this separation, though never complete, was not "gentle." But then again, Lowell himself had helped extinguish the "idea of a 'gentleman'" in Life Studies twelve years earlier.

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- 25 Robert Lowell. The Dolphin. (New York: Faber & Faber, 1973).
- 26 Statistics from 1960: marriage age began to rise after decades of decline; birth rate began to slow (reaches a low within decade); marriage rate began to decline; divorce rate began to rise. See Steven Mintz and Susan Kellogg, Domestic Revolutions, (New York: Free Press, 1988), 203.
- 27 In On Autobiography Philip Lejeune argues that the proper name is the "deep subject" of all autobiography. However, unlike Lejeune, who is bored with "[h]istory of the name itself, established often quite tediously for the reader in those preambles in the form of a family tree" (21), Lowell is fascinated with the "[h]istory of the name" and the "family tree."
- 28 William Prosser, "Privacy," California Law Review 48 (1960).
- 29 Louis Brandeis and Samuel Warren, "The Right to Privacy," 4 Harvard Law Review, 193 (1890), 193-220.
- 30 See Haelan's Laboratories, Inc. v. Topps Chewing Gum, 202 F2d. 866 (1953).
- 31 Edward Bloustein argues in "Privacy as an aspect of Human Dignity: An Answer to Dean Prosser," New York University Law Review 39 (1964), that Brandeis and Warren never explain what privacy is because they assume that any reader would recognize what they were talking about (970). Most law review articles of the sixties and afterward start with the assumption that privacy has to be defined.
- 32 William Strong, "The Grave's a Fine and Private Place," Society, Jan/Feb, 1992, 5-8.
- 33 Robert Lowell, "Henry Adams" in Collected Prose (New York: Farrar, Straus, Giroux, 1987), 201.
- 34 M.L. Rosenthal, "Poetry as Confession " Our Life in Poetry (New York: Oxford University Press, 1960).
- 35 James E.B. Breslin, From Modern to Contemporary, (Chicago: University of Chicago Press, 1984).
- 36 As quoted by Philip Cooper in The Autobiographical Myth of Robert Lowell (Chapel Hill: University of North Carolina Press, 1970).

37 See Lowell's other autobiographical prose work, "Antebellum Boston," in Collected Prose. By "Antebellum" he means before WWII, though the word 'antebellum' itself conjures pre-civil war America rather than twentieth-century modernity. In this essay, Lowell is once again working out his parent's marriage and focusing on the Winslow family, as he does in "91 Revere Street." Grandfather Winslow is even more explicitly the bad boy patriarch in this sketch.

38 In the early sixties there were a number of books published on the decline of the WASP. See The Protestant Elite.

39 Ian Hamilton, Robert Lowell: A Biography. (New York: Vintage Books, 1982).

40 Gabriel Pearson identifies only one poem, "Outlivers," in which the family--Lowell, Lizzie, and Harriet--appear. Hamilton's biography explains Lowell's reformation of Notebooks (New York: Farrar Straus Giroux, 1970) into History (New York: Faber & Faber, 1973), and For Lizzie and Harriet (New York: Faber & Faber, 1973). The latter Lowell marked "family poems," including his poems of infidelity, which neither Elizabeth Hardwick nor Harriet is likely to have categorized as "family."

41 The court itself retains the right to regulate marriage in one of the most famous privacy cases of the 1960s--Loving v. Virginia 388 U.S. 1 (1967). In that case, the Court argued that the state could not impose miscegenation laws because they were inherently discriminatory. The court did not void its right to intervene in marriage.

42 Douglas derived the right to privacy from what he called the "penumbra" of the bill of rights. In essence, he explained that what is protected by the different articles of the bill of rights taken together form a right to privacy. This reasoning has been one of the most controversial in American legal history.

43 What seems to run true throughout privacy decisions is that heterosexual men cannot bear the image of other men having sex. This fear of both watching and being watched by another man haunts privacy decisions from Poe v. Ullman through to Bowers v. Hardwick where the homosexual man, being already viewed and "penetrated" by another man, no longer has any privacy that the state can transgress.

44 See John Eakin, "The Unseemly Profession: Privacy, the Inviolable Personality, and Life Writing," Indiana University, 1995.

45 This line of argument preserves all sexual relationships for marriage. There could be no need for privacy in birth control decisions for unmarried individuals because the court presumes they have no right to sexual expression.

46 Gabriel Pearson says "...For Lizzie and Harriet no less parades private events and intimate susceptibilities. Arguably that is what makes this story relevant to our times. The destruction of private space is one of the more prevalent violences that beset us. Our intimate lives are narrated by so many intrusive influences that there is a perverse heroism in seizing the levers of the plot oneself, even if it results in a cruel, shameless and abject chronicle" (198).

47 See Hamilton's survey of the reaction to both The Dolphin and For Lizzie and Harriet, 431-434.

48 The paradox here is Peter Brook's central argument about privacy in Body Work: Objects of Desire in Modern Narrative. (Cambridge, MA: Harvard University Press, 1993).

Chapter 3

Beyond Privacy: Confessions Between a Woman and Her Doctor

Today the Supreme Court made abortion legal.
 Bless them.
 Bless all women
 Who want to remake their own likeness
 but not every day....
 Anne Sexton, "Is It True?," The Awful Rowing
 Toward God

The pregnant woman cannot be isolated in her
 privacy.

Justice Harry Blackmun, Roe v. Wade

Since M.L. Rosenthal first coined the controversial term "confessional" in his review of Robert Lowell's Life Studies, critics have struggled over how to understand the outpouring of confessional poetry that followed.⁵⁰ Disagreeing about precisely what incited poets to scrutinize the most intimate aspects of their personal lives in their work, critics have nonetheless concurred in their assessment that confessional poetry was a "private" art. However, because commentators assigned a variety of meanings and values to the concept of privacy, this apparent consensus was in fact another deeper disagreement, one which reflects the social and historical context of confessional poetry and much of its critical history.⁵¹ The disparate uses of private remind us that the uncertainty about privacy in the reception of confessional poetry also defined the period in which this poetry was written.⁵² The Cold War era that saw the emergence of confessional poetry was marked by a series of arguments about the relationship between the private

citizen and the public sphere. Resituating confessional poetry in the context of one of these arguments -- the bitter conflict over the legal right to privacy most commonly associated with Roe v. Wade -- transforms this private art into a contribution to a central political debate. Anne Sexton and Robert Lowell, along with W.D. Snodgrass and Sylvia Plath, were not simply private. They were preoccupied with the nature of privacy itself.

Confessional poets and Supreme Court justices were not alone in scrutinizing privacy. An increasing number of Americans were worried about the powerful surveillance technologies of law enforcement, haunted by the memory of Joseph McCarthy's unrestricted cross-examinations in the HUAC trials, and humiliated by on-the-job personality testing in business, government and the military. Still others took note of the pressures on privacy created by more benign encroachments like the probing of the psychoanalyst, the "open" architecture of the mass-produced suburban home, and the growing power of computers to store personal and financial records.⁵³ Nevertheless, the Cold War political context created a paradox: despite the mushrooming of invasions on the individual citizen, privacy was frequently hailed as one of the characteristic rights of a democracy, one that defined "America" in opposition to the Soviet Union. This paradox meant that the Court's attempts to define a right to privacy would be headline news analyzed and debated in broad symbolic terms.

As part of this often heated national discussion about privacy, confessional poetry and the Supreme Court decisions from the late 1950s to the early 1970s offered two of the most profound and deliberate encounters with the subject. In a provocative historical parallel, confessional poetry began to alter the norms of public self-disclosure precisely at the time that the Supreme Court began to limit how far the public could penetrate an individual's home, family, and "personal security," that is, an individual's body. In 1958, the year prior to the publication of Life Studies, a case called NAACP v. Alabama began a reversal of the Court's thirty-six year refusal to establish a right to privacy by concluding that a political organization had the right to keep its membership private.⁵⁴ Only two years later, Justice Harlan's dissent in a case that challenged Connecticut's prohibition against the use of birth control, Poe v. Ullman⁵⁵, began to articulate the rationale for protecting the home as a private zone, a feat that was completed in 1965 when Griswold v. Connecticut⁵⁶ established a constitutional right to privacy located in the home.⁵⁷ From 1966 to 1972, a period which saw the publication of such works of self-disclosure as Lowell's Notebooks; Sexton's Love Poems and The Awful Rowing Toward God; and Plath's posthumous Crossing the Water and Winter Trees; the Supreme Court rapidly expanded this new-found constitutional right beyond the privileged space of the marital bedroom to the world outside the home. Responding to Cold War fears

about surveillance technologies and the bureaucratic intrusions of the "organized society," the Supreme Court, through cases such as Terry v. Ohio, Katz v. United States, and Eisenstadt v. Baird, transformed the right to privacy into one that adhered to the individual and was thus mobile and dependent on context.⁵⁸ By locating privacy in the individual rather than in a protected zone, the Court created a legal doctrine that was concerned less with the ability of the individual to withdraw from the public than with the right to self-determination and autonomy, a series of choices of when and if to disclose the self in public.

This extension of privacy to the individual in the latter half of the 1960s culminated in 1973 in the paradox of Roe v. Wade, a decision that marked the Court's greatest expansion of the right and first retraction of it. When confessional poetry had, following the 1973 publication of Lowell's controversial For Lizzie and Harriet and The Dolphin, and the death of Anne Sexton in 1974, begun to run its course, the Supreme Court thrust the debate over privacy into a new arena. With Roe, women were granted the right to seek an abortion. But faced with the incarnation of the individual citizen as a pregnant woman, the Supreme Court introduced the doctor as a necessary partner in a private decision about bodily matters, converting the right to privacy, often called a "right to silence," into one that entails confession, persuasion, and testimony. As we so often forget, Roe never permitted a woman to make the

decision to have an abortion. It granted her doctor that right. The attention to gendered bodies -- for pregnancy is the irreducible asymmetry between women and men -- thus brought about a transformation in the Cold War privacy debate: A second individual, one whom Anne Sexton called "the almost mighty doctor," became instrumental to the privacy of the female citizen. And the right to privacy, conceived as the right to self-governance that stood in symbolic opposition to Soviet totalitarianism, became a "woman's issue."

While we might expect Sylvia Plath and Anne Sexton to distrust the conditions imposed by Roe, these poets had already imagined how privacy could exist between a woman and her doctor. What these women showed was that their ability to be private lay not in their bodies, which could not be withdrawn from the scrutiny of the doctor, but in their language, which could alternately mask and make known. A reading of Roe and confessional poetry impresses upon us that the privacy of the doctor's office depended on the woman's facility with language, on her ability to argue convincingly for the autonomy only the doctor could grant her. In their poems, these poets challenged the prevailing legal scholarship that defined privacy as withholding the self from discourse and instead derived their privacy from rhetoric, persuasion, and confession itself. Though women confessional poets may have predicted and even confirmed Roe's interpersonal, rhetorical privacy, they did not

necessarily celebrate it. In addition to undermining the image of the disinterested yet compassionate physician that was depicted in the legal decision, their poems presented the negotiations required by Roe as both risk and opportunity. A woman risked losing control over her decisions and her body in confessing to the doctor, but also gained an opportunity, both for increased public engagement, and, paradoxically, increased privacy. These women revealed in their poems that withholding the self from public was more costly than confessing to the doctor. By reading Roe in concert with confessional poetry we find that a privacy constructed "between" people can effect political autonomy and lyric subjectivity.

The multiple intersections between the two distinct traditions of privacy, one in the law and the other in the lyric poem, perhaps the literary genre of the private individual, help us to understand the complicated relationship between bodily privacy, sexual difference, and public discourse. The gendering of legal privacy was not manifest in the Court's language until Roe; however, in the confessional poems of the decade preceding Roe, the gendering of privacy, and particularly of the privacy of the body, had been carefully examined. Likewise, the way that privacy has influenced our understanding of the label "confessional poet" is much clearer when viewed through the legal construction of privacy. Reading confessional poetry by men in terms of the Court's evolution of individual

privacy illustrates how men can resist the perception of invasion while creating the illusion of exposure. Though both men and women explored the loss of bodily privacy, the doctor creates a paradox of privacy that only women confronted. Reading confessional poetry that features women and their doctors in conjunction with Roe reconfigures privacy for women as an act of confession. For women, unlike for men, displaying one's scars, revealing one's insides to someone else, offering oneself up to interpretation--precisely what confessional poetry does--became the preconditions for the privacy offered by Roe.

Looking to the legal transformation of privacy also impels us to question how the powerful listener, the unavoidable listener, affects the confessional poem. That the exploration of self-disclosure took place in the lyric should not be surprising. The lyric is, after all, the aesthetic evocation of the purely private individual, the poem as a voice "overheard...speaking to itself," a definition that J.S. Mill devised with Wordsworth in mind, but which has continued to prove useful to contemporary scholars.⁵⁹ In considering the doctor's relationship to the confessional poem, we should remember that the doctor was not simply "overhearing," and, therefore, the situation of the lyric was not innocent. In continually addressing the changed circumstances of their relationship to the listener, women confessional poets reimagined the private voice of lyric in dramatic and defensive terms. Their confessional

poetry offered possibilities for the private individual in a society that increasingly invaded its citizens: a confession that through its own multiplication offered the privacy not available in silence.

* * *

While "the almost mighty doctor" would not make his appearance in the Court's construction of privacy until Roe v. Wade, the doctor, namely the psychoanalyst, has appeared to many critics to have provoked confessional poetry.⁶⁰ More than the psychoanalytic frame, however, we should take note of the number of times Sexton, Lowell, Snodgrass, Plath and Maxine Kumin made use of a medical context to reveal the deep and pervasive intrusion of medical science into the "private" space of the body.⁶¹ Though generally recognized for throwing off the masks of poetic convention, confessional poets were not content with merely stripping and exposing the body. Instead, in a series of what I will call "operation" poems, confessional poets opened the body up to expose its inside, threatening the notion of a private internal bodily space.⁶² By questioning the metaphors of surface and depth, inside and outside, that structured the privacy of traditional poetic and legal discourse, confessional poets interrogated the link between bodily privacy, sexual difference, and language that would later find expression in the legal construction of individual privacy.

The "operation" poems constitute confessional poetry's most revealing confrontation with the individual's loss of bodily privacy.⁶³ Exposing the inside of the body in surgery (or of the unconscious in psychoanalysis) can be understood as confessional poetry's self-conscious exploration of the conditions of this loss and its relationship to what appears to be a self-chosen self-disclosure. To read these "operation" poems as metaphors of confession locates the poet as patient and equates both the operation and the scar with the poem. At the same time, this reading unites the doctor and reader as both viewer and interpreter of the operation/scar/poem and the poet/patient. The poet as patient is opened up, literalizing the metaphorical action of confessional poetry, while ceding interpretive power to the doctor/reader, offering up the "facts" to be interpreted by a presumably more objective and knowledgeable outsider. The metaphorical operation, like the poem itself, takes us through the steps of display, exposure, invasion, and closure in the examination, preparation, surgery, and recovery of surgery. While surgery literalizes the metaphorical opening of the confessional poem, the surgeon/doctor literalizes the intrusion of the powerful listener. Yet, the figure of the surgeon is a metaphor not simply for the psychoanalyst; the surgeon becomes the metaphoric listener integral to the private moment. As women confessional poets show through their exposure of the doctor's power, their privacy was not

only spatial, but linguistic, which meant that privacy could not reside "within" one person but only "between" two.⁶⁴

These poems that delved into the body, like Sylvia Plath's 1962 poem "The Courage of Shutting-up," placed confession within the context of external pressures on individual privacy by featuring not only policemen, judges, priests, or even psychoanalysts, but surgeons.

The courage of the shut mouth, in spite of artillery!
The line pink and quiet, a worm, basking.
There are black disks behind it, the disks of outrage,
And the outrage of a sky, the lined brain of it.
The disks revolve, they ask to be heard---

Loaded, as they are, with accounts of bastardies.
Bastardies, usages, desertions and doubleness,
The needle journeying in its groove,
Silver beast between two dark canyons,
A great surgeon, now a tatoost,

Tatoosting over and over the same blue grievances
The snakes, the babies, the tits
On mermaids and two-legged dreamgirls.
The surgeon is quiet, he does not speak.
He has seen too much death, his hands are full of it.

Though neither the aggrieved speaker nor the surgeon "talks" (that is squeals), the surgeon, who is the "needle" playing the "black discs...of outrage," is simultaneously a tatoost, transcribing these records from behind her closed lips onto the surface of her body. Through the surgeon/tatoost's art, the body rather than the surgeon or the poet will speak, therefore, the speaker of the poem need never voice her confession; she need only be read. The body will speak for her, but the surgeon/tatoost rather than the poet will have taken pen/needle in hand to paint her "blue grievances" for all the world to read. The

surgeon does not so much coerce her confession, he is not, after all, "the artillery," but he does write it out, making it visible despite her resistance. The poem confesses to the scene of confession, revealing that the relationship of surgeon and patient destroys the privacy of the body by collapsing the "zone" into a surface--the inside is written on the outside and so the outside and inside are one. Plath's questioning of the possibility of resistance, the "courage of shutting up," depicts the "artillery" as less compelling than the doctor; the collapse of surface and depth wrought by the surgeon makes confession inevitable.

This problem of resisting confession is depicted metaphorically in two poems called "The Operation," one by Anne Sexton and one by W.D. Snodgrass. A comparison of these two, read in the context of the Court's evolving conceptions of individual privacy, explains how these poems that stage the transgression of the body's privacy determine our conception of confession. Diane Middlebrook argues that the exposure of the female body defined Sexton as both a woman poet and a confessional poet: "by 1962 Sexton had begun to experience the interesting social role of contemporary American woman poet as an identity with a life of its own, being shaped for her by the reception of her work...it was her direct treatment of the female body in such poems as "The Operation" that attracted the interest of reviewers" (172). That the public display of bodily experience, one of confessional poetry's generic violations,

is almost exclusively associated with women poets is in part explained through its newness to poetry in the early sixties.⁶⁵ Critics were very simply riveted by Sexton's treatment of her own body. For example, when she published "Menstruation at Forty" in 1966, Louis Simpson, a poet and critic who had formerly admired Sexton's work, could no longer support, or even endure, her confessional poetry, declaring this poem the "last straw." Though Sexton uses "menstruation" metaphorically--for natural cycles ("the earth is done with its harvest"), aging ("the November of the body"), and regret ("the never acquired, / the never seeded or unfastened")--the title and Simpson's reaction to it suggest a poem that dwelled on a bodily process. The word "menstruation" alone, without more vivid descriptive exposure, violated poetic discourse because it appeared to draw attention to a bodily, rather than a metaphorical or universal experience. By poeticizing an experience of the body particular to women but using the "universal" language of medicine, which addresses a mixed company of readers, Sexton's poem makes clear that what was private about the body in "Menstruation at Forty" was not menstruation, but a particular linguistic creation of the body. Menstruation as a metaphor fell outside of poetic decorum because it arose from a discursive community--women speaking to women-- that was not public. By speaking to a readership of both men and women of an experience ordinarily limited to the "private" conversations of women, Sexton transgressed the boundaries

of public discourse that delimits female experience as private. Sexton's metaphoric use of "menstruation" only appeared to be an exposure of her literal body to many critics in the 1960s because it had no currency in public discourse. The perceived violation of privacy tells us more about how American public discourse of the 1960s accommodated women's experiences and women's voices than it does about the private experience of a poet named Anne Sexton.

That Sexton's "The Operation" should so firmly link confessional writing to the exposure of the female body is significant in light of poem which preceded hers and to which she was undoubtedly responding: Snodgrass's "The Operation," which is deemed neither revolutionary nor upsetting but "rather lovely" by critic M.L. Rosenthal (The New Poets, 80). As this poem demonstrates, men confessional poets were not perceived to expose their bodies because they were able to conserve bodily privacy while creating the illusion of its loss. Snodgrass's "The Operation," ostensibly an image of the extreme violation of his body, illustrates that the transgression of male privacy is, in fact, unrepresentable. This problem of representing male privacy occurs not because invasions cannot or do not happen, but rather because once they have, the subject of the violation is no longer an adult male. The violated or penetrated man is represented through the figure of a woman or a girl.⁶⁶ Snodgrass's first stanza in "The Operation"

illustrates that exposure first de genders then trans genders
the speaker:⁶⁷

From stainless steel basins of water
They brought warm cloths and they washed me,
From spun aluminum bowls, cold Zephiran sponges, fuming;
Gripped in the dead yellow glove, a bright straight razor
Inched on my stomach, down my groin,
Paring the brown hair off. They left me
White as a child, not frightened. I was not
Ashamed. They clothed me, then,
In the thin, loose, light, white garments,
The delicate sandals of poor Pierrot,
A schoolgirl first offering her sacrament.

The mood of the first lines of the stanza, prior to the shaving of the body hair, is comforting, even reverent. However, in contrast to this preparation, "paring the brown hair off" suggests castration when the "bright straight razor/inched on [his] stomach, down [his] groin." Though the razor stops short of literalizing this castration, the threat is implied and the speaker is metaphorically castrated. The process of exposing his body makes him first "like a child," then a "delicate" Pierrot, feminized but like the clown, a liminal figure neither male nor female, and finally, a female child "offering her first sacrament"--confession--completing his gender transformation and linking the exposure of the operation to the exposure of the confessional. Exposure, and therefore confession, feminize. It is the violation of bodily privacy, not the confession alone, that calls gender into question. The speaker is most assertively masculine and heterosexual immediately after the surgery. "Into flowers into women/I have come...." begins the stanza following the operation. Any suggestion of

castration is immediately banished by the sexual potency established in the first lines of the third stanza. This return of sexual potency coincides with the recovery of the speaker's privacy.

The distinguishing mark of this operation, besides the shifting gender of the poet, is the absence of the doctor in the poem. This second stanza, scene of the surgery, never mentions a doctor.

I was drifting, inexorably, on toward sleep.
 In skullcaps, masked, in blue-green gowns, attendants
 Towed my cart, afloat in its white cloths,
 The body with its tributary poisons borne
 Down corridors of the diseased, thronging:
 The scrofulous faces, contagious grim boys,
 The huddled families, weeping, a staring woman
 Arched to her gnarled stick, -- a child was somewhere
 Screaming, screaming--then, blind silence, the elevator
rising
 To the arena, humming, vast with lights; blank hero,
 Shackled and spellbound, to enact my deed.

"[M]asked...attendants" whisk the poet to the "arena" of surgery where he, rather than the doctor, becomes the "blank hero, shackled and spellbound," ready "to enact [his] deed." Once in the "arena," a place for spectacle which implicitly acknowledges audience, rather than submit to the scrutiny and penetration of surgery, the patient becomes the performer, the "blank hero" of the poem and of the operation. Moreover, despite his nearly complete helplessness--he is "shackled and spellbound"--he is able to view the act of surgery as "[his] deed." Blinded, voiceless, and paralyzed, the poet nevertheless presents himself at the center of the action as if he performed

surgery on himself. Snodgrass does away with the doctor who would diagnose him, open him up, and cut out his disease, who would, by interpreting, exposing, and invading him, violate his bodily privacy. The violation of male privacy remains, therefore, unimagined. Instead of forcing meaning from his body, the poem "offers" a sacrament of confession, like the schoolgirl of the first stanza. By eliminating the doctor, Snodgrass turns the operation into an act of self-disclosure rather than forced confession, implying that he has forfeited his own privacy rather than having had it taken from him.⁶⁸

This illusion of the complete loss of privacy is mirrored in the legal decision that led to Roe, Eisenstadt v. Baird, which shifted the right to privacy in sexual matters from the marital couple to the individual citizen. While male privacy was under siege in a variety of places in late sixties, in matters of heterosexual expression it was never at issue after Griswold v. Connecticut forbid the exposure of the paternal phallus by protecting the marital bedroom from intrusion; it only appeared to be until Roe v. Wade. Griswold recognized that married couples had the right to make a decision to use contraceptives and that the bedroom was the place in which such private decisions occurred. Nevertheless, this right inhered, according to the Court, in the "couple" not the individual. However, the 1972 Eisenstadt v. Baird, in which the Court ruled on whether a doctor could distribute contraceptives to an

unmarried woman, made sexual expression a matter of individual privacy and in doing so began to distinguish the "abstract individual" essential to American legal liberalism by reproductive capacity:

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 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. (Eisenstadt v. Baird, 452)

The phrase "an independent entity with a heart and mind of its own" describes the abstract individual whose right to privacy the Court had consistently sought to protect. Nevertheless, while this decision ostensibly ruled on equal protection for single and married people, the real issue evident in the distinction between "bearing" and "begetting" (if this can be understood as a distinction since women both bear and beget) is equal protection for men and women.⁶⁹ Justice Brennan notes twice that there were no restrictions on either the buyer or seller of contraceptives when their "intended use" was for the prevention of disease, i.e. men could buy condoms without consulting a doctor and without arguing about how he would use them. But, as Brennan argues, both buyers and sellers were restricted when the contraceptive's intended use was the prevention of pregnancy. In other words, all the forms of contraception

designed for women were either forbidden or highly regulated. The subtext of the decision, that men and women should have equal access to birth control, reveals that male sexual privacy was not being contested.

Even as individuals were being protected in their difference--their capacity to either bear or beget a child--Eisenstadt v. Baird remains focused on bodies prior to conception, where men and women are still the "same" because they are both not pregnant. With these terms already set out by Brennan, Roe was nothing more than the logical extension of an established doctrine. Nevertheless, Blackmun's revolutionary move in Roe v. Wade was to apply, however much he then limited and qualified, the right of individual privacy to the pregnant citizen. And it is these qualifications that undermine the assumption of the "abstract individual," which cannot be sustained when confronted with a body that is irreducibly female. The pregnant body cannot be made analogous to the man's, and so the application of privacy to this body revealed the male body beneath the fiction of abstract individualism.

While Snodgrass is able to maintain privacy within his body even on the operating table, his female counterparts cannot afford the notion of an individual privacy located "within" a person because spatial metaphors collapse the female body with the pregnant body, reconfiguring any woman's relationship to her own privacy. Blackmun's caveat that a "pregnant woman cannot be isolated

in her privacy" (Roe v. Wade, 159), suggests that pregnancy constructs a social relationship that supersedes a woman's wholly private relationship to herself. Paradoxically, women, who have been defined as belonging to the private sphere, are in their bodies not private but relational, so their bodies cannot be seen as private in the same way as men's. The privacy constructed by Roe "between the woman and her doctor" depends on a second person, the doctor, a civil servant who oversees the woman's social, rather than private, relationship to her own body. Therefore, what has been perceived as the most far-reaching right to privacy--the right to an abortion in Roe v. Wade-- became located in the very relationship that confessional poetry shows does away with the ordinary conception of privacy--the doctor/patient relationship.

The doctor's presence at the scene of female privacy transforms the right to privacy from an individual right of autonomy into a transactional right that depends on self-revelation and negotiation. The privacy of Roe v. Wade, as Justice Rehnquist noted, had nothing whatever to do with the conception of privacy-as-withholding, what he asserted as the "ordinary" concept of privacy. His dissent reads:

I have difficulty in concluding, as the Court does, that the right of "privacy" is involved in this case. Texas, by the statute here challenged, bars the performance of a medical abortion by a licensed physician on a plaintiff such as Roe. A transaction resulting in an operation such as this is not "private" in the ordinary usage of that word. Nor is the "privacy" that the Court finds here even a distant relative of the freedom from

search and seizures protected by the Fourth Amendment to the Constitution, which the Court has referred to as embodying a right to privacy [in] Katz v. United States. (emphasis mine) (Roe v. Wade, 172)

By characterizing the abortion procedure as a "transaction," a word whose economic connotation emphasizes the public and commercial nature of the doctor's office, Rehnquist might appear to question whether the doctor's office is truly "private," in the "ordinary" concept, for the pregnant woman. It might at first appear that Rehnquist was arguing that the Court had not gone far enough, that the privacy of the doctor's office was, indeed, no privacy at all. However, the expansion of privacy to include women's complete autonomy from state or medical control is not Rehnquist's aim. By finding this "transaction" not even a "distant relative" of Katz, a case that affirmed the privacy of the public telephone, even if that phone were being used to place illegal bets, clearly "transactions" that are not "'private' in the ordinary usage of the word," Rehnquist ignores the Court's gradual redefinition of privacy as autonomy because he cannot apply this concept to the pregnant citizen.

Nevertheless, "transaction" accurately 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 maintained. Indeed, a transaction of some sort must take place because the woman's bodily integrity comes only

through the doctor's permission. Anne Sexton's poem, "The Operation," recognizes this kind of transactional privacy and denies that there is an a priori privacy. If privacy depends on a compact with the viewer, the doctor's agreement to the privacy of his patient is a promise that is always already broken. The first stanza of Sexton's "The Operation" depicts the gynecologist and patient relationship, the very one Roe defines as private, as defined by his violation of her body. The stirrups of the gynecologist epitomize the relationship of the woman to her doctor: on her back in an immobile position which gives the doctor easy access to her genitals and to the inside of her body.

After the sweet promise,
 the summer's mild retreat
 from mother's cancer, the winter months of her death,
 I come to this white office, its sterile sheet,
 its hard tablet, its stirrups, to hold my breath
 while I, who must, allow the glove its oily rape,
 to hear the almost mighty doctor over me equate
 my ills with hers
 and decide to operate.

The shape of the line: "while I, who must, allow the glove its oily rape./to hear the almost mighty doctor over me equate/my ills with hers/and decide to operate" emphasizes that the patient must permit the "oily rape" in order to be diagnosed. Diagnosis, the interpretation of her body, and rape, the invasion of her body, are bound together grammatically. At the same time, Sexton accentuates her lack of choice in how she is examined by the "almost mighty doctor" who stands "over" her--"I, who must," which

accentuates coercion, with the word, "allow," which indicates discretion, work together to exemplify the privacy of the doctor's office. "Must allow" expresses both the oxymoron of women's self-determination and the fictionality of any privacy that depends on being forced to grant permission for rape.

In the stanzas that relate her mother's death, Sexton gives an example of how privacy could exist between people. Rather than conceiving privacy as an essence enjoyed by an individual alone, she imagines a privacy that can be either withheld or bestowed. Her descriptions of her mother reveal her as

... she grew frail.
Frail, we say, remembering fear, that face we wear
in the room of the special smells of dying, fear
where the snoring mouth gapes
and is not dear.

Sexton concludes with the physical presence of her mother, the dying patient--"the snoring mouth gapes/and is not dear"--to recall the indignities of illness. Her fascination with this aspect of her mother's death shows that as much as the operation signifies pain or possible death, it also reveals the loss of a public self. "That face we wear/in the room of the special smells of dying" is a performance which refuses to reflect back the "snoring mouth" or to acknowledge what "is not dear." For her dying mother, as for Sexton the patient, privacy is granted by the audience, which helps to maintain the fiction of a public self by refusing to acknowledge the self that would be, but

cannot be hidden. The audience must consent to preserve the mask for the fiction of privacy to be sustained.

The possibility of a privacy "between" rather than "within" returns us to Roe v. Wade and to the construction of privacy that situates a monitor in what was heralded as a triumph for privacy and autonomy. As we can interpret from Snodgrass's operation poem, the presence of the doctor compromises the self-disclosure of the operation/poem and fundamentally alters the metaphor of confession. Without the doctor, the act of self-revelation is voluntary and the confession to the audience direct. There is no other viewer to interfere with the interpretation of the body being displayed. This problem of the additional viewer/interpreter is, of course, the central limitation of Roe. Blackmun boldly affirms that "The right of privacy...is broad enough to encompass a woman's decision whether or not to terminate her pregnancy" (Roe v. Wade, 153), but then denies that this choice can be freely made: "This means...that, for the period of pregnancy prior to this "compelling" point, the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that, in his medical judgment, the patient's pregnancy should be terminated" (Roe v. Wade, 163), (emphasis mine). In this halting, qualified sentence, it is "the attending physician" who is "free" to determine whether or not to terminate the pregnancy of the woman, who is made adjunct to the decision by her status as consultant.

The multiple qualifications of this sentence--"for the period...", "in consultation...", "without regulation...", "in his medical judgment"--indicate that, as Blackmun concedes, the right to privacy for the pregnant woman is fundamentally different from that articulated in other decisions relating to "personal liberty." First, "the pregnant woman" who "cannot be isolated in her privacy" is never alone, never cut off from her social and relational status as a mother, and can therefore never aspire to the autonomy of the abstract individual. Instead of the right to privacy guaranteeing a "right to silence," this right to privacy depends upon a forced confession. Not only must the woman confess the details of her life in order to establish a "need" to terminate her pregnancy, she must also be convincing. She must be rhetorically skilled in making her case before the doctor in order to achieve a decision purportedly made by herself. In other words, this right to privacy can only be effected by rhetoric, which means that the right to privacy, the autonomy celebrated by Justice Douglas, depends not upon the ability to define oneself to oneself, but on the ability to make one's self-definition credible to others. In contrast to the a priori privacy of the abstract individual, the woman's privacy as defined in Roe has to be secured through rhetoric. Autonomy is paradoxical for the pregnant woman: she must disclose herself in such a way as to persuade her audience that she ought be autonomous. The autonomy of this right to privacy

is constituted through interpretation; her self-determination is limited to choosing the method by which she loses the capacity for self-determination.

The link between privacy and forced confession found in Roe is the subject of Anne Sexton's poem, "Unknown Girl in the Maternity Ward," a work that revolves around a young woman's resistance to the doctors' pressure to confess the name of her child's father. Not only does resistance to confession mark this particular poem, but Sexton used the poem in an interview to obscure the confessionalism of her work as a whole. When William Heyen pressed her to answer: "to what extent are you fictionalizing Anne Sexton as you write some of these poems?" (136), Sexton, like the speaker of her poem, refused the terms that the questioner offered.⁷⁰ Because Heyen was made anxious by the "shaky ground" between fiction and confession--"...we feel sort of foolish...It sort of makes us nervous..."(136)--he asked Sexton to clarify what the poems left ambiguous. In response, she explained that she wrote "Unknown Girl in the Maternity Ward" after reading Snodgrass's "Heart's Needle," the work she credited as her most important influence. At this crucial juncture in her career, she claimed she was "fictionalizing, but of course...so-called confessing" (138). She then related that when Snodgrass read the poem, he told her to "tell the real story," and so she wrote "The Double Image," the poem that marked her arrival as a confessional poet, but also one which, she explained in

another interview, fictionalized the account of her life. The answer, which only defers an answer, resists Heyen's pressure to explicate the lines of confession in her work, the indeterminacy of which thwarts forced confession. Moreover, Sexton's great insight into female privacy is that one guards privacy not through silence but through the multiplication of confession: she produces two versions of the same story, "Unknown Girl in a Maternity Ward" and "The Double Image," neither of which offers a full and complete account of her life, if such a thing could exist.

"Unknown Girl in the Maternity Ward" features the failure of silence to resist the power of doctors to compel confession, enacting a pre-Roe drama of self-determination. The doctor's quest for information and the mother's effort to maintain her silence compose the drama of the poem:

The doctors are enamel. They want to know
 the facts. They guess about the man who left me,
 some pendulum soul, going the way men go
 and leave you full of child. But our case history
 stays blank. All I did was let you grow.
 Now we are here for all the ward to see.
 They thought I was strange, although
 I never spoke a word. I burst empty
 of you, letting you learn how the air is so.
 The doctors chart the riddle they ask of me
 and I turn my head away. I do not know.

The doctors, covered by an impermeable surface of enamel, are resistant to penetration themselves, while in contrast the speaker, as a pregnant woman, has already been penetrated and punctured like a balloon: "I burst empty/of you." Unable to leave the woman unfilled, the doctors supply their own interpretations of her predicament, putting

words in her mouth by offering a generic story about women in her position. "...They guess about the man who left me./some pendulum soul, going the way men go/and leave you full of child." This story she refuses to confirm or deny. She opposes the doctor's attempts to coerce a confession by initially remaining storyless--"our case history/stays blank"--refusing to answer, with truth or lies, because her defense. "All I did was let you grow," admits no crime to confess.

In the next stanza however, the child's presence reminds her that her privacy is compromised by her relationship to someone else: "...[her] funny kin./... trouble[s] [her] silence."

...You blink in surprise
and I wonder what you can see, my funny kin,
as you trouble my silence. I am a shelter of lies.
Should I learn to speak again, or hopeless in
such sanity will I touch some face I recognize?

The question she poses in response to the perception of her new relational status: "Should I learn to speak again...?" reminds us that her silence is only one of the "hopeless" "sane" choices that she can make. Her eventual capitulation to the doctors is only partial, a reprieve from their insistent questioning, not an answer to their request for information.

...But the doctors return to scold
me. I speak. It is you my silence harms.
I should have known; I should have told
them something to write down. My voice alarms
my throat. "Name of father -- none." I hold
you and name you bastard in my arms.

"I speak" appears to be her capitulation and yet, her regret. "I should have known; I should have told them something to write down," indicates that her confession is incomplete, and more important, unsatisfactory to the doctors. In refusing to name the father of the child, the one piece of information the doctors repeatedly solicit in order to legitimate the birth, to place the child, and identify the mother, she names her child a bastard and herself disreputable.

In the final stanza she reveals the hopelessness of her act of choosing: "There is nothing more/that I can say or lose." She has given everything away, including her child, by answering with no answer.

And now that's that. There is nothing more
 that I can say or lose.
 Others have traded life before
 and could not speak. I tighten to refuse
 your owling eyes, my fragile visitor.
 I touch your cheeks, like flowers. You bruise
 against me. We unlearn. I am a shore
 rocking you off. You break from me. I choose
 your only way, my small inheritor
 and hand you off, trembling the selves we lose.
 Go child, who is my sin and nothing more.

In this pre-Roe confessional moment, Sexton's poem does confess, but only to the failure to confess. Refusing the demand for information that affirms masculine privilege and power does not eliminate the violation of the doctor, the image of power, state sanction, and the invasion of her body. To see a doctor as Roe imagines him, as an affirmation of privacy, is not possible in the terms of these poems. Where Snodgrass eliminates the doctor's threat

by simply eliminating his presence from the poem, Sexton on the other hand contends with his presence as one of the limitations on her choices. When privacy is situated "between a woman and her doctor" as in Roe v. Wade, confessional poetry shows that to give nothing away is to lose everything.

The paradox of giving nothing away and losing everything that Sexton presents in "Unknown Girl in a Maternity Ward" has an analog in Maxine Kumin's "Pain: 1967," a poem which shows from another angle the paradoxical relationship women have to their own privacy. Kumin's frustration with her ignorance about her body forces the speaker of "Pain: 1967" to invite the invasion of her privacy.

Pain: 1967

The lore of it is something they keep from you.
As with sex, the mechanics are little rehearsed.
Not even among grown men and women the specifics --
yes he unbuttoned her, yes she was a good lay
but how? and in exactly what circumstance?

The nurses will not tell you. They baste and simmer
tools in the autoclave. The doctors whisper
Demerol into their stethoscopes. And the interns,
that volleyball team still challenging its acne,
can only pump up the bag full of blood pressure.

Meanwhile the pain comes in dressed up like a spy.
A bearded spy wearing sneakers and murmuring eat!
Eat my quick poison. And of course I nibble the edges.
I eat my way to the center of his stem
because something inside it is secret.

At night rowing out to sea on of drugs, rowing out
on my little oars, those carefully deployed spoons,
sometimes I think I catch a glimpse of that body
of knowledge. It is the fin of a flying fish.
It is a scrap of phosphorescent plankton

I would take hold of crying, wait!
Thinking, tell me.

Understand that by this time the man next door
is calling police police police -- his pain
burgles him. Police, that kind of father.
Understand that on the other side an old lady
in the thin voice of a music teacher is calling
yoohoo, help me, am I alone in this house?
She is dying with the shades drawn in a deserted villa.

Meanwhile I continue putting out to sea
on my little wooden ice cream spoons.
Although I am not a Catholic, the priest has laid
his hands upon me. He has put God into my pain.
Somewhere in my pineal gland He sits and gloats.

As for the lore, I have learned nothing to hand on.
I go out nightly past these particular needles
and these knives.

Because the medical community conceals its knowledge of the
female body--even "The nurses will not tell you"--Kumin
figures her pain in the Cold War metaphor of "A bearded spy
wearing sneakers and murmuring eat!" However, Kumin inverts
the spy's relationship to knowledge: instead of the spy
invading in order to acquire knowledge, which would imply
that the speaker possessed it, Kumin's spy carries knowledge
to the speaker. The spy, who is gendered male by his beard,
says "Eat my quick poison" and the speaker acquiesces, "I
eat my way to the center of his stem/Because something
inside it is secret," a line which hints at fellatio, a
sexual image like Sexton's "oily rape," which again implies
the indistinct line between coercive sex--she must "eat
[her] way to the center of his stem" because she needs his
"secret" and medical power. So powerful is the lure of
knowledge and so frantic is the speaker to know her own body
that she risks poisoning herself by doubly accepting the

intruder into her body, once in the figure of the spy, once in the ingestion of the spy's gift of poison. In contrast, the man next to her screams "police, police, police" as "his pain/burgles him." In his case, "Police, that kind of father," serve to protect the private space of the body because the intruder is not welcome. By conflating the doctors and the police, much the same way that legal privacy implicitly does in Roe, Kumin shows that medical knowledge works in the service of the male patient. Unlike the speaker who must welcome invasion, the male patient seeks to expel the intruder, pain, by appealing to patriarchal forces, the doctors, the police, those kind of fathers. However, as Kumin shows, the doctor's overwhelming control of knowledge leaves the woman patient in the position of inviting his intrusion or inviting pain: Kumin welcomes pain rather than call on the doctor/policeman so that she might gain knowledge and achieve some control over her body.

Because the poet's lack of knowledge is related to her position in discourse, not her experience, the body of knowledge she seeks cannot be known through experience, but only through the mastery of discourse, through learning the rules that dictate what the female body can mean. Kumin's poem equates medical diagnosis with locker room sexual boasting where the rules of interpretation are left unspoken and inscrutable to women. Her questions: "yes he unbuttoned her, yes she was a good lay/but how? and in exactly what circumstance?" places her knowledge of her body at odds with

coded male constructions of female sexuality, none of which she can decipher. In these questions, the woman's body lies at the center of an interpretation that is unknown to her, indicating that her relationship to her body is mediated, in this case obstructed, by male interpretation. Throughout the poem, she searches for this "lore" in her body, twice "rowing out to sea on drugs, rowing out/on [her] little oars" where "sometimes [she thinks she catches] a glimpse of that body/of knowledge." The line break calls attention to the word "body," her physical body and the body of knowledge, both of which lie always out of her reach, "the fin of a flying fish...[she] would take hold of crying, wait!/Thinking, tell me." Nevertheless, were she able to hook this fish, looking for the "body of knowledge" in her body guarantees that she will never find it. The poem, an attempt to penetrate the secrets of the medicalized body, closes with an admission of failure: "As for the lore, I have learned nothing to hand on," and a promise that the speaker will continue her search. The handing on, however, has already begun. Like Sexton's "Unknown Girl in the Maternity Ward," which demonstrates the limits of silence as a resistance to the invasion of privacy, "Pain: 1967" begins the woman's entry into language that reconfigures her relationship to her own privacy by altering her place in public discourse.

As Justice Douglas describes in his concurrence to Roe's companion case, Doe v. Bolton,⁷¹ the right to privacy

is an affirmative right--a right to self-determination. But this self-determination is inherently a public right because though it originates in private, it finds its expression in public. Roe v. Wade and confessional poetry also presuppose that the private self is not created or maintained by escaping discourse, but by entering discourse. For women, however, selective self-disclosure has always entailed overcoming two obstacles: being able to withhold information from others and being able to present it. If Roe v. Wade and the operation poems elaborate the problem of the forced confession, Doe v. Bolton and other confessional poems, also medical, reveal that the battle over privacy is as much about the right to participate in discourse as it is about the right to withhold one's self from public scrutiny and judgment. In this sense, the right to privacy is about citizenship, for though Cold War American political rhetoric placed privacy at the center of American rights, citizenship always implies an engagement with the public sphere that precedes privacy.

In the comparison between Roe and its companion case, Doe v. Bolton, which challenged a series of restrictions on the abortion decision enacted by the Georgia legislature, we can see that what upholds privacy and autonomy is not the citizen's withdrawal into silence, but the individual's perceived fitness for public discourse. While Roe positions the doctor as listener and interpreter on the private decisions of women, Doe v. Bolton disallows just

such a monitor on the doctor's judgment. In Doe, the Court held unconstitutional the requirement that abortion decisions be ratified by two of the doctor's colleagues as well as a hospital review committee. This system, Justice Blackmun reasoned, improperly scrutinized the doctor's judgment, making little mention of the fact that it required the woman's story to be evaluated no fewer than six times. In addition he rejected the appellant's claim that "the Georgia system enables the committee members' personal views as to extramarital sex relations, and punishment therefore, to govern their decision" (Doe v. Bolton, 196) by presenting a spirited defense of the good physician:

The appellants' suggestion is necessarily somewhat degrading to the conscientious physician, particularly the obstetrician, whose professional activity is concerned with the physical and mental welfare, the woes, the emotions, and the concern of his female patients. He, perhaps more than anyone else, is knowledgeable in this area of patient care, and he is aware of human frailty, so-called "error," and needs. The good physician-- despite the presence of rascals in the medical profession, as in all others, we trust that most physicians are "good"--will have sympathy and understanding for the pregnant patient that probably are not exceeded by those who participate in other areas of professional counseling. (Doe v. Bolton, 196)

The physician's good judgment, his compassion, and most of all his objectivity are the foundation of the woman's right to privacy. Therefore, his ability to make decisions and his autonomy in making them cannot be questioned by the state.

In contrast to the assumed rationality of the doctor, women's judgment, what Justice White calls "caprice and

convenience" in his dissent, is found wanting. Women's judgment, never addressed in Blackmun's opinion, though implicit in his curtailing of her right to privacy, is all body. As Justice White states:

The common claim before us is that for any one of such reasons, or for no reason at all, and without asserting or claiming any threat to life or health, any woman is entitled to an abortion at her request if she is able to find a medical advisor willing to undertake it. The Court for the most part sustains this position: During the period prior to the time the fetus becomes viable, [the Constitution] values the convenience, whim or caprice of the putative mother more than the life or potential life of the fetus;... (emphasis mine) (Doe v. Bolton, 221)

The underlined phrases "for no reason at all," and "convenience, whim, or caprice" indicate an irrationality that, in White's view, the state endorses in surrendering to a woman even a limited right to control her body. And therefore granting privacy to women would bestow a right of citizenship on someone incapable of the rationality of public discourse. Because privacy might guard what the Court or even the doctor views as "no reason at all," the woman is not to be trusted with the right of privacy and its concomitant moral autonomy.

There is a circularity in this reasoning that doubly binds the pregnant citizen. The lack of rationality that makes a woman an unfit private decision-maker also undermines her ability to testify on her own behalf. Though it was the de facto practice of the hospital to refuse to allow women to argue on their own behalf, this issue was rendered moot when Blackmun decided that this lack of access

was not mandated by Georgia's statute. Furthermore, the pregnant woman's testimony had no credibility even in the "private" sphere of the doctor's office. Among other restrictions, she was required to provide certification from the police that she had been raped if that was the reason she submitted to the doctor for requesting an abortion. This review process, which at the time was a liberalization of abortion restrictions, took the woman's story from her and made it the doctor's. He gained control of her story not just to judge himself, but to present to a wider community of judges. The Court, by treating Doe v. Bolton as primarily an issue of the doctor's right to pursue his profession, could ignore the equally painful issue of a right to testimony and furthermore remain blind to the conflict between the privacy asserted in Roe and that confirmed in Doe.

Sylvia Plath wrestles with just this cooptation of the woman's voice by the doctor in "Lady Lazarus," a poem which configures the medicalized confession as a striptease of gauze, bandages, and tissues. The private self is exposed layer by layer, and finally given away piece by piece, to the "Doktor." It is not the mass audience, but the intimate listener who would turn her relics into his "opus."⁷²

There is a charge

For the eyeing of my scars, there is a charge
 For the hearing of my heart --
 It really goes.

And there is a charge, a very large charge,

For a word or a touch
Or a bit of blood

Or a piece of my hair or my clothes.
So, so Herr Doktor.
So, Herr Enemy.

I am your opus,
I am your valuable,
The pure gold baby

That melts into a shriek.
I turn and burn.
Do not think I underestimate your concern.

Plath's macabre exchange attempts to extract a return for her confession to the doctor. The "charge/For the hearing of [her] heart" can be read two ways--there is expense and there is excitement; there is a price to be paid but there is also an electric thrill for both her and for her viewer. The souvenirs of her body--blood, hair, clothes--are relics, totems of celebrity, while the "word" and "touch" speak of a more intimate exchange. Through the confession, which she characterizes as bits of herself, she is completely appropriated as "[his] opus...[his] valuable." The only possibility of self-determination, the "shriek," is an inarticulate expression of her frustration that garbles his interpretation as well as his attempt to smooth over his appropriation of her confession. In both "Lady Lazarus" and Doe, the doctor will take over the woman's confession, converting her body into his "opus" and though Plath's resistance marks her as defiant, it fails to reclaim her self-determination.

Nevertheless, the private self in Plath's poetry is only made viable and only achieves some measure of privacy

through its publication. In poems like "In Plaster," where the self's protective covering threatens to subsume the private self, Plath shows the costs of failing to display the private self. In this poem, protecting the private self by preventing its exposure so weakens it that it cannot survive. At the same time, the protective covering, which is the aestheticized public image of the self, gains power at the expense of the private self, which however weakened, remains the governing subjectivity of the poem. To lose the private self is to lose subjectivity. The public image of the self is pure mask, it has no voice. In order to maintain the private self (and therefore speech and animation), Plath maintains that she must risk its exposure. The problem of not exposing the private self is dramatized in the battle between the two selves of "In Plaster." Plath begins by setting up the conflict:

I shall never get out of this! There are two of me now:
 This new absolutely white person and the old yellow one,
 And the white person is certainly the superior one.
 She doesn't need food, she is one of the real saints.
 At the beginning I hated her, she had no personality --
 She lay in bed with me like a dead body
 And I was scared, because she was shaped just the way I
 was

Only much whiter and unbreakable and with no complaints.
 I couldn't sleep for a week, she was so cold.
 I blamed her for everything, but she didn't answer.
 I couldn't understand her stupid behavior!
 When I hit her she held still, like a true pacifist.
 Then I realized what she wanted was for me to love her:
 She began to warm up, and I saw her advantages.

The inside self, trapped inside the outer self which is "shaped just the way I was," imagines a struggle between her

imperfect, aging private self, which is nevertheless the controlling subjectivity of the poem, and the outer self, "superior," "whiter and unbreakable and with no complaints."

Significantly, the speaker never enters into dialogue with the other self, it has no subjectivity, but instead addresses the listener/reader/doctor. True to the construction of confession and lyric poetry, Plath's structure of address creates the overheard conversation. We know almost immediately that the speaker is inside the plaster cast, that there is very little distance between the speaking self and the subject of the speech, so that whatever is said is intended to be heard by the listener and overheard by the second self. Implicitly the two vie for attention, though we are only privy to one story, the "inside story."

Without me, she wouldn't exist, so of course she was
 grateful.
 I gave her a soul, I bloomed out of her as a rose
 Blooms out of a vase of not very valuable porcelain,
 And it was I who attracted everybody's attention,
 Not her whiteness and beauty, as I had at first
 supposed.
 I patronized her a little, and she lapped it up --
 You could tell almost at once she had a slave
 mentality.

When the speaker realizes that "it was [she-- the speaker] who attracted everybody's attention, /Not her whiteness and beauty, as [she -- the speaker] had at first supposed," she reaches the climax of her power. This point of realization, which refers to a moment of exhibition--she attracted everybody's attention--marks the period of strength, what

Plath names as a flowering, for the inner self. Even though the speaker animates the dead, but perfect, surface of the "other" woman, as the speaker grows accustomed to the plaster cast "holding [her] bones in place so they would mend properly," in other words, healing the broken part of the inner self, their relationship grows "more intense," and the speaker gradually cedes too much to her protector.

As the speaker grows dependent on the protector, the serviceable "nurse," the "old yellow" self begins to weaken, to "flake away in soft pieces," showing that the inner self is also a product of layers. "She wanted to leave me," realizes the speaker, who begins to fear that the perfect image of the self believes that it can exist independent of the self beneath it. The problem grows more serious because "[the speaker] wasn't in a position to get rid of her. She'd supported me for so long I was quite limp." The inner self, now so disused, has atrophied to the point where it is no longer strong enough to exist alone. The cost of creating this more perfect image of the self is that subjectivity itself is threatened. By the end of the poem, the speaker realizes that "it must be one or the other of us." The two, the perfect outer and the imperfect inner selves--"She may be a saint, and I may be ugly and hairy"--cannot coexist. One can only exist at the expense of the other.

For Anne Sexton the doctor/patient relationship also underlies her experiments with the power and powerlessness of public scrutiny and personal revelation. In many of the

early poems, particularly those in the collection To Bedlam and Part Way Back, doctors and analysts are threatening and coercive. For example, in "Said the Poet to the Analyst,"

Sexton says:

My business is words. Words are like labels,
or coins, or better, like swarming bees.
I confess I am only broken by the sources of things;
as if words were counted like dead bees in the attic,
unbuckled from their yellow eyes and their dry wings.
I must always forget how one word is able to pick
out another, to manner another, until I have got
something I might have said...
but did not.

Your business is watching my words. But I
admit nothing. I work with my best, for instance,
when I can write my praise for a nickel machine,
that one night in Nevada: telling how the magic jackpot
came clacking three bells out, over the lucky screen.
But if you should say this is something it is not,
then I grow weak, remembering how my hands felt funny
and ridiculous and crowded with all
the believing money.

Here the analyst is voyeur and monitor. In putting herself before the analyst, she has to accept his interpretive power along with his attention to her life story. In this poem which emphasizes the commercial relationship between the poet and the doctor, Sexton figures the poet as a gambler--the patient/poet takes a chance in submitting her words to interpretation that she cannot control. In figuring her relationship to the doctor as a gamble, Sexton makes clear that the act of confession entails both risk and opportunity. The risk is that interpretation, in Sexton's case of both life and art, is beyond the control of the speaker, patient or poet. It is the analyst who can turn her "magic jackpot" into counterfeit because he has control

over the meaning of her words. The opportunity is that each confession is an opportunity to level the field of interpretation, to put interpretation on the speaker's rather than the listener's terms. The image of the gambler is an appropriate one for Sexton because a good gambler must hide something. A professional gambler doesn't win by laying all the cards on the table but by keeping the opponent, the reader or doctor, guessing. The fiction of holding back is the bluff and the bluff is what Sexton relies on -- the impression that all her cards are on the table.

This danger of interpretation is mediated by playing to different audiences. If the confessional poem originates in psychotherapy, through publication the poet goes over the head of the primary (and most intimate) audience--the doctor--by appealing to an ever widening public audience. Since according to Benita Eisler psycho-therapeutical "listeners" had nearly unlimited access to private citizens in the fifties and sixties by penetrating not just doctor's offices but also public schools, government agencies, the military, private corporations, and even the home, the watched were continually controlled through the fear of diagnosis (Eisler, 37). If all deviance from the norm is pathologized, this diagnosis as act of interpretation cannot be avoided, but the subject of diagnosis can display herself before a wider audience. In essence, by appealing the decision arrived at by one audience through publication to a

wider audience, the poet lessens the weight of one interpretation by forcing it into play with others.

If autonomy is grounded in private decisions, it is only made substantive through affirmation in the public realm. In this sense, confessional poetry can be seen as a survival technique in a society that affords no privacy, especially to women. By creating a fiction of invasion and then responding with a fiction of revelation, the confessional poet enacts a preemptive strike, and so engages in an act of self-definition. The poet risks a calculated fiction and by authorizing self-disclosure, she maintains some self-determination in a situation where loss is the only option. The self-naming through publication is still at risk of interpretation, however, and it is the threat of uncontrolled but controlling interpretation that makes the audience dangerous. This danger of interpretation is mediated by playing to different audiences like the "peanut-crunching crowd" of "Lady Lazarus." The confessional poem may originate in the doctor's office, but through publication the poet goes beyond the immediate audience -- the doctor -- by engaging a wider public. Public scrutiny, however, is double edged -- the public, embodied often in the state but also in the media, has the power to subject the individual to judgment, whether moral, legal, or aesthetic. The formal constraints of poetry, its built-in fiction of confession, protects the poet from complete

exposure even while dramatizing her openness to interpretation.

All the confessional poets were defined their candor (Lowell called Sexton "candor on top of more candor") which implies transparency between inside and out. Despite this impression of candor, the position of writing from "inside" the body makes candor impossible. Instead, confessional poets' dramatization of writing from inside the body creates a dualism in the self that prevents revelation of the inside. By seeking to represent the private, authentic self "within," these poets paradoxically make their bodies a space of performance. Rather than strip away the performative aspects of the body -- the artificial, socially constructed aspects of the self which are customarily the "outside" of the body, the confessional poets, by writing the "inside story" show that it is impossible to reach the final authentic layer. The search is never complete because there is no perfectly private self to reveal. By dramatizing the private self, they turn it into a performing self, a public self capable of creating deception, concealment, and paradoxically, privacy. In other words, in writing the "private self" they created their public personas, personas that have now been inspected and revised in a series of biographies and memoirs that seek to come ever closer to the "true" private self that was never fully revealed in the poems after all. What was being revealed was "privacy."

* * *

Inspired by a picture on the front page of The Boston Globe, Robert Lowell wrote a poem, "Fetus,"⁷³ that predicted the transformation wrought by medical technologies of the public debate over a woman's right to privacy in the post-Roe world. Reflecting the shift in rhetoric and metaphor that changed the right to privacy into a question about the right to life, Lowell's poem brings the image of the fetus with "its shifty thumb in its mouth" into the public domain. As "Fetus" demonstrates, the pregnant body of the woman faded to secondary significance as technology offers a picture of the child within her. We no longer saw the woman's body; we saw through it.

Fetus

(Front-page picture, Boston Globe, February
1975)

The convicted abortion-surgeon
and his Harvard lawyers are Big League,
altruistic, unpopular men lost in the clouds
above the friendly municipal court.
The long severe tiers of windows
are one smear of sunlight multiplied;
the new yellow brick has a cutting edge.

"The law is a sledgehammer,
not a scalpel."

The court cannot reform the misstep
of the motionless moment...
So many killers are cleared of killing,
yet we are shocked a fetus can be murdered --
its translucence looms to attention
in bilious X-ray
too young to be strengthened
by our old New England hope of heaven
made unsentimental by our certainty of hell.

Our germ---
no number in the debtbook
to say it lived

once unembarrassed by the flesh.

...When the black arrow arrives on the silver
tray.
the fetus has no past,
not even an immovable wall of paintings--
no room to stir its thoughts,
no breathless servility
overacting the last day,
writhing like a worm
under the contradicting rays of science--
no scared eye on the audience.
[...]
How much we carry away with us
before dying,
learning we have nothing to take,
like the fetus, the homunculus,
already at four months one pound,
with shifty thumb in mouth--

Our little model...

...
The girl high on the billboard
was ten years my senior in life;
she would have teased my father--
unkillable, unlaid,
disused as the adolescent tan on my hand.
She is a model, and cannot lose her looks,
born a decade too soon for any buyer.

Lowell asks us to equate the woman on the billboard and the fetus by calling them both "models," and yet in his imagery, the fetus is animated, "writhing like a worm under the contracting rays of science," while the woman, "born a decade too soon for any buyer," "cannot lose her looks," because she is already frozen in time, killed into the image on the billboard. In this new medicalization of the body, which makes the opening of surgery represented in earlier confessional poems seem old-fashioned by comparison, the fetus, "overacting the last day.../no scared eye on the audience," is the star, the spectacle to be viewed and monitored by the doctor. The fetus, as homunculus, occupies

the woman's body like a master of the home, a mini-patriarch demanding his own rights of citizenship and privacy. The dialogue between the woman and her doctor had become a three way conversation.

Lowell's "Fetus" marks the passing of a particular moment in the history of privacy in America. The privacy that the confessional poets and Roe v. Wade imagined between a woman and her doctor--the privacy that demanded performance and confession-- was destined to last only briefly. The privacy of the doctor's office was both too little for women who desired reproductive freedom and too much for those who saw this freedom as anarchy. And as we have seen through the work of the confessional poets, the stories of the doctor's office were already being told to a much wider audience, an audience not only of poetry readers, but also of judges and legislators. Women discovered that their autonomy was not to be secured by remaining storyless, by retaining the "right" to withdraw from the public sphere, but by chronicling their lives even when that meant losing a measure of privacy. The lesson had been learned: if giving nothing away costs you everything, there's everything to be gained by holding nothing back.

50 For a literary historical perspective see M.L. Rosenthal in The New Poets: America and British Poetry since World War II (New York: Oxford University Press, 1967), Charles Altieri in Enlarging the Temple (Lewisburg: Bucknell University Press, 1979), and James E.B. Breslin From Modern to Contemporary: American Poetry, 1945-1965 (Chicago: University of Chicago Press, 1984). For explanations that consider social and historical context, see Charles Molesworth The Fierce Embrace (Columbia: University of Missouri Press, 1979), Paul Breslin The Psycho-Political Muse: American Poetry Since the Fifties (Chicago: University of Chicago Press, 1987) and Walter Kalaidjian Languages of Liberation: The Social Text in Contemporary American Poetry (New York: Columbia University Press, 1989). For feminist literary historical accounts see Susanne Juhasz, Naked and Fiery Forms: A New Tradition (New York: Harper Colophon, 1976), Alicia Ostriker, Stealing the Language: The Emergence of Women's Poetry in America (Boston: Beacon Press, 1986), and Jan Montefiore Feminism and Poetry: Language, Experience, Identity in Women's Writing (New York: Pandora, 1987).

51 In the sixties, critics were primarily concerned with the decorum of self-disclosure in poetry. At the apex of New Criticism's power among teachers of literature, the insistence of confessional poets on the correspondence between the "I" of the poet and the "I" of the speaker defied critical assumptions as well as social decorum. See M.L. Rosenthal. In the next decades, influenced by the political movement that created academic feminism, feminist literary critics saw the private revelations of Plath and Sexton as inherently political. See Susan Juhasz, Alicia Ostriker, and Jan Montefiore. In contrast, the critique of the personalization of politics condemned confessional poetry for its interest in private rather than public concerns. Confessional became a term of disparagement on the grounds that it ignored the political and social concerns of its day. See Paul Breslin.

52 While Kalaidjian calls for a renewed critical attention to historical context, his Languages of Liberation interprets confessional poetry primarily as a product of New Criticism, rather than as a rebellion against it as it is more frequently understood. He also connects the prominence of what he calls the sullen art to the institutionalization of poetry in universities and the massification of culture in the publishing industry.

53 The level of surveillance in the "organized society" was frequently a subject of media description and academic

speculation in the 1960s. The following popular and academic books are only some of the more influential of a torrent of books on the subject of the loss of privacy. In 1959, Samuel Dash wrote The Eavesdroppers (New Brunswick, NJ: Rutgers University Press, 1959). In 1962, Morris Ernst's Privacy: The Right to be Let Alone (New York: Macmillan), began to define a constitutional right to privacy; in 1964 two best selling books--Myron Brenton's The Privacy Invaders (New York: Coward-McCann), and Vance Packard's The Naked Society (New York: D. McKay, Co.)--alerted the nation to the perils of the surveillance society; in 1967, Alan Westin's Privacy and Freedom (New York: Atheneum) took a comprehensive look at privacy from anthropological, legal, and philosophical perspectives; in 1968 Bernard Spindel's The Ominous Ear (New York: Award House) described the sophistication of wiretapping and its widespread use; and in 1969, On Record: Files and Dossiers in American Life (New York: The Russell Sage Foundation) revealed the kinds and amounts of information the government compiled in dossiers on private citizens while Jerry Rosenberg declared The Death of Privacy (New York: Random House). For the most comprehensive overview of the birth control cases that established the right to privacy, see David Garrow, Liberty and Sexuality: The Right to Privacy and the Making of *Roe v. Wade* (New York: MacMillan, 1994).

54 Louis Brandeis and Samuel Warren first articulated it in "The Right to Privacy" Harvard Law Review 4 (December 1890): 193-220. However, the right they proposed was a tort, a law which would protect one citizen from invasion by another. It was not until Olmstead v. U.S. 277 U.S. 438 (1928), that privacy became a constitutional issue, a conflict between the individual and the state. Brandeis, by then a Supreme Court Justice, wrote an eloquent defense of privacy in his dissent in this wiretapping case, but the Court was not persuaded that such a right existed until the sixties when the surveillance technologies of the Cold War society made intrusion by the state not only possible but commonplace.

55 367 U.S. 497 (1961).

56 In Griswold v. Connecticut 381 U.S. 479 (1965) the Court "found" the right to privacy in the "penumbra" of protections created by the Fourth, Fifth, and Ninth amendments in the Bill of Rights. This "finding" by Justice Douglas has been one of the most controversial interpretations in modern Court history. Conservative legal scholars, most notably Robert Bork, have scorned the right to privacy as the epitome of judicial overreaching. It is a measure of the popular acceptance of privacy as a right that Bork's nomination to the Supreme Court was undone

by outrage over his opposition to the right to privacy, not abortion.

57 This period between 1960 and 1966, when the legal privacy debate focused almost exclusively on the privacy of the home, also witnessed an unprecedented exposure of the domestic sphere in such landmark confessional works as Anne Sexton's To Bedlam and Part Way Back (1960), All My Pretty Ones (1962) and Live or Die (1966) collected in The Complete Poems (Boston: Houghton Mifflin, 1981), Sylvia Plath's Colossus (1960) and Ariel (1965) in The Collected Poems (New York: Harper & Row, 1981), Adrienne Rich's Snapshots of a Daughter-in-Law: Poems, 1954-1962 (New York: W.W. Norton, 1967), and Allen Ginsberg's Kaddish and Other Poems, 1958-1960 (San Francisco: City Lights Books, 1961).

58 Katz v. U.S. 389 U.S. 347 (1967) declared that a "reasonable expectation" of privacy was sufficient to protect citizens from surveillance in public places like pay phones and that language could be seized. Terry v. Ohio 392 U.S. 1 (1968) affirmed the bodily privacy of individuals in public by restricting police searches for weapons. Eisenstadt v. Baird 405 U.S. 438 (1972) disconnected privacy from the marital relationship by allowing unmarried individual access to birth control.

59 As W.R. Johnson argues in The Idea of Lyric: Lyric Modes in Ancient and Modern Poetry (Berkeley: University of California Press, 1982), the "rebirth of lyric vitality" derives from a renewed attention to the speaker's relationship to audience, found in the "restoration of the pronomial form" (22). For a critique of the overuse of "pronomial forms," see Jonathan Holden The Rhetoric of Contemporary Lyric (Bloomington: Indiana University Press, 1980) for his essay "The Abuse of the Second-Person Pronoun." Alicia Ostriker describes this attention to audience as a "poetics of empathy" in "Anne Sexton and the Seduction of Audience" in Seduction and Theory edited by Dianne Hunter (Chicago: University of Illinois Press, 1989). This attention to the structure of address in postwar lyric poetry has been extensive. My suggestion derives from this criticism but adds to it by suggesting that there is something more threatening at work in confessional poetry.

60 In their biographies, both Diane Middlebrook's Anne Sexton: A Biography (New York: Vintage Books, 1991) and Ian Hamilton's Robert Lowell: A Biography (New York: Vintage Books, 1982) suggest the importance of psychoanalysis to their subjects' poetry. Though Lowell himself notes a variety of influences-- reading Snodgrass's Heart's Needle, hearing Allen Ginsberg in San Francisco, and writing prose -- in the famous Paris Review interview where he talks about

his "breakthrough back to life," Hamilton also suggests Lowell's psychoanalysis in the mid-fifties influenced his turn to the self-revelations of Life Studies. Responding to a similar prompt, Anne Sexton began to write poetry at the urging of her psychoanalyst, Dr. Martin Orne, who has subsequently become an important figure for readers of Sexton through his release of her tapes of their sessions.

61 In Sylvia Plath's The Collected Poems the poem directly after "The Courage of Shutting Up," called "The Bee Meeting," also features a surgeon and a kind of inquisition; other medicalized poems by Plath are "Face Lift," "In Plaster," and "The Surgeon at 2AM" from Crossing the Water (written between 1960-1961); and "Lady Lazarus," "Tulips," and "Fever 103°" from Ariel. Other examples of this kind of poem are Snodgrass's "The Operation" from Heart's Needle (New York: Knopf, 1959); and "The Examination," "A Character," "Inquest," and "A Flat One" from After Experience (New York: Harper & Row, 1968); Maxine Kumin's "Pain: 1967," "Pre-op: The Myelogram," "Post-op: Lying Flat," "The Rabbit Hole," and "Leah, Preparing to Die" from The Nightmare Factory (1971); and too many poems to list in Anne Sexton's The Complete Poems.

62 In this questioning, confessional poetry unveiled the relationship between confession and the medicalization of the body that has become so familiar to us through Foucault's The History of Sexuality, Volume One: An Introduction, trans. Robert Hurley (New York: Vintage Books, 1978).

63 As Susan Bernstein suggests, it is not merely revelation but the attention to the conditions and effects of revelation that make confessional writing political. Though her article, "What's 'I' Got to Do With It?" (Hypatia vol. 7, no. 2, Spring 1992: 120-147) focuses on feminist literary critics and their confessional writing, her questioning of a too easy connection between confession and political engagement can be useful in other genres.

64 Brook Thomas's article "The Construction of Privacy in and around The Bostonians" (American Literature Volume 64, Number 4, December 1992, 719-747) has been very important to the development of my work. In fact, this chapter is in some sense a response to Thomas. I would, however, like to distinguish my conception of privacy from his. He says: "A private personality for James does not result from protecting a self that preexists social relations. Nor does it result from the union of two selves into one that underlies the so-called sanctity of the domestic sphere. It does not even result from disappearance from the public. Instead, it has to do with the creation of a space *between*,

a space that establishes connection while simultaneously helping to define the parties involved as individuals" (734). In Thomas's model, both individual's construct their privacy in relation to one another. In the Roe model of privacy, only one individual's privacy is at stake, the woman patient's. To create a privacy on her own terms, perhaps in excess of what the doctor will be willing to grant her, she must enter discourse, use language, in a very real sense give up a measure of her privacy. There is no parallel compulsion for the doctor or even for the male patient.

65 The label "confessional" might now be more associated with women than with men. Robert Lowell's ability to both define "confessional" and to remain undefined by it points to a central problem with the gendering of the label confessional. While M.L Rosenthal derived his definition of confessional poetry from Lowell's work, he maintained that Lowell would never be "a 'confessional' poet only" (The New Poets, 4). Those poets who are deemed "only" confessional poets tend to be women poets, specifically Sexton and Plath, because critics have found their work more transgressive and because feminist critics have embraced rather than fled from the label.

66 In Unbearable Weight (Berkeley: University of California Press, 1993), Susan Bordo studies court responses to the invasion of the body and concludes that the inviolability of the body, the right to "personal security" that has a long tradition in American law, extends only to male bodies. Pregnant women are the exception to this sanctity of the body because their bodies are perceived as "inhabited." Snodgrass's poem illustrates that inviolability and maleness are so interconnected that the violation of the male body does away with the category of maleness altogether.

67 All Snodgrass quotations are from Heart's Needle (New York: Knopf, 1959).

68 Male critics have generally underestimated how generically the invasion of privacy is represented through the invasion of women's rather than men's bodies. Michel Foucault, though mindful of the power differential in the medicalized confession, nevertheless redirects our gaze away from the institutionalized power structure, in a sense, preserving its privacy (The History of Sexuality, 97). Similarly, Peter Brooks's Body Work, which explores the paradox that privacy is always represented through its invasion, fails to acknowledge the extent to which this defining paradox is always displayed through the revelation of women's private lives. Likewise, in his article

"Appearing and Disappearing in Public: Social Space in Late-Nineteenth-Century Literature and Culture." Reconstructing American Literary History ed. by Sacvan Bercovitch (Cambridge, MA: Harvard University Press). Philip Fisher reads Thomas Eakin's painting, "The Agnew Clinic," as an "exhibition of privacy" where the scalpel's penetration of the female breast offers a glimpse of the "most intimate and private physical self" (162). The invasion of the woman's body, and more specifically, the invasion of the most visible marker of femininity, her breast, is precisely not the signifier of the "most private self" because it is the site of a history of representations of its violation. Instead, we might see this history as the portrayal of women's definitional lack of privacy. When Brooks discusses Roe v. Wade, he does not recognize that the doctor's presence at the scene of female privacy creates a paradox of privacy. The Court more than acknowledges that women's privacy is constituted through invasion; it structures her privacy so that it originates in invasion and confession.

69 The Court had been inching toward its confrontation with the female body in the early 70s. Reed v. Reed 404 U.S. 71 (1971) and Frontiero v. Richardson 411 U.S. 677 (1973) were the first decisions to apply the equal protection guarantee of the 14th amendment to gender based distinctions. See Zillah Eisenstein's The Female Body and the Law (Berkeley: University of California Press, 1988) and Barbara Johnson's "Apostrophe, Animation, and Abortion" in A World of Difference (Baltimore: Johns Hopkins University Press, 1987) on the problem of rights and the asymmetries of women's and men's bodies.

70 In No Evil Star: Selected Essays, Interviews, and Prose, edited by Steven Colburn (Ann Arbor: University of Michigan Press, 1985).

71 410 U.S. 179 (1973).

72 Like Jahan Ramazani in The Poetry of Mourning (Chicago: University of Chicago Press, 1994) I read Plath's "Lady Lazarus" as a critique of the confessional project. Ramazani brilliantly analyzes Plath's accounting of the costs of the commercialized confession though I see the doctor's presence as the more dangerous to the speaker.

73 Robert Lowell, Day by Day, (New York: Farrar, Straus and Giroux, 1975).

CHAPTER 4

Confessing the Ordinary: Paul Monette's *Love Alone* and
Bowers v. Hardwick

...if homosexuality is not, however densely adjudicated, to be considered a matter of public concern, neither in the Supreme Court's binding opinion does it subsist under the mantle of the private.

The most obvious fact about this history of judicial formulations is that it codifies an excruciating system of double binds, systematically oppressing gay people, identities, and acts by undermining through contradictory constraints on discourse the grounds of their very being.

Eve Kosofsky Sedgwick, Epistemology of the Closet

...petitioner asserts that the acts made criminal by the statute may have serious adverse consequences for "the general public health and welfare," such as spreading communicable diseases or fostering other criminal activity...The record provides no such evidence...

Harry Blackmun, Bowers v. Hardwick, dissent

The privacy issue surrounding AIDS engages vectors of the nightmare that make it different from every other medical crisis.

Paul Monette, Borrowed Time

In the preface to Love Alone: Eighteen Elegies for Rog, the poet Paul Monette declared that he would have his work filed under AIDS rather than poetry, removing his work from the classificatory system that conventionally separates the beautiful from the political and the poetic from the rhetorical. Monette was not protesting elitist exclusions from literary card catalogs, nor was he interested in widening the generic definition of poetry. Instead he was desperate to perform a political intervention which he judged impossible from the discursive terrain marked "Poetry." However, by identifying his work as "elegy,"

Monette suggested that poetry itself was not an ineffectual weapon in a political battle. Instead, his rejection of the classification of his work as poetry--and the decorum that that taxonomy represents--indicates Monette's suspicion of the institutionalized methods of reading that would prevent his poems from doing the work he intended for them. Monette was strategically taking his poems out of "our" hands, that is, the hands of literary critics, and placing them into the hands of those who most needed and would best use them-- "those who are mad with loss."

Monette's symbolic reclassification of his work indicts the practice of reading that separates literature from politics, and, in fact, it is impossible to remove Love Alone from its political context without substantially diminishing its imaginative and social dissent. To read these poems without reference to the intertext Monette himself signals as vital--Bowers v. Hardwick,⁷⁴ the 1986 Supreme Court decision that denied gay men a right to privacy--is to fail to understand the symbolic meaning of privacy in these poems as well as in the life of gay men stricken with AIDS in the 1980s and in American politics more generally. On the one hand, Hardwick offered Monette a series of metaphorical locations--the body, the house, and the family circle--for deconstructing and reconstituting the American legal interpretation of privacy that excluded gay men, and especially gay men suffering from AIDS. And yet, Bowers v. Hardwick did not simply furnish Monette with

productive metaphors: it substantially changed the context for reading his poetry. Never a "confessional" poet before AIDS and Hardwick, Monette linked his poetic development to Hardwick's re-formation of privacy, not merely because the decision, as Monette described, brought him back to poetry after a long absence, but also because Hardwick turned any revelation of his private life into a confession. While introduced as an extravagant departure from decorous poetic language, Monette's elegies quite frequently evoke the most ordinary pleasures of his life with Roger Horowitz. Nevertheless, having been designated criminal by the Court, this private record constituted a confession. Monette perceived the influence of the Court's decision on how he could reveal his private life and made evident that the Court's action necessitated his doing so.

By turning his poems into confessions and placing his elegies within a tradition of confessional poetry that has been consistently read as divorced from public concerns, the effect of Bowers v. Hardwick is to undermine Monette's standing as a political or representative speaker. However, in an attempt to establish the relationship of his confessional poems to political discourse, he again challenges decorum, this time condemning the treacherous silence about AIDS that social decorum has justified:

Decorum is the contemptible pose of the
politicians and preachers whose grinning hatred
slicks this dying land like rotten morning dew.
(LA, xi)⁷⁵

The story that endlessly eludes the decorum of the press is the death of a generation of gay men. what's written here is only one man's passing and one man's cry, a warrior burying a warrior. (LA. xii)

After distancing himself from literary discourse, Monette's Preface addresses the larger public forum into which he was placing his work-- that of the preachers, politicians, and the press--and insinuates his own writing, "only...one man's cry, a warrior burying a warrior," in the space of political writing. Even while making distinctively confessional moves-- revealing private grief and reclaiming stigma by self-disclosing that which should be secret-- Monette underscores the contribution this revelation and reclamation makes to the politics of AIDS. In this way, Hardwick produces the form of Monette's elegies and its governing metaphors. Testimony to the ordinary had become confession.

In the preface to West of Yesterday, East of Summer,⁷⁶ Monette's last collection of poems, the story of the origins of Love Alone begins with the poet reading Justice Harry Blackmun's dissent from Bowers v. Hardwick to Roger, his lover, a lawyer and comparative literature Ph.D. He says:

the only one [poem] that was more or less finished by the final weeks of Roger's life was The Supreme Pork, in part because he'd been so appalled by the Court's 8-1 majority in Bowers v. Hardwick. Blind by then, he had me read to him from the Times the whole of Justice Blackmun's dissent. He talked about it for days whenever one of his lawyer friends would call. Roger was the one who made me understand that a great dissent could over the course of time acquire a moral force to alter bigoted laws that seemed impregnable. (WYES, xvi-xvii)

This reading and rereading of Blackmun's dissent sparks Monette's own poetic dissent:

So the poem ["The Supreme Pork"] was rather a gift of outrage to try to assuage the aggrieved honor of my beloved, who could not believe the Court had sunk so far. I read it to him one afternoon in bed, as he lay curled against the fever, facing the garden he could no longer see...I ripped through my recitation with unpunctuated force and when I got to the end there was silence...Then he spoke with a soft astonishment. "Sweetheart, that's terrific. How can you say you'll never write again?"...For that's exactly what I'd say...(WYES, xvii)

In placing Hardwick at this crucial juncture in his return to poetry (misstating the lopsidedness of the decision: it was actually 5-4), Monette foregrounds it in the narrative of his poetic development. After abandoning what he calls his early formalist poetry and his later high camp Noel Coward imitations, Monette returned to poetry provoked by the death of his lover from AIDS. But as Monette tells it, he returned to a completely different kind of poetry as he confronted his rage and grief. This story of his transformation from a poet of high artifice to a poet of raw confession pivots around his experience of AIDS--the devastation of his circle of friends and acquaintances, his own illness and the death of his lover, Roger Horowitz (for whom he wrote Love Alone), as well as his reading of Bowers v. Hardwick.

Written in protest of the Pork's decision in Bowers v. Hardwick, upholding the sodomy laws in Georgia; by way of spray-painting the lie that's etched in the pediment, Equal Justice Under the Law; and in honor of the dissenting opinion of Justice Blackmun, the last of the just.

Paul Monette, footnote to "The Supreme Pork" (WYES)

The poetic rebirth that will culminate in Love Alone begins with "The Supreme Pork," the poem that produced the new form that structured the later elegies. The stanzas, "as inescapable as a hospital room, or indeed, a mortal illness," (LA, xi) entrap readers who might flee the grim details of AIDS by careening in non-stop lines, free of punctuation, line breaks, or any other device to group words or ideas, without which the reader is forced to move back and forth, to group and regroup, to slow herself and not just read but to reread and reread again. In addition, this stanza form, because it accentuates the spontaneity of the writing and disguises the editing process, gives the impression of an uncensored "full disclosure." The impression of spontaneity that preserves the powerful emotions of grief and rage also works to produce the effect of a baring of the soul, the refusal to conceal or moderate details about the poet's private struggle with AIDS. Given the context of AIDS and the chilling effect of Bowers v. Hardwick's eradication of privacy as a right for gay men, candor itself emerges as a formal principle from Monette's poetic response.

In addition to the formal candor, Monette's "The Supreme Pork" makes a spectacle of the gay body by imitating the majority opinion's "obsessive" focus on homosexual sodomy. This focus is the structuring principal of the Supreme Court opinion, which allows Justice White to present

the case of Michael Hardwick as one not about the privacy of the home, but the right to engage in certain sexual acts. Justice White begins his opinion by reconfiguring the case that Michael Hardwick brought against the state of Georgia when a policeman entered his bedroom and arrested him on sodomy charges:

This case does not require a judgment on whether laws against sodomy between consenting adults in general, or between homosexuals in particular, are wise or desirable. It raises no question about the right or propriety of state legislative decisions to repeal their laws that criminalize homosexual sodomy, or of state-court decision invalidating those laws on state constitutional grounds. The issue presented is whether the Federal Constitution confers a fundamental right upon homosexuals to engage in sodomy and hence invalidates the laws of the many States that still make such conduct illegal and have done so for a very long time.... (190) (emphasis mine)

Transforming Michael Hardwick's claim to a right to privacy in his own home⁷⁷ into a "right...to engage in sodomy" refocuses the issue before the Court by concentrating on Hardwick's genitals rather than on his "home." Because it is rarely mentioned in the majority opinion that Michael Hardwick had a home to be invaded, the gay home is ignored as a site of conflict as if it were an oxymoron, inconceivable or at least irrelevant as a legal construction. In addition, the Court goes out of its way to make a spectacle of sodomy, referring to it "obsessively," as Justice Blackmun observes in his dissent, constantly reminding the presumptively heterosexual public of the image the Court finds both horrifying and irresistible. Just as

the Supreme Court describes the narrowest possible conception of privacy, dealing with it only insofar as it can be related to a genital act. Monette, too, keeps the reader tightly focused on sodomy but in terms less safely legal than aggressively vulgar. By refusing euphemism's respectable camouflage, he calls even greater attention to the gay body and makes a spectacle of the secret that men share: sodomy is common.

The Supreme Pork

is not ready for dick which is bad news
 for cowboys shroud the bunkhouse mirrors guys
 shower room's off limits so is sweat
i.e. you can't eat it you can still sweat
 but nicely and by yourself don't eat bupkes
 is the general rule ride alone Injustice
 Rehnquist speaking for the Pork neglects to
 mention the seethe of maggots riced like a
 wedding in his puffed Orwellian gown
 he proposes the Rule of Thumb where dick is
 contraindicated Cuban jails so deep
 they debouch in China and no men kiss in
 the bottommost cells their lips are shriven
 away how else will they ever get straight
 exactly where the thing does not belong
 not to mention their butts nonfunctional
 in highchurch whites where's the fag JDL
 when you need it the exfundamentalists
 ripple through the land like an underground
 railway hiding up trees and gazing in
 at the j.v. wrestlers pacing their bedrooms
 can't talk to the coach can't leave it alone
 how in hell does one man ever tag up
 with his dream numero uno if it sucks and
 bungs the wrong hole love is an outlaw thang
 what did they do for fun you wonder in
 Gomorrah sell Amway meanwhile why has
 Georgia not passed a law against me I
 freely admit I'd fuck the tanktop of
 a dirt-blond over-the-hill Melrose waiter
 my fly is an open book what's legal
 in Georgia anyway high colonics Sherle
 Wagner bidets with swan faucets baptist
 Jockeys never show a proper shitline
 oh even as I write let there be this
 one poem banned in Georgia and bring all

the five injustices down for a burning books
 and videorapes and the too long single
 for piggly wiggly hogfat overflows
 the inkwells of the Pork and Jesus is hetero
 and not a hunk tiny figged-over peeny
 and the fair state peaked on the brow of a hill
 high on the ultramarine Aegean is still
 and only a broken pediment ashed in the rain
 being gotten wrong by shyster lawyers
 scales all tipped and rusty it seems the Pork
 will see us cowpokes hang by our balls to
 keep the civilians in rubber shorts and bibs
justitia huic huac semper fi non homo
homo scored in Latin above the door
 which no one now may open the only way to fuck
 is straight up straight in the eyes shut tight

By beginning with "dick" in the first line and
 "cowboys" in the second, Monette gestures to his "private"
 parts and begins to locate sodomy. Coupling sodomy with the
 image of the patriarchal, homophobic American leader, Ronald
 Reagan, in the image of the "cowboy" suggests that cowboys
 and Marlboro men, not sissies and queens, are going to be
 subject to this new interpretation of the law. By situating
 sodomy, "you can't eat it," in the shower room and among
 cowboys, Monette places it within the homosocial world of
 specifically American male bonding. More than simply
 overturning stereotypes of homosexuals, Monette is making a
 spectacle of the secret that men share -- sodomy is as
 American as baseball. It is a ritual of the "j.v." locker
 room, a fact of American life. In locating sodomy in both
 private and public places, Monette implies that what bothers
 the Court is not that sodomy exists, but that someone might
 commit sodomy at home, undermining the whole foundation of
 "home," which as a structure of patriarchal autonomy,
 mandates the separation of adult men.

At the same time that he makes a spectacle out of "dick." Monette highlights the invasiveness that would have to accompany the Court's interdiction against homosexual sodomy. His image of Rehnquist "in his puffed Orwellian gown" presents the loss of privacy in terms of the "Big Brother" nightmare that haunted the Court in the privacy decisions of the early 1960s.⁷⁸ Monette, however, twists the Cold War surveillance proposed by conservative ideologues from a political intervention into an erotic peep show in his image of "exfundamentalists...hiding up trees and gazing in at the j.v. wrestlers pacing their bedrooms." In eroticizing the police state, Monette breaks down distinctions between totalitarian regimes and the supposedly free U.S. judicial system by conflating Cuban and Chinese with American jails: in the deep of the underground prisons men kiss in darkness. Yet this eroticism functions as a displacement that serves the state. Monette links totalitarian surveillance to the state's support of marriage--the Orwellian gown contains "the seethe of maggots riced like a wedding," thus linking decay with heterosexual wedding rituals, the foundations of private life in the Court's terms.

Monette's response to the symbolism of Hardwick is not to recuperate his right to remain in the closet but to deny the closet as a construction for his sexuality. Monette exposes the purely symbolic intent of the law when he mocks the court, twice calling for his own prosecution: he asks

"...why has/Georgia not passed a law against me/I freely admit I'd fuck the tanktop of/a dirt-blond over-the-hill Melrose waiter" and he pleads that "even as I write let there be this/one poem banned in Georgia and bring all/the five injustices down for a burning of books..." In fact, the Georgia statute does not condemn homosexual sodomy, but sodomy in general; as Blackmun points out, the Court alone makes the distinction in choosing to regulate only homosexual sodomy, clearly against the intentions of the Georgia legislature that they are so anxious to accommodate. In seeking his prosecution, Monette is overturning the "privacy" of the sodomy statute by emphasizing the openness of his homosexuality. He is not hiding anything, he "freely admits," his "fly is an open book," and his poems should be censored. In this emphasis on openness, Monette reveals that this ruling, which places the closet (control over self-disclosure) in jeopardy, paradoxically threatens the openly gay man most. In making his public presence as visible as possible through his body and his words, Monette is daring the Court to do what it has no intention of doing: enforce the law it upheld. When he says "my fly is an open book," Monette collapses writing and body, making the body the text that others will read, which suggests the danger of legal oppression and extra-legal violence prompted by gay confession. As Kendall Thomas has argued, the Court pretends not to recognize that it sponsors violence against gays, who as in the case of Michael Hardwick, can be "read"

by the police and in turn, both beaten and invaded.⁷⁹ If his "fly is an open book," Monette not only opens himself to seduction but is opened to the capricious prosecution of the sodomy laws that Michael Hardwick experienced.⁸⁰ In other words, the appearance of being gay invites the private citizen to commit violence and the state to invade privacy with impunity. Of course, were the reading to be erroneous, were a subject to "read" gay without actually being gay, that citizen would have recourse to the courts for the state's invasion of privacy that a homosexual citizen would not.

What critics of the right to privacy have failed to understand is that this right works toward, not against, the establishment of a public identity. In the reading of Bowers v. Hardwick that makes up his introduction to Sodomities, Jonathan Goldberg finds that the act of sodomy, criminalized for homosexuals in Hardwick but not criminalized for heterosexuals, serves as a paradox of identity because although all gay men are assumed to be sodomizers by the court, not all sodomizers are gay men.⁸¹ Goldberg argues that "to base rights for homosexuals on minoritizing definitions or the right of privacy allows for the belief, now made law in Bowers v. Hardwick, that homosexuals and heterosexuals are so immutably different that their acts could never be the same--even when they are" (11). The heterosexual sodomizer is not defined at all by the act that is all defining for the homosexual. Goldberg

concludes that this definitional paradox is explained by the fact that "new regime, clinging to the family, believes it [the family] can be allowed anything because it cannot imagine it doing what is allowed" (16). Goldberg reaches this conclusion because he assumes that the court is exclusively heterosexual. However, his further conclusion, that acts of sodomy are therefore unimaginable to the Court, is misleading. What this explanation assumes is that the justices are not sodomizers as the law defined it, and it seems nearly impossible that this could be the case. As the Georgia law defines it, any act of genital contact with mouth or anus is sodomy, and given this rather broad definition (i.e. it doesn't matter with whom this contact takes place) it would be difficult to imagine that no members of the Court had ever experienced this, nor ever imagined experiencing it. Some member of the Court is very likely a sodomizer as the law defined it, though perhaps not a homosexual sodomizer.

If the unimaginable in Bowers v. Hardwick is not heterosexual sodomy, there is something else that is unimaginable to the justices and to this unimagined thing Goldberg points the answer.⁸² The Court can grant a right to privacy to the heterosexual because it can imagine the full range of private acts that constitute private life, and so the act of sodomy does not become the all-defining "private life" of the heterosexual. Because heterosexual privacy is fully known in a public way, genital privacy

becomes only one, though certainly the most protected, of all the rights to privacy. Nevertheless, because the context of family subsumes genital privacy as one element rather than the defining element of private life, genital privacy is secured. In contrast, what the Court cannot imagine in Bowers v. Hardwick is that the private life of the homosexual man constitutes anything BUT sodomy. Genital privacy, that is to say the "right to commit homosexual sodomy" as the Court declares, is the only privacy the Justices can imagine the plaintiff requesting because they do not and cannot imagine a private life for homosexuals that extends beyond genital contact. Because the private life of a gay couple is so completely unimagined and unimaginable to the Court, it cannot validate a right that would go no further than legitimating a sexual act. Seeing the willful blindness necessary for the Court's understanding of the homosexual right to privacy,⁸³ Blackmun begins his dissent with a sarcastic and frustrated dismissal saying that this case is no more about a right to commit homosexual sodomy than Stanley v. Georgia was about a right to read pornography.⁸⁴ Blackmun argues, and Monette will elaborate this, that the right to privacy is not limited to sexual acts, sodomies, but that it covers a range of affectional relationships, among which are sexual and sodomical ones. It is toward a fuller imagination of that range of private and therefore public life that we turn to Monette and his elegies.

Unlike "The Supreme Pork" which, though dedicated to Blackmun, responds to the majority's bigotry, the poems in Love Alone echo Blackmun's dissent, which attempted to situate the challenge to sodomy laws within the broader context of the 20th-century history of the right to privacy. Throughout Love Alone, Monette's evocation of dailiness, the ordinariness of his life with Roger, forms the heart of his private life, rather than the always imagined spectacle of sodomy. Details from "The House on Kings Road" (though almost any of the eighteen elegies would provide examples) like "to catch the morning/the drawer of pennies the unmade bed aswirl/with the night's turning" convey simple and unextraordinary glimpses of two lives entwined. Exploring the conventional locations of privacy to subvert and reclaim them, "The House on King's Road" takes us into their home and then into Roger's most private space, his diary. Instead of exposing his secrets, this diary reveals the commonplaces of keeping house:

fixed roof your diary scrawls skimmed pool pasta
for supper stuff you wouldn't suppose worth
 the ink yet somehow it breaches the wall
 within the wall more than memory more than
 the pivot of event calls us home shoring
 time with casual embraces unremarkable

"Stuff you wouldn't suppose worth/the ink" comments not only on Roger's diary, a volume that conventionally contains the private, but also on the use of such details in poetry. Monette more than preserves Roger's "husbandry," a word that

forms a leit-motif throughout the elegies, by publishing it in his poems; he argues for its centrality to his poetics by claiming for it an evocative power--"it breaches the wall/within the wall more than memory more than/the pivot of event"--greater than his personal recollections or the public markers of history. It is this most private of the private, the dead lover's diary, that is poetic because it is, paradoxically, shared, as Monette makes clear by saying it "calls" not him but "us home." We, the public readers, are invited into their "home" by this "stuff not worth the ink" so that we share Monette's sense of violation by the intrusion permitted by Hardwick. Monette's poem has created a public private home for the reader to enter, making familiar that which had remained largely unimagined, the ordinary home life of the gay couple.

It is the "unremarkable" which for Monette is, in fact, so remarkable, so necessary to remark upon, so in need of marking and remarking.

...no set like Juliet's balcony
no histrionics star turns curtain calls
just the putting a house in order

In comparing "putting a house in order" to the most sentimentalized heterosexual love tragedy, Romeo and Juliet, and moreover its most stagy public/private display, Juliet's balcony, Monette shifts the terms of the comparison, showing the familiar love story to be "histrionic" and consequently elevating his own tragedy through understatement. Furthermore, he rejects the conventions of heterosexual love

tragedy through the everyday. Rather than the adolescent love that is never daily, Monette instead speaks of a mature love, one that has transcended passion. Images of the dailiness of his relationship also defy the stereotype of gay male sexuality which is imagined as ephemeral and episodic rather than enduring and constant. That theirs is a love and a tragedy equal to Romeo and Juliet's is implied, both suggesting a continuity with a tradition of tragic love and a discontinuity with heterosexual plots that end before the marriage begins.

In these poems, Monette shows that the privacy of the home and the closet cannot be equated, and that on the contrary, the two structures play opposite roles in a gay man's life. The closet paradoxically leaves gay men homeless, trapped in isolation yet sustaining the social interaction that ignores, but makes use of them:

...most
 gay men live a bare half hour a day middle
 of noplac airshaft rooms stacked with Playbills
 socks balled tight as summer camp picking up
 after themselves as if they keep a spare
 mom in the closet up and down the city
 the CEOs with the bearded ladies the pencil-
 thin monsignors in Scarlett drag bachelors
 live in bachelor flats can always be counted
 to square a table need no china of their own
 or knives inhabit their charm like tortoises
 the landlady sweeps them clean in a day if they
 chance to die but they die in a little hole
 offstage so dinner is not delayed in small
 towns they never leave home at all but sleep
 in footed flannel pajamas merit badges
 pinned in a row on the chest of drawers begging
 the question wouldn't you think anywhere
 would be a move up refrigerator crate
 under 101 heating vent Eighth and Olive
 up a fucking tree you have to crave your own

room before all else track it hammer it
 steal it life may deal you a snowy doorway
 leave you a gypsy lose your shoes and John
 Doe tagged to your ankle but the dream house
 is worth it it got you somewhere die in
 its shady yard bougainvillea rippling
 like a coral reef gold on the west windows
 or only reach the lookout stare at the house
 impossible on the far hill well at least
 it's there it exists depart in peace your sigh
 will merge with the mountain's echo beckoning
 some just out of high school some in the army
 one by one they set out in a terror of hope
 visioning the place and the friend with a key

Though living in "airshaft rooms stuffed with Playbills" the "bachelor" gay man nevertheless "can always be counted/to square a table," in other words, can be trusted to uphold social intercourse, to make himself of service to a social order that will not acknowledge his existence. The image of dying alone, which is the new closet of AIDS, reinforces the importance of the shared home--"the landlady sweeps them clean in a day if they/chance to die but they die in a little hole/offstage so dinner is not delayed in small/towns they never leave home at all but sleep/in footed flannel pajamas merit badges/pinned in a row on the chest of drawers begging/the question/wouldn't you think anywhere/would be a move up." Anywhere, Monette suggests, would seem a better place than the lonely, anonymous death or the perpetual childhood of the closet. Monette shows that what induces these men to refuse the closet as a home, a refusal which makes them men rather than pathetic boys, is not the promise of sodomy or even sexual freedom, but the "place and the friend with a key."

Instead of sodomy defining the private for homosexuals as it does in Bowers v. Hardwick's majority opinion and in "The Supreme Pork," the private in Love Alone is the domestic, but a domestic that resonates with Justice Louis Brandeis's ideal concept of the private from his Olmstead v. U.S. (1928)⁸⁵ dissent, the first and most influential dissent in a privacy case. Brandeis discerned that the right most valued by "civilized men"--the right to be let alone--was so prized because it provided the space and freedom for spiritual, emotional, and intellectual growth. This emphasis on the intellectual, spiritual, and emotional growth that Brandeis sees the home facilitating, as does Marshall in the Stanley v. Georgia decision that Hardwick inaccurately cites,⁸⁶ is precisely Monette's emphasis--the home is the place where reading happens. In Monette's closing images for "The House on Kings Road," where he makes one last attempt to convey just what it is that is home, we find the centrality of the book and the reader. If public space is where one is read, the home is where one reads.

despite the sifted gray of time where things
are atomized the white chairs under the elm
the wall of books laid brick by brick the lamp
pooling on the blue-bound Plato as we held
our ground through August let the material go
what you cannot buy or have in your name
is the ghost of a touch the glancing stroke
as a man passes through a room where his love
sits reading later much later the nodding head
of the one on the other's shoulder no title
usurps that place this is its home forever

In the image of "the wall of books laid brick by brick,"
Monette forms a shelter out of reading material, creating a

home for the two men in an intellectual culture--the "blue-bound Plato" under the lamp intimating the homosexual roots of Western culture--that can accommodate them. The private space of the home becomes the private space of the study, "the first truly private space...which no one else ever enters, an intellectual space beyond that of sexuality" which, as Mark Wigley has argued, "was the first closet."⁸⁷ That Monette's closet can be entered--one man moves through but does not occupy the room where the other sits reading--suggests that this closet is not a retreat from the home but the home itself. The house that is shared by two men will have a necessarily different relationship to the study, a space that is not "beyond sexuality" but rather "beyond" heterosexuality. This notion of the study as closet, in addition to indicating the homosocial origins of Western intellectual culture, also provides an alternative closet to the one Monette disparaged earlier in the poem as a space that the gay man occupies alone and alien to himself. Instead, reading evokes intimacy rather than solitude and the closet that is the space for sodomy in the Court's eyes is the place of intellectual intercourse in Monette's.

The last image of the poem, the reader drifting off to sleep, his "nodding head... on the other's shoulder" attempts to establish a home beyond legal definitions: "no title/usurps that place this is its home forever." Home at last becomes immaterial ("let the material go"), "that place," either the "nodding head of one" or "other's

shoulder," being the imagination or the embrace. Titles, which Monette explicitly rejects as useless to him, nevertheless have a central place in Monette's exploration of the legal status of his privacy. The title of the poem, "The House on Kings Road," implicitly appropriates the image that runs through privacy decisions from the late nineteenth century to the late twentieth--a man's house is his castle. In taking for his own the status of the king of his castle, Monette undermines the conventional attribution of patriarchal authority by claiming it for the gay man.

its threshold level with life as the cabin
 on Walden world enough and nine tall trees
 it's our house Rog I've got all the papers
 so what if the legalese says single man
 and single man beside our separate names
 the law lies like the church lies the elders
 cane their moonstruck sons and play at castles
Writing may be either the record of a deed
or a deed Thoreau says okay just this once may
 this be a deed lawyerproof filed at the hall
 of records that two men ceased to be single
 here in a house free of liens and the rule
 of sorry kings and sometimes would look up
 from a book from peeling an apple their bright
 astonished eyes would meet and nearly falter
 gladness is like looking at the sun how can
 Death untwine them or the room in the room
 where they have one name oh my love tell me
 where you are in the study writing Follain
 laughing on the phone a bowl of pistachios
 shucked beside you standing in the courtyard
 shears in hand like a dousing rod surveying
 the shape of an hour's pruning well then we both
 must be taking a nap curled like spoons on
 a rainy Sunday

Monette indicates that the failure of the law to secure his privacy lies in the inadequacy of its terms: "it's our house Rog I've got all the papers/so what if the legalese says single man/and single man beside our separate names/the law

lies like the church lies." Here, the deed to the house has no language for their relationship to the house and so the law lies. Quoting Thoreau, "Writing may be either a record of a deed or a deed." Monette continues saying "just this once may this deed be lawyerproof," may his words, and thus his act, have a legitimacy uncompromised by the law. He wishes that his poem would have the legitimating power of the deed "filed at the hall/of records that two men ceased to be single/here in a house free of liens and the rule/of sorry kings." In the absence of such titles, "The House on Kings Road" is meant to become a deed, one which will subvert the law by creating a status that the law cannot yet imagine or contain.

"House on King's Road" in its domestication of gay life speaks volumes about the movement of homosexuality into the mainstream of American culture. If the spatialization of gay eroticism was nearly exclusively public, though secret, in the poetry of Allen Ginsberg and Frank O'Hara in the fifties, Monette's poem carves out a private space for the gay couple in Love Alone; delineating this space is one of the primary achievements of this collection of elegies. "House on King's Road" makes private space gay while simultaneously giving the privacy of gay life a new meaning, replacing the closet with the home. Moreover, Monette's achievement here, and threat to the Court, is the way that he marks out private domestic space without merely adopting heterosexual patterns, which in turn reinvents and expands

what a right to privacy protects. Monette turns the home from a symbol of privacy and autonomy to a symbol for public affirmation and legal legitimacy by rejecting the notion that the home exists independently from the body politic or its social context. Instead, he shows that the home is structured, even propped up, by its relationship to the public. What Monette shows in his "deed" is that social institutions fortify the home and that the privacy of the home is insured not by its autonomy but by its dependence on the larger social structures that define it, give it shape, mark it off from public, and legitimize it. Legal standing and legitimacy are two of the protections that the poet seeks, and sadly cannot find, but that he imagines in writing a poem that would be a deed. As an act of imagination, the poem stands for the imaginative deeds that must take place to honor homes not in their literal replication of the "stereotypical family" but in their adherence to the ideals expressed in legal privacy's roots.

The representation of the gay couple in Love Alone escapes the Court's definitional double bind which, without granting privacy, disconnects gay relationships from family attachments and community affiliations. Justice White declares in Hardwick that homosexuals fall outside of constitutional privacy's tradition of protecting family relations because "[n]o connection between family, marriage, or procreation on the one hand and homosexual activity on the other has been demonstrated, either by the Court of

Appeals or by respondent" (190). In attempting to circumvent this objection, Blackmun's dissent looks to identify a principle encompassed by--but broader than--the "family" context in the precedents White cites:

While it is true that these cases may be characterized by their connection to protection of the family...the Court's conclusion that they extend no further than this boundary ignores the warning in Moore v. East Cleveland (plurality opinion), against "[closing] our eyes to the basic reasons why certain rights associated with the family have been accorded shelter under the Fourteenth Amendment's Due Process Clause." We protect these rights not because they contribute, in some direct and material way, to the general public welfare, but because they form so central a part of an individual's life. (205)

Blackmun classifies privacy's protection of family as a foundation of individual liberty, distinguishing it from "public welfare," which is indirectly the "public morality" that had traditionally been viewed as threatened by private homosexual relationships. However generously Blackmun conceives of the Court's intention to protect a "central part of an individual's life," he nevertheless implicitly agrees that the homosexual citizen stands outside of or in opposition to family.

Paul Monette, on the other hand, traces the "connection" between the gay couple and the extended, intergenerational, and even traditional family in his poem "Three Rings." The first ring connects Monette to Roger and to the larger circle of their family:

before I left you I slipped off the ring
the nurse had taped to your finger so it
wouldn't get lost the last day you think I'd

forget I forget nothing was there the day
 Dad gave it to you Chestnut St. a continent
 ago there when you said in the bathtub ten
 years later sobbed really If something happens
to me I guess this should go to your brother
 then your nephew still our best hope with his
 sister of a future that will call us back
 unencumbered just for love

While tracing the passage of the ring from father to lover to brother, a transfer which in itself weds the couple to the extended family, Monette confuses family membership by blending his voice with Roger's. Roger's voice, identified by italics, begins to bequeath the ring, but Monette breaks off the italics to complete Roger's thought. In this merging of their voices, "your brother" becomes ambiguous, identified with Monette's family as the completion of Roger's sentence and Roger's family as Monette's interruption. Instead of attributing the brother, the poem makes him emblematic of the two families' union: he is neither Paul's nor Roger's brother but both at once. This merging of families completes the circle of relationship that the ring and its journey signify. Moreover, the poem's formal structure--line endings and beginnings running together--also creates a circle that will neither permit the two families to be distinguished nor allow the reader to break out of the circle. Because the prose companion to Love Alone, Monette's memoir Borrowed Time, explains clearly to whom Roger meant the ring to go, the poem's ambiguity is all the more meaningful.

Like the joining of families in "Three Rings," the elegies constantly work to identify links between the couple

and the circles of relationship that interpenetrate their private union. Throughout the poems Monette refers to his relationship with Roger as a marriage, and yet, unlike the legal conception of marriage as the most private of relationships, Monette defines his marriage as a relationship that can never be uncoupled from a larger community. The last of the elegies, "Brother on the Mount of Olives," expands their marriage to include a third party:

and the picture he saved three years for me...
 ...turned out to hold our wedding portrait
 the innocent are so brief and the rigid world
 doesn't marry its pagans any more but John
 didn't care what nothing we professed he joined
 us to him a ritual not in the book
 but his secret heart...

Their marriage becomes a chain of engagement, connecting Paul to Roger, then to a third man, "Brother John," who in witnessing their union "joined/[them] to him." More than embracing three individuals, however, the union of the two men expands exponentially: the couple links Brother John to a current generation of gay men while at the same time Brother John connects Monette and Roger to a historical lineage of gay priests, whose history is denied by the Church. Rather than severing the couple from community in a bond of wholly private affiliation, Monette's marriage ceremony symbolically joins the larger community into their marriage partnership. It is not merely Roger and Paul who marry, but a community of men who must, in Monette terms, see themselves as a brotherhood to survive. Brotherhood becomes a relationship as binding as family, forming a

social configuration that borrows from the powerful associations of the private nuclear family and the equally powerful political tradition that bases the free society on bonds of fraternity. Monette's use of a fraternal metaphor for marriage reminds us of both the possibility of a private union between men and the necessary engagement in a political relationship that will stand outside of the private union.

The connections between marriage and family as well as marriage and community that structure Monette's relationship with Roger revise the privacy of marriage and the supposed secrecy of gay companionship. As Monette searches for rings to reflect his mourning he says:

double-ringed and home again I knelt beside
your grave the end of all our wandering
and after a squall of tears parted a tuft
of lawn sank the jet-and-silver shallow
in the soft earth nothing was in my head
I wasn't married more nor deeper merged
with you I couldn't be...

This new ring cannot make him "married more nor deeper merged/with [Roger]" because even without the familiar heterosexual wedding rituals that connect a marrying couple to their larger community, Monette is able to bind himself poetically to Roger and to the others who shared their lives. However, the wedding rituals of "Three Rings" do not offer the same degree of difficulty in uniting the couple to the community that the mourning rings pose. Buoyed by their relationship to one another, their marriage welcomes others into it; without his partner, the poet is more than ever in

need of connections to his family, his community, and as we shall see, the community at large. The indifference of this larger community to his suffering, and that of a generation of gay men, moves Monette to consider the function of ritual and symbol in creating private solace and public consolation. He reflects that "one hungers so/for ritual that's portable you can't walk out/with tapers burning not to the 7-Eleven you want/to be brazen and secret all at once like a ring." The ring provides two things necessary to his mourning--one, a private reminder which marks the absence of Roger, and through this marking, paradoxically, registers his presence; and two, a public representation of mourning which joins the community in the individual's suffering. Brazenness allows him the courage to withstand the outing his mourning will entail; secrecy permits him to retain some measure of private mourning while simultaneously engaging a larger public response to his grief.

The mourning rings of the poem "Three Rings" are metaphors for symbols and the work that they do in addressing a national community of readers. In the case of Monette's elegies, the work of the symbol is both to comfort those "mad with loss" and to enlist the reading public at large in a work of mourning that does not, in fact could not, only afflict gay marriages and gay communities, but which touches the entire nation through networks of grieving friends and families. Though AIDS is the hidden subtext of Bowers v. Hardwick, only obliquely mentioned by Blackmun,

the disease, which surrounds the decision and the poems themselves, magnifies the importance of privacy as well as the need for effective symbols. Monette's search for the proper symbol continued throughout these elegies and his later work because of the inadequacy of those available to him. These rings also represent the elegies themselves, ritualized forms of public address that marry private grief to conventions of mourning.⁸⁸ Monette makes clear in his search for the proper symbol that while conventions are community not private property, they are always revised in response to the private exigencies of mourning. To refuse the revisions gay men have made to the conventions of mourning because they speak of that which is "too private" constitutes a failure of the most superficial empathy, an impoverishment of our collective imagination, and a diminishment of our poetic stock.

If the Court cannot imagine the private life of a gay man in any other fashion than as a series of acts of sodomy, Bowers v. Hardwick attempts to insure that this representational cipher remains empty. Because anything that confesses to one's inclination to commit sodomy gives warrant for intrusion, investigation, violation, and possibly outright violence, the Court endangers almost all gay speech, even that which does nothing more than describe the "private life" of the gay person. This private life, what the Court needs to imagine in order to grant a right to privacy, can be spoken only at great personal risk because

the right to privacy has been denied. To understand Bowers v. Hardwick's effect on literature and other forms of public discourse, it is necessary to understand the dynamic of confession that it creates. Obscenity laws, which regulate the expression of desire, have long regulated the sexual expression of homosexuals, but these laws have not overtly controlled what we might call ordinary speech. However, Bowers v. Hardwick shifts regulation to the ordinary speech of homosexuals so that even the sexually neutral speech has come under judicial scrutiny.⁸⁹ In denying a right to privacy, the Court subjects the homosexual man to random prosecution by law enforcement, which is curtailed in its invasion of private homes only through the necessity of obtaining warrants. This reasonable evidence needed to obtain a warrant may never be an act of sodomy; in fact, the act of sodomy will be sought for only after the ordinary disclosure has been made. This "self-disclosure," like putting beer bottles in a garbage can behind a gay bar, as it was in Michael Hardwick's case, will undoubtedly be the most innocuous of words or deeds.

The gay community was partly to blame for the failure of judicial imagination that Bowers v. Hardwick represented because, as Larry Kramer and Randy Shilts have explained, the focus of gay rights exclusively on sexual liberty had ignored a full range of liberties that the Courts expressly denied to homosexuals.⁹⁰ Paul Monette's elegies, however, began to represent a privacy for homosexuals that goes

beyond sexual liberty. As one of the first works of literature to deal frankly with AIDS, Love Alone memorialized not simply Roger's death from AIDS, but equally important, Roger's life, and their life together. The elegies perform the double function of reminding us of the intertwining of community and form, art and memory, testimony and protest, while preserving that which gay men stand to lose when they die of AIDS--not just their lives, but the records of their lives, which is a part of the collective life of the nation. These poems not only provide a record of two private lives but also draw on symbols that acquaint the "general population" with the private grief that is, no matter how public officials choose to forget it, a shared tragedy. The final link in the chain of relationships that Monette forges between Roger and himself, their families, and their gay brothers, is to the wider community of readers who become witnesses through reading, who share a private tragedy and take up public mourning.

74 478 U.S. 186 (1986).

75 Paul Monette, Love Alone: Eighteen Elegies for Rog (New York: St. Martin's Press, 1988). All quotations taken from this edition will be identified LA.

76 Paul Monette, West of Yesterday, East of Summer. (New York: St. Martin's Press, 1994). All quotations taken from this edition will be identified WYES.

77 Ironically, the image of the policeman in the bedroom is precisely the abuse of state power the Court imagined, but which never happened, in the case that originated the right to privacy, Griswold v. Connecticut in 1965.

78 In Poe v. Ullman (367 U.S. 479), Justice Douglas in his dissent worries about the symbolic totalitarianism in the birth control law that allowed the police to invade private homes even though this invasion never took place.

79 In his article "Beyond the Privacy Principle" (Columbia Law Review Oct. 1992 v. 92, n. 6) Kendall Thomas establishes from interviews and court transcripts that one week before his arrest in his bedroom for committing sodomy with another man, Michael Hardwick was severely beaten outside his home by four men, one of whom was most likely the arresting police officer.

80 This capricious prosecution of a "dead" law has a long history in privacy cases. Again, one of the first such cases, Poe v. Ullman, presented the same issue in keeping alive birth control laws that could then be applied at the whim of the district attorney.

81 Jonathan Goldberg, Sodometries: Renaissance Texts and Modern Sexualities. (Stanford: Stanford University Press, 1993).

82 Moreover, as Justice Harlan set out in Poe v. Ullman, marriage, in the patriarchal version he imagines, creates moral autonomy. Even if the general citizen finds sodomy as offensive as the Court argues the citizens of Georgia do, the state cannot intercede in the family without violating the moral autonomy of the patriarch. And it is the patriarch's privacy that has always been defended and absolute. In the Court's conservative ideology, the married couple is a mini-state and therefore autonomous from the state of Georgia in the same way that the state of Georgia is autonomous from the federal government.

83 This is the power of ignorance that Eve Sedgwick so powerfully explains in Epistemology of the Closet (Berkeley: University of California Press, 1990), 7.

84 394 U.S. 557 (1969). Stanley v. Georgia was a case in which an investigation into a man's bookmaking activities led to the seizure of an eight-millimeter film, which the police judged to be obscene. The question before the court was not whether the material was obscene, nor whether the seizure was a proper invasion of the home (the police had a search warrant), but whether a citizen has the right to possess obscene material in his home. The key to Stanley is the "mere private possession of obscene material," which is judged to be protected by both the first amendment and the fourth (the strongest constitutional grounds for legally protected privacy). It is this combination of first amendment and privacy issues that makes Stanley an important precedent.

85 277 U.S. 438 (1928).

86 Stanley v. Georgia forms an interesting link here between obscenity, privacy, and reading. Marshall argues that a man, an adult he stresses, has the right to read whatever he chooses in his own home. While the state can regulate the public distribution of obscenity etc., it cannot regulate what a man reads in his own home. This regulation Marshall equates with paternalism and totalitarianism. As Blackmun says in his dissent from Hardwick, the Court misreads Stanley in seeing it only as a first amendment issue, rather than as a privacy issue. What this suggests, however, is that the Court can only see privacy in sexual terms rather than as a broad right ensuring the autonomous pursuit of intellectual, spiritual, and emotional growth.

87 See Mark Wigley. "Untitled: The Housing of Gender," in Sexuality and Space ed. Beatriz Columina (New York: Princeton Architectural Press, 1992), 347.

88 Both Peter Sacks's The English Elegy: Studies in the Genre from Spenser to Yeats (Baltimore: Johns Hopkins University Press, 1985) and Gregory Woods's article, "AIDS to Remembrance: The Uses of Elegy," in AIDS: The Literary Response edited by Emmanuel Nelson (New York: Twayne Publishers, 1992) are very useful on the problems of elegy and conventions of mourning. Sacks addresses the delicate line between private and idiosyncratic representations of grief that cannot reach beyond an intimate audience (see his "Epilogue" on 325-327). Woods links Monette and other gay elegists to the homosexual and homosocial conventions of the genre of elegy.

89 The Clinton administration's compromise on "gays in the military"--the "Don't Ask, Don't Tell" policy--encapsulates the history of homosexuality and privacy of the past four decades in one short phrase. Although this policy will never withstand scrutiny by the courts--though it is unpredictable whether the Supreme Court will further restrict homosexual expression or further curtail government discrimination--it does mark a double evolution in the history of legal privacy and homosexual self-identification. The root issue of constitutional privacy has never entailed the complete withdrawal of personal information from the public sphere. Rather control over self-disclosure, which government surveillance transgresses, is the desired goal. The phrasing of the policy--asking and telling--is, of course, the heart of the issue. As government administrators and military personnel apparently know, it is through discourse that the homosexual gets constituted--through the telling--and it is this telling that is marked as even more dangerous than the forbidden acts. Despite the fact that only homosexual behaviors are prohibited under military law, it is the homosexual's use of language, his or her self-naming and self-disclosing that must be forbidden.

90 The right to marry is more easily discarded by those who can choose not to marry. Jonathan Goldberg's easy dismissal of family is rather cavalier for gay men and lesbians fighting for custody of their children. As gay people are perhaps more fully aware than heterosexuals, marriage is hardly a withdrawal into nuclear isolation; it is one of the fullest engagements with the body politic, if not THE fullest engagement that an adult enters in to. Even accepting the feminist critique of the patriarchal marriage, the benefits of marriage in terms of a multitude of supports provided by the community and the state are completely absent for the gay couple. There is no more complete isolation for a relationship than having it remain unacknowledged by family, friends, and coworkers.

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