

# 'Acts of Extravagance and Folly': the conception and control of transgressive masculinity in a Victorian cause célèbre

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by

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## **Abstract**

‘Acts of Extravagance and Folly’: the conception and control of transgressive masculinity in a Victorian cause célèbre

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Based on the prosecution of Ernest Boulton and William Park in 1870, the cross-dressing cause célèbre of the Victorian period, this Thesis explores the complex interplay of gendered nineteenth century narratives that emerged in both public and institutional discourse as a result of the arrest and prosecution for conspiracy to commit sodomy of the male cross-dressers and their acquaintances. Within the current historiography of the nineteenth century the regulation of male cross-dressers has been associated with the reflexive homophobia that has come to dominate modern interpretations of Victorian conceptions of male gender deviance. Whilst accepting that the case of Boulton and Park has rightly found its place within the established narrative histories of male sexuality this Thesis argues that the case, and indeed the image of the male cross-dresser in general, illuminates much more than nascent Victorian conceptions of homosexuality.

The effeminacy of the cross-dresser, although universally stigmatised, is shown to represent a multitude of social ills ranging from economic indolence to moral degeneracy, placing the cross-dresser at the nexus of bourgeoisie social anxiety. Through the detailed analysis of legal transcripts and press reports this Thesis demonstrates the significance of the analysis of the male cross-dresser beyond the narrow confines of the history of sexuality. The prosecution of Boulton and Park attests to more than the increasingly reactionary policing of bourgeois conceptions of masculinity during the mid to late nineteenth century. The unprecedented publicity that accompanied the case combined with the cross-dresser's ability to unite previously disparate strands of deviant discourses, like those of the female prostitute and male sodomite, will be shown to represent a rare moment in which the totality of bourgeois anxiety was manifest, a moment in which the cross-dresser became the gendered folk devil for an age of ideological temperance.

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## Introduction

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The focus of this Thesis is the conceptualisation and control of transgressive masculinity during the mid-Victorian period as revealed by the institutional and cultural constructions of the male cross-dresser. Cross-dressing is a term that is disarming in its matter of fact simplicity, a term that seems to effectively qualify the act of donning apparel counter to one's gender. In truth its simplicity belies the complexity of phenomena to which disparate meanings can be attributed (Garber, 1992, Suthrell, 2004). This complexity is revealed by the Victorians' uneasy relationship with the male cross-dresser.

On the theatrical stages of the 1860s and 1870s the cross-dresser remained an accepted feature of popular productions just as he had done since the sixteenth century. A cursory review of nineteenth century theatrical periodicals such as *The Era* reveals the continuing appeal of gender performance to Victorian audiences whose consumption of cross-dressing as a narrative device ensured the preservation of the practice long after the prohibition of female stage craft had been lifted (Bullough and Bullough, 1993). Beyond the theatres and music halls the cross-dresser could be encountered amongst the circuses and traveling carnivals that sprung up on the borders of towns and cities during the periods of enshrined leisure time that punctuated the industrialised calendars of the working and middle-classes (Senelick, 2000). Evidence of this theatrical tradition, preserved in the playbills, reviews and promotional stills, stands testament to both the Victorians' love of masquerade and their fascination with the performance of gender (ibid, 2000, Sweet, 2002).

*The Era* was not, however, the only publication in which the male cross-dresser can be encountered. Amongst the daily reports of petty and sensational crimes that were a mainstay of the emergent mass news media of the nineteenth century (Rowbotham and Stevenson, 2005) the male cross-dresser makes a regular appearance. Such court reporting reveals that the cross-dresser was also the subject of both public concern and official regulation with his presence beyond the sanctioned spaces of the theatre and

carnival viewed as a challenge to public order and established social hegemonies.

This Thesis charts the prosecution of two such cross-dressers, Ernest Boulton and William Park, whose performances behind and in front of the limelights during the 1860s and 1870s reveal a complex interplay between performer, audience and performance space in which the same material practice was interpreted in radically different ways dependent upon viewer and circumstance. The prosecution of Boulton and Park for conspiracy to commit sodomy that sought to link public cross-dressing with private sexual immorality represents the quintessential Victorian sex scandal (Cohen, 1996) in which the detailed and prolonged coverage in all of the major metropolitan papers extended beyond simple court reporting to encompass the significance of the male cross-dresser to the wider social and structural relationships of the period.

Although Ernest Boulton and William Park were not the first Victorian cross-dressers to find themselves before the courts, the public exposure generated by the legal proceedings and the severity of the legal sanctions ultimately brought to bear against the two cross-dressers marks the case as significant within the legal and social history of the nineteenth century. Not until the Wilde trials in the 1890s would a case involving male sexual impropriety so fully capture the public imagination. From the spring of 1870 through to the summer of 1871 the public were provided, via accounts in the press and via attendance at the court itself, with an unprecedented forum to debate the meaning and consequence of male gender performance.

Understanding why the arrest of two male cross-dressers should have escalated to a national scandal that saw the fundamental ideologies of the Victorian middle-class called into question is the goal of this Thesis. Unlike the existing literature that has touched upon the case, viewing it as a precursor to the trials of Oscar Wilde and the emergence of homosexuality within discourse, this Thesis argues that Boulton and Park presented a wholly novel challenge to the Victorian status quo. Boulton and Park provided a site through which the bourgeois ideologies of class, gender and nationhood that defined the mid-Victorian period were explored and contested. For the Victorian

bourgeoisie whose social system was dependent upon an interconnected series of ideological separations, between male and female, between masculine and feminine and between public and private spheres of influence, clothing served as a visible citation of social hegemony, a hegemony underpinned by a system of social representation dominated by patriarchal constructions of normative sex and gender roles (Weeks, 1989, Hall, McClelland and Rendall, 2000). Within the Victorians' responses to the cross-dressed bodies of Boulton and Park this Thesis argues that a profound anxiety is evident, anxiety that by the disruption of the markers of a once supposedly immutable category, that of sex, the male cross-dresser possessed the potential to undermine the foundations of all the ordering binaries on which the bourgeoisie had constructed their social relations.

In addition to enabling the historic analysis of the complex ideological discourses of class and gender that shaped modern conceptions of masculinity, the case of Boulton and Park provides unparalleled access to the cultural and social practices of male gender performers during the nineteenth century. This access, facilitated by uniquely preserved legal transcripts and extensive press records, has produced a detailed historiography recreating the lives of two Victorian cross-dressers whose story ranges 'from romantic comedy to urban satire to domestic drama bordering on tragedy' (Kaplan, 2005: 26). Boulton and Park therefore can tell us much about the policing of the ideological and structural arrangements of the mid-Victorian period, yet the significance of the case as an interpretive tool through which the wider constructions of gender during the nineteenth century can be explored has, for the most part, gone unrecognised.

The case of Boulton and Park, first incorporated into the historiography of the nineteenth century in Montgomery Hyde's (1970) landmark analysis of homosexuality in Britain, is one that has become a familiar feature of the academic histories of nineteenth century homosexuality. For Hyde, as for many of the scholars that followed him, Boulton and Park's performances were clearly directed towards a homosexual audience, their cross-dressing representing the theatrical devices of the sodomite. For the Victorian establishment, cast as the villains of the piece, 'there could be no doubt that all



the defendants were homosexuals' (Hyde, 1970: 96), Boulton and Park's eventual arrest and prosecution has therefore been incorporated within a post-modern narrative that has characterised the nineteenth century as a period of sexual hypocrisy and homophobic oppression.

Such a reading suggests that the cross-dresser was clearly representative of unnatural desire, a performer whose gender play was recognisable to those who witnessed it as indicative of a distinct form of sexual deviance. That Boulton and Park and their co-defendants were ultimately charged with conspiracy to commit sodomy must, so the argument goes, suggest that nineteenth century audiences clearly recognised the sodomite beneath the layers of face powder and crinoline.

Beyond legal discourse further evidence has been presented to strengthen the superstition that the image of a [homo] sexualised cross-dresser dominated popular conceptions of male gender performance. Two sources in particular have been cited as demonstrative of nineteenth century conceptions of Boulton and Park. The first, a limerick recorded in the erotic journal *The Pearl* in 1879 and rediscovered by Hyde in 1970, clearly locates Boulton and Park within a sodomitic narrative arranged around the themes of buggery, bestiality and masturbation. It concludes 'There was an old person of Sark; Who buggered a pig in the dark; The swine in surprise, Murmured: "God blast your eyes, Do you take me for Boulton and Park"' (Anon, 1879: np). The second source, a pornographic novel entitled *The Sins of the Cities of the Plain* published in 1881 goes further still by repositioning the events and personalities from the legal case within a sexualised fantasy landscape of brothels, backrooms and bathhouses. Within the fictional text, supposedly the recollections of Jack Saul, Boulton and Park are presented as shameless male prostitutes whose employment of cross-dressing was driven by the erotic desires of their clientele and their own sexual proclivities.

Quietly kneeling down I put my eye to the [key] hole, and found I had a famous view of all that was going on... Lord Arthur and Boulton, whom he addressed as Laura, were standing before a large mirror. He had his arm round her waist, and every now and then drew Laura's lips to his for a long, luscious kiss (Anon, 1881: 57-8).

Although both texts were privately printed with a limited distribution aimed at an elite market (Sigel, 2002) their pornographic narratives demonstrate that amongst certain circles of Victorian society sodomy and homoeroticism was the anticipated climax of the cross-dressed performances of Boulton and Park (Cohen, 1996, Kaplan, 2005). There are however other less quoted popular accounts of the case, other versions of the cross-dressed narrative that reveal other conceptualisations of the transgressive male cross-dresser within popular culture. In 1871 Charles Hindley published his *Curiosities of Street Literature* in which he sampled some of the popular street ballads<sup>1</sup> of his day including a lengthy comic prose entitled 'the funny he-she ladies'.

They are well known round Regent Square, And Paddington I do declare,  
Round Bruton street, and Berkeley Square, Round Tulse Hill,  
and the lord knows where, At my opinion I pray don't gig, I'll speak my mind  
so please the pigs, If they are nothing else, they might be prigs,  
This pair of he-she ladies... When they were seated in the stalls, With  
their low neck'd dresses a flowing shawl, They were admired by one and  
all, This pair of he-she ladies (Hindley, 1871: 157).

The narrative of *the he-she ladies* stands as a direct contradiction to the readings offered by *The Pearl* and *Sins*, with the explicit pornographic schema replaced by a reading in which the cross-dresser is presented as a 'prig', an archaic expression of the modern 'dandy'. It was a reading clearly shared by sections of Boulton and Park's audience who, as the contemporary press coverage reveals, were just as likely to applaud the antics of the cross-dressers as they were to condemn them.

It is this dichotomy of representations that has driven this Thesis' exploration of Victorian conceptions of the transgressive male cross-dresser. Whilst recognising the links drawn between cross-dressing and homosexuality highlighted by the current literature this Thesis argues that the fear of male sexual deviance was but one of a series of interconnected social anxieties manifested within the discourses surrounding the prosecution of Boulton and Park, a prosecution that ultimately revealed not a crisis of sexuality but a crisis

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<sup>1</sup> Songs composed for street performance many of which were ultimately incorporated into the variety acts of the late-Victorian Music Halls performers (Bratton, 1975).

of masculinity with the cross-dresser providing a space of possibility within which was manifested a multiplicity of gendered bourgeois anxieties.

### **Source Selection and Methodological Approach**

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The transgressive male cross-dresser is visible within the archives but he remains largely an ambiguous figure, with frustratingly little information to attest to his conception by his contemporaries. Regrettably for the researcher interested in the regulation of male gender performance during the nineteenth century the majority of prosecutions brought against male cross-dressers during the period were discharged via the police courts. As the workhorses of nineteenth century criminal justice the volume of cases that proceeded through the lower courts necessitated a pragmatic approach to record keeping with little substantive qualitative source material typically retained after the magistrate's discharge. Whilst individual court records have been preserved in local Record Offices, the National Archives at Kew and the London Metropolitan Archives, such records are fragmentary and largely consist of the petty session registers that record the date of hearing, the name of the defendant, charged offence and sentencing decision. Likewise, the surviving charge and refused charge books located in the Metropolitan Police Services archive detail instances of arrest, provide limited basic biographical and geographical data but offer little in the way of contextual detail.<sup>2</sup>

The small number of cases involving cross-dressed defendants to be escalated beyond the police courts during the nineteenth century provides more qualitative material than that recorded in lower court archives. In cases of theft or violence for example, the transcripts from the Central Criminal Court and the Sessions provide useful contextual information concerning the conception of cross-dressing within wider narratives of criminal deviance. When considering the link between cross-dressing and homosexual practices

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<sup>2</sup> A preliminary review undertaken early in this research for example revealed that the surviving Charge books for the 1880s frequently recorded the names of the accused, witnesses, police officer taking the charge and the magistrate. Instances of the recording of the circumstances of arrest or arresting charge were evident but the brevity of the information in such records made establishing instances of cross-dressing extremely difficult.

highlighted within the established histories of homosexuality (cf. Bray, 1995, Norton, 1992) however the Central Criminal Court files for the nineteenth century contain frustratingly little in the way of substantive qualitative material. Unlike the files for the 1700s that provide a number of detailed records for unnatural offence prosecutions in which the defendants were said to have engaged in cross-dressing practices the censorship of the Court's transcripts relating to sexual offences from 1780s onwards prevents a similar analysis of nineteenth century legal records of felony cases involving cross-dressing and unnatural offences (Emsley, Hitchcock and Shoemaker, 2008).<sup>3</sup>

Had it not been for the arrest of Ernest Boulton and William Park the substantive analysis of the conception and control of the male cross-dresser during the nineteenth century undertaken in the following Chapters would not have been possible. Unlike other cross-dressers of the period Boulton and Park's entry into the police court dock precipitated the generation of an unprecedented volume of official documentation. The primary legal material associated with the prosecution of Boulton and Park comprises of several distinct sets of source documents: Bow Street police court recorded depositions [KB 6/3] compiled over eight days of arraignment hearings in 1870, proceeding transcripts for the Queen's Bench [DPP 4/6] covering a six day trial for conspiracy to commit sodomy in 1871, crown evidence in the form of the defendant's personal correspondences [DPP 4/6 part 1] and the index of indictments [INDI/6687/1] outlining the progression of charges brought against the cross-dressers and their co-defendants. The six-day Queen's Bench trial alone generated over two thousand pages of longhand transcripts bound over two volumes. This, combined with witness depositions and crown evidence, represents a uniquely rich source of legal material from the period. The volume and richness of this archival material, now stored in the National Archives at Kew, provides unique access to regulatory discourses during a

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<sup>3</sup> The prosecution of Margret Clap and her associates in 1726 discussed in Chapter One for example has allowed scholars to partially reconstruct the role of gender performance within the homosexual subcultures of the eighteenth century. By contrast the edited Central Criminal Court records for the proceedings against male cross-dressers arrested during a raid on a male brothel in Vere Street in 1810 record the names of the defendants, their indicted offence and the court's verdict but provides no contextual information.

period in which procedural arrangements, recording practices and legal classifications limited the preservation of documentation relating to the regulation and categorisation of public cross-dressing.

The analysis of legal files is an accepted approach to the reconstruction of the social histories of the past. Legal files, as Zemon Davis (1987) notes represent 'one of the best sources of relatively uninterrupted narrative' (Zemon Davis, 1987: 5), offering the potential for the reconstruction of both the regulatory mechanisms at play in a given historic period and the conceptual frameworks that engendered such mechanisms. Such sources can however be criticised as representing not the 'true voice' of the historically marginal but rather a heavily filtered narrative formed via the linguistic and procedural arrangements of the criminal process (Verhoeven, 2009). That legal files are heavily filtered and codified poses clear problems for the historian seeking to move beyond elite narratives to reconstruct the authentic voice of the marginal. For those histories however, like the one undertaken in this Thesis, that are concerned with the creation and maintenance of hegemonic ideologies of deviance they provide an unparalleled access to 'how past people thought they should be and how they were' and to 'their ideals and their realities' and as such represent a 'near perfect' picture of the social arrangements of the past (ibid, 2009: 90).

Beyond the court files an extensive archive of press commentaries covering Boulton and Park's legitimate stage cross-dressing during the late 1860s, their arrest, their arraignment hearings between the April and June of 1870 and their Queen's Bench trial in the May of 1871 have been preserved in both *The Times* and the *Gale* archives. The volume and discursive richness of such press commentaries, mirroring the legal material connected with the case, offers unprecedented access to extra-legal representations of the transgressive cross-dresser during the mid-nineteenth century. Court reports from both the arraignment and Queen's Bench proceedings featured in all of the major daily and weekly papers and were also frequently covered in local and regional publications. Although the majority of publications during the period relied upon freelance court reporters resulting in much duplication such material nonetheless provides contextual information that was excluded from

the official legal transcripts.<sup>4</sup> Beyond the trial reports individual editorials and 'letters to the editor' provide the clearest sense of the construction of the male cross-dresser within discourse. By reviewing editorials from *The Times*; *The Pall Mall Gazette*; *Reynolds*; *Illustrated Police News* and *The Telegraph* an inclusive overview of the conservative, radical and popular press discourses surrounding the prosecution of Boulton and Park has been achieved.

Much like the legal files associated with the case the press commentaries generated by Boulton and Park's arrest and prosecution represent a rich but heavily codified source that must be recognised as actively 'structuring reality, rather than recording it' (Smith, 1978 cited in Vella, 2009: 192). Again the productive and selective nature of press discourse presents problems for those social historians interested in the voices of the marginalised, but for social histories, including this Thesis, that are engaged in the analysis of the production and transmission of hegemonic representations of social ideologies such as masculinity the importance of the press in shaping mass consensus with regards to normative and deviant behaviour cannot be overstated (Rowbotham and Stevenson, 2005).

Victorian press discourse was framed around an imagined public on whose behalf the press served as both the watchdog of government and populace (Baylen, 1992) yet the reality behind this image of the imagined public remains a matter of some conjecture within the literature. Whilst recent scholarship has begun to explore patterns of publication distribution, circulation and levels of literacy during the period an accurate picture of media consumption during the mid-nineteenth century remains elusive (Vella, 2009). What is clear is that despite understandable variation between the approaches of radical and conservative publication towards social issues, such as working conditions or labour rights, a remarkable degree of consensus was achieved around issues of moral and criminal transgression (Rowbotham and Stevenson, 2005) and that this consensus was attuned to bourgeois sensibilities. This is not to suggest that newsprint was only consumed by the middle-class for the rapid expansion of papers like *The Telegraph* and *The Times* during the 1860s

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<sup>4</sup> For example the press made frequent comment as to the composition and behaviour of the public who attended each sitting of the police court and crowded outside to view the defendants as they progressed to and from the court.

cannot solely be attributed to increased uptake by the middle-class (King, 2007). Rather it suggests that press discourse was supportive of the established power structures of the bourgeoisie. Given this Thesis' focus, the realities of press readership are therefore marginal to the representations within discourse of 'the public' and to the conceptions of the threats posed to 'the public' by the transgressive cross-dresser.

The unprecedented level of press commentary in the local, national and international press combined with the case's incorporation into the popular culture of the period marks the prosecution of the 'He She Ladies' as a cause célèbre, a legal case that achieves wider social or political significance via its consumption and reinterpretation within the public sphere. The case affords the opportunity to study the productive synthesis of legal and popular discourses allowing the micro-historical event of the court process to attest to the wider cultural arrangements of the period (Maza, 1993). In this sense this Thesis' approach follows the tradition of the scholarly usage of the cause célèbre to explore the construction and expression of normative cultural codes (cf. Berenson, 1992, Davis, 1983, Maza, 1993, McWilliam, 2007, Sinfield, 1994).

This methodology, with a focus on what Edoardo Grendi has termed 'the exceptional normal' (Paltonen, 2002), places the Thesis within the established micro-historical tradition in which exceptional events, such as the prosecution of Boulton and Park, are utilised to explore social and cultural tensions that are consistent but rarely explicitly manifested within distinct historic periods (Burke, 2005). The micro-historical method is also well suited to the integration of sociological, anthropological and historical approaches to the analysis of social roles and social structures that form a central component of this Thesis' approach to its subject matter (Levi, 1991).

### **Thesis Elements and Structure**

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This Thesis focuses on the Victorians' relationships with the male cross-dresser. The case of Boulton and Park reveals the complexity of this relationship, with both public and institutional responses highlighting the ability

of the cross-dresser to occupy the ill-defined hinterlands between legitimacy and deviance. Public reaction to the pair's gender performances ranged from bemusement to outright hostility whilst the responses of the various authorities charged with maintaining order in the metropolis suggest that the cross-dresser represented an ambiguous and troublesome individual whose public performances and private relationships were not easily quantifiable within existing moral and legal codes. Understanding the complexities of such categorisations and responses, complexities that ultimately precipitated one of the most sensational and scandalous prosecutions of the mid to late-Victorian period, has thus far been filtered through the prism of sexuality. Within the existing historiography the public and institutional responses to Boulton and Park are interpreted in line with the existing literature that has charted the wider cultural responses to the emergence of homosexuality as a distinct category of self-identity during the nineteenth century.

Chapter One takes as its starting point this existing literature and challenges the assumption that the effeminacy of the male cross-dresser was representative of a stable and recognisable image of unnatural sexual desire. Although the connection between the male cross-dresser and the sodomite is understandable given that Boulton and Park would ultimately be charged with conspiracy to commit sodomy, their incorporation within the histories of homosexuality represents more than the simplistic equation of legal category and social categories within the literature. Within the histories of homosexuality, into which the case of Boulton and Park has been incorporated, the concept of effeminacy has been argued to represent the key ideological construct around which the image of the sodomite was constructed. It is the perceived effeminacy of the male cross-dresser therefore, combined with evidence of cross-dressing practices amongst the proto homosexual networks of the eighteenth century, that has driven the assumptions of the current literature that for Boulton and Park's contemporaries sodomy was the most accessible and plausible explanation for the deliberate transgression of gender norms.

Chapter One, whilst excepting that Boulton and Park were clearly perceived as effeminate, argues that in order to understand the significance of effeminacy in



relation to the male cross-dresser a reassessment of the concept's place within the historiography of nineteenth century masculinity and sexuality is required. By exploring the variations in the cultural conceptions of effeminacy that are apparent across the nineteenth century Chapter One argues that the concept possessed a level of heterogeneity that has been underplayed in the existing literature of nineteenth century masculinity that has tended to focus on the closing decades of the century. By exploring many of the cases that have formed the established histories of homosexuality Chapter One argues that although the concept of effeminacy was clearly utilised to explain male gender and sexual transgression during the nineteenth century it was not exclusively employed to denote stigmatised male sexual practices, rather the fluidity of its usage suggests that the concept was employed to condemn a wider range of stigmatised behaviours that included, but importantly were not limited to, male homosexual practices.

Having demonstrated the inadequacy of existing interpretations this Thesis begins the reconstruction of the cross-dressed narrative by shifting focus from the classifications ultimately attributed to the cross-dresser by regulatory institutions to the everyday interactions between the cross-dresser and his audience. In reconstructing the micro interpretations of Boulton and Park's public gender performances in the years prior to their arrest in 1870 Chapter Two reveals that on the streets of the capital it was representations of female not male sexual deviancy that dominated the constructed images of the public cross-dresser. Utilising both the literary device of the *Flâneur* and the concepts of spatialization (Shields, 1991) Chapter Two draws attention to the gendered stages upon which Boulton and Park enacted their performances. Such stages reveal the inherent masculinity of the public sphere in which the performance of femininity was inseparable from hegemonic constructions of the public woman. The freedom with which Boulton and Park enjoyed the public spaces of the city and the symbolic meanings attached to such places is shown to have produced representations of the male cross-dresser closely attuned to that of the female prostitute.

This recognition of the performative and spatial dynamics of male gender performance during the nineteenth century highlights the importance of the

concept of passing (Goffman, 1959) to the analysis of the Boulton and Park case material. Only the visible cross-dresser could be categorised as legitimate or illegitimate based upon the content of his performance. The passing cross-dresser was also subject to categorisation but it was his virtual not actual identity, his persona not his performance, that was rendered legitimate or illegitimate. By focusing on the successful gender pass, Chapter Two reveals the significance of the male cross-dresser in relation to hegemonic representations of gender and gendered space demonstrating that it was ultimately the transgression of female gender norms that instigated the formal mechanisms of control. In recognising that Boulton and Park's public performances were closely attuned to established representations of female prostitution, Chapter Two acknowledges the complexity of the interplay between Victorian ideologies of space, gender and deviance, complexities that would ultimately shape the legal and popular conceptions of the male cross-dresser during the prosecution of Boulton and Park.

In establishing that the connections between cross-dressing and homosexuality cannot fully account for the social anxiety that underpinned the discourses surrounding the prosecution of Boulton and Park, the opening Chapters of this Thesis also reveal that the intensity of such anxiety was dependent upon situational dynamics of space, performance and interpretation. For the Victorians it is clear that the act of cross-dressing, whilst deviant, was not intrinsically disruptive. Chapter Three explores the complex relationship between deviance and regulation that underpinned Victorian responses to Boulton and Park by firstly acknowledging that the disruptive potential of gender performance extends beyond the transgression of binary representations of sexuality before turning to explore the mechanisms employed to contain and neutralise such disruptions.

Utilising the theoretical underpinnings of social performance proposed by Goffman (1959) and Butler (1990, 1993) the act of cross-dressing, through its manipulation and distortion of the semiotics of gender, is revealed as a space of possibility capable of confounding established cultural arrangements. By recognising the performative aspects of social relationships the strength of the normative values and the mechanisms of social control that are employed to

regulate individual identity is revealed. Given that social relationships are dependent upon the immutability of the concepts of self, sex, race, gender and class, the historic objections levelled against cross-dressed performances, performances that reveals the gossamer-like quality of these seemingly fixed markers of identity, demonstrate a transhistoric series of cultural crises instigated by the cross-dressed performer. Such crises highlight the ability of the cross-dresser to challenge the fundamental hegemonic representations of gender indicating that the narratives employed to understand, manage and neutralise such crises extended beyond discourses of sexuality. During the nineteenth century, for the Victorian bourgeoisie the crises of the cross-dressed male were interpreted through the prism of a two sex system that clearly delineated between both sex and gender roles. This delineation will be shown to place the cross-dressed bodies of Boulton and Park directly at odds with hegemonic representations of gender, with cross-dressing manifesting a distinct crisis of masculinity during the period. This Thesis argues therefore that Boulton and Park's cross-dressing was problematic not simply because it synthesised with images of male sexual deviance. Their cross-dressing represented a challenge to the ideological markers of masculinity upon which the bourgeoisie had constructed their social identity.

Although the disruptive potential of the male cross-dresser can account for both the stigmatisation and regulation of male gender performance during the nineteenth century and, as later Chapters will argue, the regulation of Boulton and Park themselves, to focus exclusively on the punitive responses to male cross-dressing fails to explain cross-dressing's continued practice within both high and popular culture across the nineteenth century. Whilst Chapter Five will demonstrate that Boulton and Park's gender performances were capable of disrupting hegemonic presentations of masculinity it must equally be recognised that much of their cross-dressing conformed to the performative mores of the period, causing neither disruption nor anxiety. This duality, between legitimate and transgressive gender performance, has largely gone unanalysed and as a result a key component underpinning the construction and classification of the male cross-dresser within the discourses generated

by the prosecution of Boulton and Park has remained underexplored within the current literature.

Chapter Three concludes by addressing this gap in the current literature by exploring the social endorsement of cross-dressing performances within distinct cultural locations during the nineteenth century. What will become clear is that the act of cross-dressing, although deviant, was not intrinsically oppositional to normative arrangements. Boulton and Park faced prosecution therefore not because they cross-dressed but because they failed to follow the rules that governed sanctioned gender performance.

In utilising Turner's (1969) work on liminal ritual, Bakhtin's (1984) concept of the carnivalesque and Bailey's notion of legibility (1994) this Thesis reveals the complex interplay of normative arrangements through which the boundaries of legitimacy that governed the formal and informal responses to cross-dressing during the nineteenth century were maintained. Through the interplay of legible, liminal and carnivalesque elements the legitimated cross-dressed performer is seen to establish a complicit relationship with his audience. This relationship demonstrates that the cross-dresser was permissible within distinct spatially and social defined spaces. The act of cross-dressing did not therefore directly correlate with the construction of deviant identities; only by transgressing the norms of gender performance did the cross-dresser become a figure of crisis and heterophobic otherness.

Having established how forms of cross-dressing performance were afforded legitimacy within Victorian popular culture, Chapter Four explores the construction within legal and medical discourse of deviant representations of the male cross-dresser who failed to conform. Via an analysis of prosecutions involving male cross-dressing between 1800 and the prosecution of Boulton and Park in 1870 the range of deviant categories into which the transgressive cross-dresser could be placed is shown to extend beyond that of the sodomite. Although the prosecution of Boulton and Park for conspiracy to commit sodomy looms large within the current historiography of nineteenth century cross-dressing, by reviewing a sample of cases from across the period, Chapter Four demonstrates that cross-dressed transgressors like Boulton and Park could be categorised via a range of legal sanctions and tended to be

predominantly constructed as a challenge to public decency rather than private sexual immorality.

Although the older associations that characterised the sodomite as effeminate clearly remained, changes in public conceptions of impersonation, the city and the role of the justice system will be shown to have driven the legal narratives employed to categorise the transgressions of the urban cross-dresser across the nineteenth century. For the majority of prosecutions, cross-dressing was conceptualised as a public phenomenon, with the act of cross-dressing itself inferring no insight into the private nature of a defendant's sexuality. Cross-dressing performances that infringed upon the private sphere were viewed as far more problematic. In such cases magistrates and justices were still capable of classifying cross-dressing within existing legal categories of deviance, but as such categories were increasingly attuned to pathological representations of degeneracy, during the course of the nineteenth century conceptions of the male cross-dresser can be seen to straddle legal and medical categories of deviance.

Having established the divergent images of the male cross-dresser during the nineteenth century, images capable of oscillating between legitimacy and transgression, the final Chapter reassesses the significance of the case study of Boulton and Park that has formed the basis for the current historiography of the nineteenth century male cross-dresser. Utilising the interpretive framework established in the previous Chapters, Chapter Five demonstrates the significance of the case of Boulton and Park beyond the histories of homosexuality by considering the cross-dresser's ability to disrupt established hegemonies and his ability to reinforce social relationships, his status as a visible other and his ability to effect a successfully gender pass. By focusing on the social reactions to Boulton and Park's gender performances and the shifting meanings attributed to the cross-dressers during their prosecution the significance of the case to the historiography of nineteenth century masculinity is made clear.

By exploring the discursive shifts that occurred in the wake of Boulton and Park's arrest and subsequent exposure as male cross-dressers, Chapter Five demonstrates how such shifts intersect with the wider discourses of sex and

gender that governed bourgeois ideological arrangements and social relationships during the mid-Victorian period. The legal process will be shown to serve as a fulcrum around which the various representations of the male cross-dresser coalesced. The prosecution of Boulton and Park, two cross-dressers who manifested the legitimate and transgressive elements of masculinity and femininity, provided a unique and entirely unwelcome forum through which the gendered anxieties of the period could be expressed.

Within the legal and extra-legal discourses generated by the prosecution are seen the advancement of two co-dependent narratives, one that relates Boulton and Park to the legally defined category of sodomite and the other that relates Fanny and Stella, Boulton and Park's female personas, to the morally defined category of prostitute. Such narratives demonstrate that the cross-dresser represented more than the fear of unnatural male sexuality. As the crises revealed by Boulton and Park's gender performances intersect with wider social anxieties the cross-dresser can be seen to represent a profaned folk devil, the amalgamation of the moral failings that underpinned bourgeois conceptions of social and sexual transgression during the mid-nineteenth century.

## Chapter I: Misconstruing the Victorian Cross-dresser

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For as long as Stella could remember men had always taken notice of her...It did not take long to learn the difference between the hostile men and those whose suggestive banter was nothing more nor less than flirtation... In her mind, Stella compared going with men – for love or for money – with her life as a great actress. Were the two things really so very different? (McKenna, 2013: 61-64)

### 1 Introduction

Stella's real name was Ernest Boulton, a Victorian cross-dresser whose exploits, along with those of his friend and fellow cross-dresser William Park, have received attention in recent years from historians whose interest lie with the socio-sexual arrangements of Victorian Britain (cf. Cocks, 2003, Cook, 2007, Kaplan, 2005, Robb, 2003, Sinfield, 1994). For such scholars Boulton and Park are representative of a surprisingly visible and emboldened aspect of male sexual deviance in a century that has become synonymous with moral and sexual puritanism. As McKenna (2013) makes clear, the fact that Boulton and Park chose to walk the streets dressed as women seems to point to more than a simple love of theatrics, their cross-dressing and effeminate manners seem to suggest their involvement within a distinct homosexual subculture.

The events that would transform Boulton and Park from relatively unknown female impersonators to the most infamous cross-dressers of the Victorian period began when they were arrested outside the Strand theatre on a charge of offending public decency in April 1870. Boulton was dressed in 'a cherry-coloured evening silk dress trimmed with white lace; his arms were bare, and he had on bracelets'. Park had opted for a 'dark green satin dress, low necked, trimmed with black lace, of which material he also had a shawl round his shoulders' (*The Times*, 30<sup>th</sup> April 1870: 11). According to one source Boulton and Park's behaviour in the Strand had caused such a sensation that the police had no choice but to intervene. They had promenaded through the galleries of the Strand, lighting their cigarettes from the gas lamps with

‘gestures of unnecessary flamboyance’ and upon taking their seats in a private box repeatedly ‘twirled their handkerchiefs, and lasciviously ogled the male occupants of the stalls’ (Anon, 1870: 3).

In the days following the arrest of Boulton and Park a combination of press investigations and a deluge of witnesses appearing at Bow Street police court eager to relay sightings of ‘the he-she ladies’ revealed that the pairs performance in the Strand was but one of multiple instances of public cross-dressing that dated back over several years. The testimony of police officers, theatre attendants, confused suitors, and London cabbies revealed that Boulton and Park were members of an extended circle of male cross-dressers who had been a feature of the West End since the late 1860s. Trips to the Haymarket, Strand, and Alhambra theatres often followed by dinner and occasionally dancing sometimes in full female attire, and on other occasions dressed effeminately with ‘their faces painted up, their necks powdered’ were revealed as regular parts of the ‘hermaphrodite cliques’ evening entertainments.

Following the initial arraignment hearing at Bow Street the police gained access to Boulton and Park’s lodgings and removed their extensive wardrobe and a collection of letters and photographs the content of which seemed to suggest that they were not, as their defence would later claim, legitimate female impersonators who had made the mistake of extending their impersonations beyond the protected confines of the stage, but rather effeminate male prostitutes. The letters would ultimately incriminate Lord Arthur Clinton MP, third son of the Duke of Newcastle, and John Fisk, an up-and-coming member of the American diplomatic corps.<sup>5</sup> This connection between effeminate cross-dressers and upper-class playboys combined with medical evidence that indicated that Boulton and Park had engaged in sodomitical practice escalated the charges against the female personators and

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<sup>5</sup> Eight men in total were eventually indicted although only four would ever face trial: Frederick William Park, Ernest Boulton, John Fiske and Louis Hurt. Lord Arthur Clinton was included on the original indictment but died on the 18 Jun 1870 before the case was brought before the Queen’s Bench. Three other men connected with the case, William Somerville, Martin Cumming and C. F. Froderick absconded and although their names remained on the indictment no unique evidence was presented against them during the trial (*The Times*, 10<sup>th</sup> May 1871).



their associates from a minor public order offence to the far more serious charge of conspiracy to commit sodomy.

The opportunity to reconstruct personalities from the past, personalities that appear exceptionally vivid, has no doubt accounted for scholarly interest in the case but ironically this vividness, that affords a degree of proximity to the modern observer, has fundamentally limited the scope of the current historiography. To the modern observer Boulton and Park seem familiar; their style, associations, public performances and private arrangements appear irreverently and unquestionably queer. From a contemporary vantage point, by adopting female dress and the flamboyant gestures that caused such consternation in the spring of 1870, Stella [Boulton] and Fanny [Park] seem recognisable as transvestites, those ambiguous figures 'decked out in feminine frippery intended to allure' (Senelick, 1993: 80), who are now an established feature of queer culture. Their single rooms with double beds, their private correspondences which seem to utilise a primordial form of Polari, the 'fearlessly effeminate style' (Bartlett, 1988: 134) of their male attire, even their love of theatricals urges the modern observer to view Boulton and Park as flamboyantly, deliberately and unashamedly queer.

The image of Boulton and Park as effeminate homosexuals is so clear and the associations between cross-dressing and same-sex desire so well established within the literature of nineteenth century masculinity that the outcome of the legal proceedings of 1871, the acquittal of all the defendants, has been characterised as 'unbelievable' (Bartlett, 1988: 142).<sup>6</sup> When confronted with the 'unbelievable' verdict of 1871, one question has repeatedly been raised, why were 'Fanny and Stella and their friends not demonized, victimized, punished?' (Sinfield, 1994: 7). This question is revealing for it highlights that within much of the literature cross-dressing during the nineteenth century is viewed as both symbolic of homosexual practice and the subject of punitive control. Homosexuality is therefore 'the repressed that always returns' in postmodern analyses of gender performance (Garber, 1992: 5). This symbolic association between cross-dressing and male same-sex sexual practices is

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<sup>6</sup> R v Boulton and Others, held before the Queen's Bench in May 1871, concluded with a verdict of 'Not Guilty' being returned in under an hour. Boulton, who had grown a moustache with the aim of affirming his bourgeois masculinity, promptly fainted in the dock (Anon, 1871).

not unique to the historic analysis of the nineteenth century. The connection can be seen in anthropological, cultural and historic analyses across distinct historic periods and it is widely accepted that 'cross-gender behaviour is manifested in many ways in the homosexual world' (Mathy and Whitam, 1985: 82). Only in the academic histories of the nineteenth century however, has the association between cross-dressing and male same-sex sexual practices been emphasised to the exclusion of all other socio-cultural explanations.<sup>7</sup> The fact that male gender performance has been repeatedly linked with homosexual practices ultimately reveals more about the historiography of nineteenth century masculinity than it does about the Victorian cross-dresser. It is a history that tends to 'look *through* rather than *at* the cross-dresser' (Garber, 1992: 9), a history that studies 'the past with reference to the present' (Butterfield, 1931: 11) misconstruing the formal and informal responses to the cross-dresser as reactive to a crisis of masculine sexuality.

Although the historiography into which cross-dressers like Boulton and Park have been incorporated remains divided along the ideological fault lines of constructionism and essentialism the intersection between cross-dressing, effeminacy and male sexuality within eighteenth and nineteenth century discourses of sex and gender has been repeatedly highlighted (Bullough and Bullough, 1993). The prosecution of public cross-dressers like Boulton and Park has therefore been interpreted as manifestations of the growing pains of a gender system centred on binary definitions of sex and gender roles. As a result of the establishment of impermeable divisions between the sexes in the modern period it has been argued that the cross-dresser was increasingly associated with unnatural sexual practice. Within the literature, both constructionist and essentialist, the stigmatisation of effeminacy through the establishment of a hegemonic masculinity attuned to the bourgeois ideologies of productive labour, personal responsibility and social respectability is regarded as a crucial stage in the reinforcement of pre-existing assumptions that male same-sex practice invariably feminised the passive actor resulting in

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<sup>7</sup> For example the historiography of sixteenth century cross-dressing, whilst acknowledging the erotic possibilities of male cross-dressing on the Elizabethan stage, also considers its significance in terms of class, status and gender relationships (cf. Cressy, 1996, Fortunati, 1992 and Levine, 1994).

a direct association between the feminised cross-dresser and the effeminate sodomite.

In the first section of this chapter the association between effeminacy and homosexuality will be shown to have directly shaped orthodox interpretation of the Victorian cross-dresser, interpretations that have presented the prosecution of Boulton and Park as representative of legal and social responses to unsanctioned cross-dressing during the nineteenth century. Such interpretations, in overemphasising the scope and uniformity of associations between effeminacy and male same-sex sexual practice, have reconstructed Victorian cross-dressers as visible and recognisable 'figures of unnatural desire' (Cocks, 2003: 114). This tendency to focus on regulatory responses to male gender deviance is myopic for it has resulted in an interpretation of cross-dressing and effeminacy that condenses a multiplicity of cultural responses into a framework that categorises gender performance as an exclusive expression of homosexual desire and interprets the formal control of unsanctioned cross-dressers as a manifestation of the repressive hypothesis that characterised pre-Foucauldian interpretations of sexual regulation.

Whilst accepting that associations between male effeminacy and unnatural sexual practices do feature within eighteenth and nineteenth century discourses of sex and gender the second section of this chapter will demonstrate that effeminacy during the period should be conceived as a heterogeneous rather than a homogenous concept. Although non-theatrical male gender performance was increasingly stigmatised the public cross-dresser will be shown to be but one of many urban types to which the effeminate label was applied. To argue that the charge of effeminacy correlated directly to that of unnatural desire in nineteenth century discourses, as the current historiography has done, therefore oversimplifies a complex and multifaceted social concept that reflected the broad range of challenges posed to bourgeoisie ideologies of masculinity during the mid to late nineteenth century (Showalter, 1990, Mosse, 1996).

Although the effeminate cross-dresser, who personified eighteenth century conceptions of the sodomite, remained a feature within nineteenth century discourse the social reaction to the prosecution of cross-dressers like Boulton

and Park suggests that the link between cross-dressing, male effeminacy and sodomy was not absolute. Press reporting of unnatural offences prosecutions during the nineteenth century will be shown to reveal a multiplicity of representations of defendants ranging from the effeminate to the brutish. Oscar Wilde, the archetypical urban homosexual, did not cross-dress, his perceived effeminacy differed from that attributed to Ernest Boulton and much like the other figures in the sex scandals of the latter nineteenth century contemporary responses to the body and persona of Wilde do not reveal the 'brilliantly precise image' (Sinfield, 1994: 3) of the effeminate homosexual but rather highlight the inherent ambiguity that continued to surround men charged with, or suspected of, unnatural offences.

The fragmentary representations of effeminacy and sodomy that emerge from popular and legal discourses across the nineteenth century are therefore at odds with postmodern representations of the Victorian cross-dresser as an overt representation of a precise image of sodomy. Although increasingly marginalised as the century progressed the discourses surrounding the prosecution of cross-dressers like Boulton and Park reveal them to be deeply ambiguous figures whose ability to play with the supposedly fixed markers of gender marked them as the loci of masculine anxiety, anxiety that included, but was by no means limited to, the possibility of deviant sexual practice.

### **1.1 Unnatural Outcomes: The Historiography of Boulton and Park**

The historiography of Boulton and Park, beginning with their incorporation within Hyde's (1970) landmark study of homosexuality in Britain<sup>8</sup> and culminating with McKenna's (2013) unashamedly homophobic account of their lives, forms the core of the orthodox accounts of transgressive cross-dressing during the nineteenth century, accounts defined and limited by a universal assumption that effeminacy was clearly recognisable as a marker of unnatural

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<sup>8</sup> The first twentieth century commentary on the case is credited to Roughead (1931). Hyde (1970), who relies heavily on Roughead's account, provides the first academic analysis in which the link between cross-dressing and homosexuality is emphasised.

desire.<sup>9</sup> The image of the cross-dresser that emerges from this ideological defined historiography of male sexuality is contradictory, he is simultaneously intensely visible and wilfully ignored. Given the assumption within the literature that cross-dressers like Boulton and Park were 'undoubtedly seen as figures of unnatural desire' (Cocks, 2003: 114) the culmination of the legal proceedings against Boulton and Park has been interpreted as resulting from macro and micro level resistance to the acknowledgement of bourgeois effeminate homosexuality.

Within the historiography nineteenth century cross-dressers are portrayed 'as queers off the street as well as on it' (Bartlett, 1988: 133), their cross-dressing being directly equated with the cross-gender behaviour of the Mary-Annes, members of metropolitan homosexual subcultures who feature prominently within the eighteenth century historiography of male sexuality. It was 'the imperative to contain knowledge about the Mary-Annes of central London' therefore that dictated the formal regulation of cross-dressers during the nineteenth century (Upchurch, 2000: 143). In the prosecution of Boulton and Park the strategic repositioning of cross-dressing within a middle-class context during the legal proceedings of 1871 and the progressive censorship of reference to London's drag scene within press reporting of the case is seen as indicative of an institutional resistance to acknowledge the existence of sodomy amongst the Victorian middle-class. Press and State 'desired the suppression of information' and although 'each tailored their omissions to meet distinct institutional goals' the overall effect was a verdict that preserved bourgeois hegemonic power (Upchurch, 2000: 143). Unsanctioned Victorian cross-dressers like Boulton and Park have therefore been presented as problematic within the literature because they are perceived as representing a highly visible and legible form of deviant male sexuality.

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<sup>9</sup> Exceptions to the orthodox analytical framing of the case can be found in Cohen (1996) and Edmond (2001) with the former focusing on literary scandal and the latter on the constructed probity of expert evidence. The remaining historiography of Boulton and Park either has a direct focus on male homosexuality (cf. Hyde, 1970; Weeks, 1981; Bartlett, 1988; Senelick, 1993; Sinfield, 1994; Upchurch, 2000; Cocks, 2003; and McKenna, 2013) or discusses the case within the general context of male-cross dressing but links the practice during the nineteenth century with homosexuality (cf. Davis, 1998, Senelick, 1993, Bullough and Bullough, 1993).

The ease at which the legible cross-dresser accessed the cultural amusements of the capital indicates that a large number of individuals of various social statuses must have actively approved of, or been prepared to ignore, male gender performance. If the cross-dresser's behaviour was sufficiently disruptive to invoke official sanction, as happened in the case of Boulton and Park, this complicity would prove problematic (Cocks, 2003). As Boulton and Park's unsolicited public performances in London's theatres could not be easily separated from their legitimate amateur dramatics the middle-class audiences who applauded Boulton's cross-dressing in a popular production of *Love & Rain* were connected by their 'flattery and caresses' (*Illustrated Police News*, 14<sup>th</sup> May 1870: 2) to both the disreputable masculinity of urban swells like Lord Arthur Clinton and John Fisk and the unnatural masculinity of a network of effeminate cross-dressed sodomites (Cocks, 2003). If the cross-dresser was legible, if his effeminacy was directly equated with unnatural offences a guilty verdict in such cases would have created 'a dangerous proximity' (Bartlett, 1988: 141) between the court and the accused. The legal regulation of Victorian cross-dressers has therefore been understood in terms of repression and taboo, 'only by silencing, not punishing, the sodomites, could the court [and by extension everyone else] breathe a sigh of relief' (Bartlett, 1988: 142).

Although the individual interpretations of the legal proceedings of 1870-1 discussed above have placed differing emphases on the legal, medical and social discourses generated by the prosecution and acquittal of Boulton and Park, the assumption of 'guilt' that underpins the current historiography demonstrates the uniform presentation of male effeminacy as a clear marker of unnatural desire. The centrality of effeminacy within both essentialist and constructionist histories of homosexuality is however problematic when its usage within the broader discourses of sex and gender are recognised.

## **1.2 Unnatural Associations: Cross-dressing and Homosexuality**

In the closing years of the Victorian era Oscar Wilde publicly explored the notion of a homoerotic history as, from the dock at the Old Bailey, he evoked a

lineage for the 'love that dare not speak its name' that could be traced from Shakespeare to Plato (Hyde, 1976: 257-258). In arguing for a consistency of understanding Wilde proposed that homoerotic relations between men had always carried a similar set of associations, meanings and motivations regardless of the period under discussion. In the years since Wilde's prosecution the notion of a homosexual history has been rigorously contested within the field of historical studies (Halperin, 2000). Following Foucault's (1976) analysis of the regulation of sexuality and his assertion that homosexuality as a 'distinct species' only emerged at the end of the nineteenth century, the historic analysis of sexuality and sexual identity became increasingly polarised between constructionist and essentialist ideological formations. Constructionist interpretations within the history of sexuality proposed that the current model of understanding same-sex relationships, the modern conception of homosexuality, only fully emerged in the latter years of the nineteenth century primarily as a result of the proliferation of regulatory and expert discourses (Greenberg, 1988). By contrast, essentialist explanations proposed a transhistoric model of homosexuality rooted in individual physiology in which individual cultural expressions of sexual desire may have differed but the underlying concept of same-sex sexual contact remained constant across historic periods (De Lamater and Hyde, 1998). This ideological schism ultimately failed to resolve the historicity of sexuality.<sup>10</sup> Its sustained focus on historic modes of sexual expression and male same-sex sexual relationships in particular did however result in a wealth of empirical data that allowed historians to begin to piece together the complex social and sexual relationships that defined and governed same-sex sexual contact across distinct historic periods.

Although the ideological constructs of constructionism and essentialism remain influential within the histories of sexuality more recent scholarship has tended towards a holistic approach. Such an approach maintains a focus on the role of discourse, particularly regulatory discourse, in the elaboration and formalisation of notions of sexual types and sexual identities whilst recognising

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<sup>10</sup> As Halperin (2000) observed the end result of three decades of academic debate was that 'constructionists claimed to have won the debate... essentialists claimed to have exposed the bad scholarship produced by it, and everyone else claimed to be sick and tired of it' (Halperin, 2000: 88).

that such discourse could, and did, occur long before the latter half of the nineteenth century (Halperin, 2000, Cook, 2003). Once the artificial constructionist-essentialist divide is rejected in favour of a representation based upon a continuum of overlapping sexualities, Bray's (1982) observations regarding the opportunism of renaissance same-sex sexual contact are compatible with Trumbach's (1987) assertion that distinct homosexual subcultures were a feature within the large urban centres of the 1600s. The presentation of sexuality as a continuum of individual and collective responses, whilst allowing for individual historic variation, revealed that such variations are not infinite. Halperin (2000), for example, identifies effeminacy, pederasty or active sodomy, friendship or male love, and passivity or inversion as distinct categories of same-sex desire. Dynes and Donaldson (1992) propose seven categories delineated by age, status, situation and gender roles, whilst Greenberg (1988) envisioned trans-gender, trans-generational and egalitarian arrangements. From these varying taxonomies three principal interpretive models of same-sex desire can be discerned: age-dependant models, social-role-dependant models, and gender-role-dependant models.

A number of scholars (cf. Norton, 1992, Bray, 1995 and Trumbach, 1987) have pinpointed the end of the early-modern period as a significant turning point in the development of modern concepts of sexuality as from the 1700s onwards gender-role-dependant models, expressed in terms of male gender transgression in the forms of effeminacy and cross-dressing, began to dominate representations of same-sex desire within formal and popular discourse. This transition from earlier interpretive models for same-sex desire was not a seamless progression from one mode to another as age and role remained important interpretive markers for the classification of same-sex relationships within legal, medical and popular discourse well into the twentieth century just as effeminacy and cross-dressing featured as interpretive markers for same-sex desire long before the eighteenth century (Cook, 2003). The effeminate type is clearly identifiable, for example, in a number of comedies from Greek antiquity, 'I have absolutely no idea how to use a twittering voice or walk about in an effeminate style, with my head tilted sidewise like all those



pathics<sup>11</sup> that I see here in the city' (Anon cited in Gleason, 1995: 68). During the high middle-ages the chronicler Vitalis described the court of the twelfth century English monarch, William Rufus, as populated by catamites who 'parted their hair from crown of the head to the forehead, grew long and luxurious locks like women, and loved to deck themselves in long, over-tight shirts and tunics (Ordericus Vitalis, c.1141 cited in Higgins, 1993: 46) and over four hundred years later a guest of the renaissance King Henri III of France in 1576 reported disapprovingly of the mignons in court that 'wear their hair long, curled and recurled by means of artifice, with little velvet bonnets on top of it, like the whores of the brothels' (Anon cited in Cady, 1996: 133).

The picture that has emerged regarding effeminacy's connection with male same-sex desire during the seventeenth and eighteenth centuries has therefore remained indistinct and often contradictory. Whilst the fearlessly essentialist Norton (2002) asserts that the men arrested during a series of high profile raids on male brothels between 1725 and 1810 were 'undoubtedly queens, whose interests and behaviour are virtually indistinguishable from queens I [Norton] have known' (Norton, 2002), theorists of medieval and renaissance sexuality are more reticent when faced with the uncertainties of sexual identity. Bray (1995) and Smith (1994), for example, are united that the effeminate homosexual as a recognisable social type has no place in the pre-modern period. Before the eighteenth century effeminacy and same-sex desire can therefore be viewed as connected but not exclusively so.

Although the precise cause and period in which the conceptual shift towards effeminate representations of same-sex desire remains a matter of debate amongst historians the prevailing view is that from the late 1600s shifts in the concepts of individual identity and selfhood, the formalisation of gender roles and relations around a masculine and feminine binary and the rationalisation and proliferation of formal agencies of control facilitated a new understanding of same-sex sexual behaviour centred on notions of effeminacy (Davenport-Hines, 1990, Foucault, 1976, Trumbach, 1987). During this period sexuality, the notion of an intrinsic sexual proclivity, was separated from individual

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<sup>11</sup> A term used to describe a young male who is the sexually passive partner in a pederastic relationship, equivalent to Catamite and Mignons.

sexual action and a new interpretive mechanism centred on gendered concepts of individual desire emerged. Over the course of the eighteenth century masculinity was increasingly associated with sexual desire for women and femininity with desire for men. As a result of this association men who failed to conform to masculine gender norms began to be defined in oppositional terms, viewed as possessing feminine traits and labelled as effeminate (Bullough and Bullough, 1993, Cressy, 1996).

The emergence within discourse of this exclusively effeminate sodomite, a distinct social type whose behaviour invariably involved some form of cross-dressing practice, was accompanied by an increasing anxiety regarding the social implications of urbanisation and industrialisation, an anxiety that led to the representation of the city within discourse as a site of social disorganisation, class tension and sexual immorality. Within the crowded and anonymous spaces of the city the effeminate male and the public cross-dresser were viewed as a visible manifestation of hegemonic decline and, as the eighteenth century progressed, were increasingly the subject of official regulation and control (Davenport-Hines, 1990, Tosh, 2005).

The first sustained attempt to regulate male same-sex sexual interaction that publicised the connection between cross-dressing and same-sex sexual practices occurred during the early 1700s, when reformist agitation against immorality within the city of London revealed an established network of working class men whose social interactions were centred on same-sex sexual contact (Norton, 1992, Trumbach, 1987). The hubs for this network were the numerous Molly Houses<sup>12</sup>, a diverse mix of private and commercial venues that typically offered both entertainment and provided private spaces where men could meet to socialise, dance, drink and seek out sexual encounters. Such hubs were made possible by the relative anonymity provided by the city; they were sites where 'homosexuality could be expressed and therefore recognised' by likeminded individuals but also, once discovered, sites through which the behaviour and activities of such individuals could be

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<sup>12</sup> The term Molly House was likely derived from the moniker Mollie or Mary-Ann that was originally attached to female prostitutes but by the mid-1700s had begun to be associated with male prostitutes and their clientele.

utilised to construct representations of a distinct type of sexual deviant (Bray, 1995: 92).

### **Effeminacy: Mollies and Mother Clap (1700-1800)**

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The discovery of the Molly subculture that strengthened the representation of the effeminate cross-dressing sodomite within popular discourse can be attributed to the reforming zeal of the Society for the Reformation of Manners. What began in 1690 as a small group of moral reformers, concerned with 'the suppression of bawdy houses and profanity, had, by 1701, transformed into a national association that could boast twenty societies in London alone. Between 1701 and 1727 agents acting on behalf of the various Societies had instigated over ninety-four thousand prosecutions, a figure that adds credence to the Society's claim that 'our streets have been very much cleansed from the lewd night-walkers and most detestable sodomites' (The Society for the Reformation of Manners, 1710 cited in Trumbach, 1987: 74). The extensive publicity that accompanied such prosecutions in the form of broadsheets, penny pamphlets and popularist satires such as *The Woman-Haters Lamentation* (1707) and *The He-Strumpets* (1707) revealed a secret world of 'Sodomitical Wretches' that:

'rather fancy themselves Women, imitating all the little Vanities that Custom has reconcil'd to the Female Sex, affecting to Speak, Walk, Tattle, Curtsy, Cry, Scold, and to mimick [sic] all Manner of Effeminacy, that ever has fallen within their several Observations' (Ward, 1709: 28).

The extent and nature of the networks, first speculatively described by Ward, was fully and publicly exposed in 1726 as the result of the Society's raid on an unassuming coffee house in Field Lane, Holborn. The house in question belonged to Margaret 'Mother' Clap who had successfully supplemented her income by offering her clientele more elaborate entertainments than the average tea shop. Mother Clap's Molly House, although not unique with regard to its size and facilities, was by far the most prominent venue of its type during the 1720s. On a busy night her establishment regularly accommodated

up to fifty men who would meet to dance, drink and make use of the beds that, according to one witness, she had provided in every room.

On the evening of the 14<sup>th</sup> of November 1725 one of Mother Clap's regulars, Mark Partridge, introduced his new 'husband' Samuel Stevens to the group. Stevens was a police constable and associate of the Society and Partridge had turned police informant. During his deposition at Mother Clap's trial in 1726 Stevens recalled the scene:

I found near Fifty Men there making Love to one another as they call'd it. Sometimes they'd sit in one another's Laps, use their Hands indecently Dance and make Curtsies and mimick [sic] the Language of Women - O Sir! - Pray Sir! - Dear Sir! Lord how can ye serve me so! - Ah ye little dear Toad! Then they'd go by Couples, into a Room on the same Floor to be marry'd as they call'd it...When they came out, they used to brag in plain Terms, of what they had been doing (Old Bailey Proceedings, 11<sup>th</sup> July 1726).

Throughout the winter of 1725 Partridge along with two other former Mary-Anns, Thomas Newton and Edward Courtney, led members of the Society to numerous Molly houses in order to gather intelligence and identify clientele. In early February 1726 the authorities raided Mother Clap's house arresting forty of her customers and Margaret herself. By the end of the month three further Molly houses, Thomas Wright's ale house in Beech Lane, the Royal Oak in Pall Mall and an unnamed house in Giltspur Street had also been raided and their occupants transported to Newgate.

As the year progressed the scale of the vice uncovered by the Society became increasingly apparent. The *London Journal* reported that 'near 20 Houses'<sup>13</sup> have been discover'd, [sic] which entertain'd [sic] Sodomitical Clubs'. In addition to the clubs the Journal warned of 'nocturnal Assemblies of great Numbers of the like vile Persons' who would gather at 'the Royal-Exchange, Moorfields, Lincolns-Inn Bog-houses, the South Side of St. James's Park and the Piazza's of Covent-Garden' in order to 'make their Bargains, and then

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<sup>13</sup> Trumbach (1987) review of the surviving trial transcripts indicates that seventeen houses had been identified between 1725-1726.

withdraw into some dark Corners to *indorse*, as they call it, but in plain English to commit Sodomy' (*The London Journal*, 7<sup>th</sup> May 1726: 2).

By the end of August 1726 fifty-six men had been implicated and although the majority of those arrested were ultimately released due to lack of evidence, four of their number ultimately lost their lives (Trumbach, 1987).<sup>14</sup> Nine individuals including Margaret Clap were charged with keeping disorderly houses. Mother Clap's assertion during her trial that as a woman 'it cannot be thought that I would ever be concern'd [sic] in such practices' (Old Bailey Proceedings, 11<sup>th</sup> July 1726) failed to convince and she was sentenced to two years imprisonment, fined and pilloried at Smith Field with such severity 'that she fell once off of the Pillory, and fainted upon it several times' (*The London Journal*, 30<sup>th</sup> July 1726).

The raids of 1726 marked the zenith of the Society for the Reformation of Manners' influence. By the 1730s the death of a number of the Society's founding members coupled with increasing unease regarding its use of agent provocateurs and informants to bring criminal prosecutions had reduced the impetus for moral reform. The legacy of the reform movement, however, would endure long after the Society formally disbanded in 1738.

Whilst the changing patterns in surveillance, coupled with the formalisation of the agencies of control during the course of the eighteenth century, contributed to the successful campaign against London's Molly houses (Sharpe, 1999) it was the proliferation of print technology that allowed the image of the sodomite as 'an individual interested exclusively in his own gender and inveterately effeminate and passive' to become established within popular discourse (Trumbach, 1987: 118).

In spite of the tightening of legal regulation, changes in prosecution patterns and an increasing public hostility to sexual contact between men in England the image of the effeminate sodomite remained vague in both legal and popular discourses. The documentary evidence relating to prosecutions for unnatural offences during the seventeenth and early eighteenth centuries reveals inconsistencies between the hostility expressed towards men

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<sup>14</sup> William Griffin; Thomas Wright and Gabriel Lawrence were hanged at Tyburn. Samuel Roper died during detention in Poultry Compter whilst awaiting trial (Trumbach, 1987).

convicted of sodomy or attempted sodomy by the crowds who jostled for best position before the pillory, the stereotypical image of the sodomite presented by social commentators like Ward and the tolerance that must have existed amongst local populations in order for the continuance of a relatively stable and visible system of Molly Houses (Bray, 1995). The multiplicity of responses to the Mollies clearly highlights the conflict between the pre-modern abstract presentation of the sodomite as the monstrous sinner who brought about the destruction of Sodom and Gomorrah and the increasingly common everyday social interactions of individuals with 'an acquaintance who seemed normal in every way except his sexual habits' (Greenberg, 1988: 341).

Links between effeminacy, sodomy and cross-dressing can clearly be seen to emerge during the course of the eighteenth century but the strength of the connection between cross-dressing and same-sex desire is more complex and less uniform than the existing historiography has tended to suggest (Cook, 2003, Sinfield, 1994). The increased visibility of same-sex sexual practices within the city during the 1700s provided the conditions for concepts of distinct sexual types such as the cross-dressing sodomite to emerge but just how exclusive such concepts were remains open to question (Weeks, 1981). The author of *Hell Upon Earth*, for example, a rambling condemnation of 'foppery' in the city of London, denounced the fop as a 'superficies of a man' who took a mistress but 'cared nothing but for gossiping... powders, essences, snuff and washballs' (Anon, 1729: 32, 34) but then proceeded several pages later to equate the same 'airs and effects' with those of 'brutish' sodomites (ibid, 1729: 41). Twenty years later the image of the sodomite was little clearer with the *Plain Reasons for the Growth of Sodomy in England* published in 1749 blaming the taste for opera, foppishness in fine gentlemen, tea drinking and general idleness for the rise in unnatural vice (Anon, 1749). The confused conflation of un-manly behaviour and unnatural sexual activity within eighteenth century tracts suggests that effeminacy and cross-dressing were associated but not to the extent that to be labelled effeminate or to practise cross-dressing would inevitably lead to accusations of sodomy (Sinfield, 1994).

The inconsistencies revealed in eighteenth century representations of male sexual and gender deviance strengthened the position of constructionist conceptions of sexuality that presented the formalisation of expert discourse during the nineteenth century as crucial to the development of the homosexual/heterosexual binary. Adopting Foucault's (1976) emphasis on discursive arrangements a number of scholars (cf. Greenberg, 1988, Weeks, 1989 and Sinfield, 1994) have argued that the institutionalisation of bourgeois definitions of masculinity during the mid and latter half of the nineteenth century resulted in a 'major shift in perception' that irrevocably associated effeminacy, and by association cross-dressing, with same-sex sexual practices (Sinfield, 1994: 3). This new masculine ideal that emerged from the empowered bourgeoisie necessitated the stigmatisation of a range of behaviours. Just as they had done in the 1700s the courts and press would enforce and publicise the concepts of normative masculinity, a masculinity that was increasingly oppositional to a range of behaviours, cross dressing amongst them, which fell under the broad category of male effeminacy (Sinfield, 1994).

#### **Effeminacy: Monsters in the Shape of Men (1800-1900)**

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The character and customs of the patrons of the Molly Houses described by Ward in 1709 resurfaced over a hundred years later in Robert Holloway's *The Phoenix of Sodom* that chronicled the 1810 raid on the White Swan tavern. The scene described by Holloway was similar to that revealed by the Society for the Reformation of Manners during its raids on London's Molly Houses during the 1720s.

The fatal house in question was furnished in a style most appropriate for the purposes it was intended. Four beds were provided in one room - another was fitted up for the ladies' dressing-room, with a toilette, and every appendage of rouge, &c. &c. A third room was called the Chapel, where marriages took place, sometimes between a "female grenadier", six feet high and a "petit maître" not more than half the altitude of his beloved wife (Holloway, 1813 cited in Hallam, 1995: 115).

Little seems to have changed; the custom of adopting female names and affectations clearly persisted. Kitty Cambric, Miss Black-eyed Leonora, Pretty Harriet, Lady Godiva and the Duchess of Gloucester were all amongst the regulars (ibid, 1813 in Hallam, 1995). The most striking difference between Holloway's account of the White Swan and the descriptions provided by earlier commentators like Ward was the emphasis placed by Holloway on the link between same-sex practice and solicitation. Whereas male prostitution was a marginal element of the Molly house commentaries of the 1700s Holloway reported that the White Swan's upper floors were devoted to 'youths who were constantly in waiting for casual customers; who practised all the allurements that are found in a brothel, by the more natural description of prostitutes' (ibid, 1813 cited in Hallam, 1995: 116).

The association between sexual contact between men, effeminacy and cross-dressing established during the eighteenth century clearly endured and influenced popular conceptions of sodomites during the first half of the nineteenth century. Holloway, for example, expected the clientele of the White Swan to be effeminate and expressed surprise that, amongst the thirty men arrested in the raid of 1810, were masculine butchers, coal-heavers, blacksmiths and athletic bargemen (Holloway, 1813 cited in Harvey, 1978: 943). Likewise, forty years later, pamphlets remained in circulation cautioning unwary visitors to the metropolis to be on the lookout for effeminate men that 'walk[ed] the streets the same as whores, looking out for a chance' (Dugdale, c.1850: 5-6).

The continuity between the accounts of Ward and Holloway suggests that stereotypical representations of the sodomite as a cross-dressing effeminate continued to be prominent features of popular conceptions of male same-sex sexual interaction during the nineteenth century. Importantly however Holloway's ability to ultimately reconcile the masculine rather than effeminate nature of the White Swan's customers with the charges of sodomy brought against them indicates that effeminacy remained one amongst a number of competing representations. The connection drawn by social commentators between sodomy and solicitation during the nineteenth century also highlights the existence of alternate schemas for same-sex sexual contact. The author of



the *Yokel's Preceptor*, for example, warned of sodomites who wore masculine not feminine forms, 'monsters in the shape of men' who congregated in fashionable dress around the picture shops of Holborn and picked up 'chances' by placing 'their fingers in a peculiar manner underneath the tails of their coats' (ibid, c.1850: 5-6), a description of the sodomite that had little to do with the cross-dressing rituals of the Molly Houses (Weeks, 1991).

By the time the *Yokel's Preceptor* was circulating in the 1850s prosecutions for sodomy and attempted sodomy involving some form of solicitation had become routine features of Victorian criminal justice (Cocks, 2003). By contrast, the carnivalesque punishment that had drawn large crowds to the pillorying of the clientele of the White Swan in 1810 had largely been consigned to history, counter as it was to the civilising aspirations of nineteenth century social reformers (Foucault, 1975, Pratt, 2002). The progressive censorship of punishment did not however reflect a waning of public interest in crime and criminal justice. Just as the physicality of the pillory and gallows had facilitated popular consensus during the 1700s, the reporting of crime and its consequences would become one of the defining features of the Victorian press reflecting both the centrality of newsprint in transmitting popular understandings of deviance and the public's continuing fascination with sexual impropriety (Rowbotham and Stevenson, 2005).

The reporting of crime and punishment was not unique to the nineteenth century but the combination of print proliferation, rising literacy and the formation of class-driven discourses of social respectability during the 1800s did result in a uniquely open and archetypically Victorian exploration of cultural and social tension (Ibid, 2005). In the closing years of the period this cultural and class-based tension found expression in the moralising discourses of social and radical reformers whose focus on upper-class immorality, effeminacy, sexual deviance and working-class exploitation would once again transform cases involving male sexual impropriety from routine features of criminal justice to causes célèbres (Cohen, 1996). Beginning in the 1870s with the prosecution of Boulton and Park and culminating with the trials of Oscar Wilde the spectacular legal prosecutions of the mid to late nineteenth century revealed the seedy underbelly of Victorian London. As the

prosecutions mounted and press coverage employed ever higher levels of alarmist rhetoric, London's West End that now seemed to overflow with cross-dressers, rent boys, brothels, predatory aristocrats and corrupt literature, became the site through which the confused representations of male sexuality began to solidify.

During the final decades of the nineteenth century local episodes of sexual impropriety were presented as representative of wider issues of social decline. Such male sex scandals, driven by bourgeois ideologies of moral purity, were utilised to stigmatise and ultimately criminalise problematic aspects of masculinity providing the conditions required for the conception of distinct forms of deviant sexual identities (Hunt, 1999). During this period the concept of a 'homosexual act' as opposed to a 'sodomitical act' began to crystallise within the criminal law.

Although a legal definition of sodomy had been established under The Act of 25 Henry VIII, remaining largely unchanged during the reigns of Mary I, Edward VI and Elizabeth I, it was not until the closing years of Charles I's ill-fated reign that Sir Edward Coke laid down the conceptual framework for sodomy from which all the subsequent legal discourses of unnatural offences and offenders would be established (Boyer, 2003). Coke's conceptualisation of the offence of buggery, centred on the nature of the act rather than the character of the actor remained uncontested in statute law and was incorporated within the subsequent commentaries produced by William Blackstone in 1769, forty-four years after the raid on Mother Clap's coffee house. As a result of the enduring influence of Coke's interpretation of sodomy as 'detestable and abominable sin... committed by carnal knowledge against the ordinance of the Creator, and order of nature, by mankind with mankind, or with brute beast, or by womankind with brute beast' (Coke, 1648: 58), by the nineteenth century the charge of unnatural offences although frequently applied to male same sex sexual activity could equally be applied to heterosexual sexual conduct, bestiality and masturbation (Weeks, 1989).

Whilst legal conceptions of sodomy remained centred on the act of penetration broader shifts in the regulation of sexual immorality, most notably the 'gross indecency' clause of the 1885 Criminal Law Amendment Act, expanded both

the legal classifications of sexual misconduct and laid the foundations for a clearly gendered framework of sexual deviancy.

Such shifts not only allowed for a broadening of the categories of male sexual deviance they facilitated the recognition within legal, medical and popular discourses that male same-sex sexual contact and gender nonconformity were the external markers of a distinct type of deviant individual (Weeks, 1977, 1989). Within the constructionist historiography the shift from sodomitical act to homosexual actor in expert discourse combined with the scandals generated by the prosecution of Boulton and Park, the discovery of an upper-class male brothel in Cleveland Street and the unapologetic aestheticism of a prominent Irish playwright has been presented as the catalyst through which the disparate representations of male same-sex desire that characterised the pre-modern period were united into a single sexual schema (Cook, 2003).

Although the processes of identification, classification and stigmatisation that began in the 1700s can clearly be seen to accelerate as the nineteenth century progressed Foucault's (1976) assertion that the 1870s marked an epoch in conceptions of sexuality predicts a uniformity of conceptual understanding that a nuanced analysis of the legal and popular discourses of the period fail to support (Paglia, 1994, Halperin, 2000). The legal prosecutions and public scandals of the latter nineteenth century, that have long been incorporated within constructionist explanations of the emergence of a unified conception of male same-sex interaction, whilst pointing to a conflation of pre-modern conceptualisations of gender nonconformity also reveal that this process was not as uniform or as exclusive as constructionist scholars have tended to suggest (Paglia, 1994). The prosecution of Ernest Boulton and William Park in 1870-1, William Thomas Stead's exposé of childhood prostitution in 1885, the libel action brought against Ernest Parke that publicised a male brothel on Cleveland Street in 1889 and the three trials of Oscar Wilde in the spring of 1895 were events that, with varying degrees of intensity, shaped expert and popular conceptions of male sexual impropriety but in each case the singular image of the effeminate homosexual, the species that Foucault (1976) speculatively described, is absent. What the scandals of the latter nineteenth century reveal is the extent of ambiguity that remained in

conceptions of effeminacy and same-sex practice. Effeminacy, although universally stigmatised, represented a multitude of social ills ranging from indolence to physical degeneracy and male same-sex practice, whilst associated with gender-role-dependant markers such as effeminacy and cross-dressing, could equally be defined by age or social-role-dependent variables.

### ***The Men in Women's Clothing (1870-71)***

The prosecution of Boulton, Park, Hurt and Fiske would be the first case involving cross-dressing, effeminacy and sodomy to achieve widespread publicity since the White Swan prosecutions in 1810. Although all of the defendants<sup>15</sup> would ultimately be acquitted of the charges of conspiracy to commit sodomy the sensationalist press reporting of the lengthy legal proceedings would repeatedly emphasise the deviant masculinity of both the male cross-dresser and those amongst his audience whose enthusiasm for gender performance resulted in degrees of cross-class and cross-generational intimacy that the Victorian bourgeois found deeply unpalatable. Throughout press and legal discourses the possible links between cross-dressing, sodomy and solicitation were questioned as both the legal establishment and wider Victorian society sought to interpret the public performances and private relationships of a seemingly ever expanding circle of effeminate and idle young men.

As the arraignment hearings progressed speculation in the press regarding the extent of London's drag scene mounted with *The Times* fearing that 'drag might have become quite an institution' (*The Times*, 31<sup>st</sup> May, 1870: 9). Such an institution that *Reynolds* predicted the 'retributive destruction by fire from heaven' was sure to follow (*Reynolds*, 5<sup>th</sup> June, 1870: 5).

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<sup>15</sup> In addition to Boulton and Park Arthur Clinton - who had appeared in a number of theatrical productions with Boulton and had briefly shared his lodgings, Louis Hurt - a childhood friend of Boulton, John Fiske - an associate of Louis and Boulton, Martin Cumming - an illicit cross-dresser and friend of Boulton, William Somerville - an acquaintance of Hurt and Boulton, and C.F. Thomas were indicted before the Queen's Bench in 1871. Only Boulton, Park, Hurt and Fiske would appear in the dock, Clinton having died in 1870 and the other defendants failing to surrender to police.



Figure 1: 'From Bow Street Station to the Van' (*The Day's Doings* 20<sup>th</sup> May 1871: 264).<sup>16</sup>

Accompanying such alarmist rhetoric was the suspicion of official or institutional collusion in male sexual immorality. Aristocratic accountability had, by the 1870s, become the perennial bugbear of the radical press. *Reynolds* was sure that 'sinister influences' were seeking to 'screen persons of high position' from the police investigation (*Reynolds*, 10<sup>th</sup> July, 1870: 4) and concerned letters to the editor of *The Pall Mall Gazette* and *The Times* lamented the institutional endorsement of cross-dressing performances in school theatrics and cautioned that the country's Universities had become the breeding ground for conspiracies (cf. *The Pall Mall Gazette*, 8<sup>th</sup> June, 1870).

Although condemnation of Boulton and Park's activities was universal, establishing just what was being condemned is far more problematic than the established academic analysis of the case suggests. The inherent effeminacy of cross-dressing was repeatedly stressed in the early press coverage of the arraignment hearings with detailed descriptions of Boulton and Park's

<sup>16</sup> This image is typical of early pictorial representations of Boulton and Park that dually emphasise the feminine characteristics of the physical garments of the cross-dresser and the feminisation of the masculine form. Such representations suggest that cross-dressing remained an ambiguous practice as late as the 1870s, seemingly possessed of the ability to confer gender rather than simply demarcate it (Senelick, 2000).

wardrobe appearing alongside depictions of the defendants that highlighted their feminine characteristics. Boulton's slight frame, his soprano voice and his delicate hands were repeatedly emphasised as the moralising rhetoric of the press sought to construct the middle-class male cross-dresser, as a threat to natural masculinity and therefore a threat to the physical and moral health of the nation.

In addition to the overt effeminacy that cross-dressing represented, the bohemian lifestyle of the cross-dresser was the subject of much discussion. Many of the men involved in the case were described as 'gentlemen', some in possession of 'independent fortune' (*Reynolds* 8<sup>th</sup> May 1870: 5), and Boulton and Park's status as scions of the middle-classes was repeatedly emphasised. The ability of young men of independent means to indulge in 'acts of extravagance and folly' (KB 6/3), unrestrained by the stabilising influences of marriage and productive labour, although lacking the ideological underpinnings of aestheticism, was viewed in much the same vein, denounced as directly confrontational to bourgeois conceptions of masculinity (Moers, 1960). The ire of press and court was therefore directed towards the fact that young men had both the inclination to cross-dress and the time and resources to engage in the practice whenever they pleased.

By the time the trial of 'Boulton & Others' was heard at the Court of the Queen's Bench on the 9<sup>th</sup> May 1871, just over a year after the close of the police court proceedings, the meaning of male cross-dressing, its connection with the city and the extent of effeminacy amongst the nation's youth had been the subject of prolonged and public debate. 'Drag' as a term for male-cross dressing had entered the popular lexicon and Boulton and Park's public escapades had been immortalised in newsprint, penny dreadfuls, and music hall verse. Despite the sustained public interest in male gender nonconformity, overt discussion of the links between cross-dressing, solicitation and sodomy was absent from the press coverage of the case. Although the popular demand for crime stories necessitated a more open approach with regards to the reporting of evidence, any material that was deemed too shocking or was considered to be a danger to the public morals was either omitted or concealed beneath a layer of thick metaphor (Rowbotham and Stevenson,

2005). None of the mainstream publications disclosed the crime that Boulton and Park were charged with committing. Reporting of the offence was curtailed to 'conspiracy to commit a felony' (*Reynolds*, 8<sup>th</sup> May 1870) or the equally ambiguous 'personated women with felonious intent' (*The Times*, 31<sup>st</sup> May 1870: 11). Likewise, the vast majority of medical testimony that occupied days of proceedings at Bow Street and Westminster Hall was either vastly truncated; for example, 'the witness stated the result of his examination, and expressed his opinion that the criminal offence charged had been committed again and again', or was deemed unprintable; 'further medical testimony was given by Dr. Barwell, but it was of a character wholly unfit for publication' (*The Times*, 21<sup>st</sup> May 1870: 11).

Although the information that could be gained from court reports was limited, requiring the readers to fill in the blanks to the best of their ability, a more direct channel to the legal discourse was available. Public attendance at arraignment hearings had, by the 1870s, become an integral part of the Victorian justice system (Rowbotham and Stevenson, 2005). The prosecution of Boulton and Park was no different in this respect, though the scale of public interest was unusual; the press reported that Bow Street was 'literally besieged by the public' (*The Times*, 7<sup>th</sup> May 1870: 11). Public attendance in court combined with the crowds that swarmed each day to witness Boulton and Park's progress from the cells to Bow Street ensured the dispersal of information omitted by court reporters. The fact that dirty limericks were soon in circulation suggests that, within metropolitan circles at least, the older association between effeminacy and sodomy could be applied to the Victorian cross-dresser.

Although ultimately unsuccessful in the context of a criminal trial, the Attorney General's assertion that the 'unnatural crime' was visible beneath the evening silk and face powder of the male cross-dresser (DPP 4/6) suggests that to some degree the pre-existing connections between effeminacy and same-sex sexual deviance remained influential within wider discourses of masculinity. The sodomy statute, set out in the Offences Against the Person Act of 1861, would remain unchanged but the fact that the Crown was confident enough to pursue the argument that the offence could be recognised via the physical

appearance of defendant's backsides, interpreted from the language they used and inferred from their unmanly affectations demonstrates that notions of distinct types of sexual identity, although underdeveloped and fragmentary in the 1870s, were beginning to take shape. Cross-dressing prosecutions would continue to be reported in the press and although no case ever received the levels of public scrutiny achieved by the Boulton and Park scandal, the fact that the female personators were discussed during press coverage of the Wilde trials twenty-five years later highlights the impact of the case in establishing and strengthening the links between effeminacy, theatrics and male sexual immorality (cf. *Reynolds*, 26 May 1895: 1).

### ***The Maiden Tribute of Modern Babylon (1885)***

The themes of idleness, unnatural masculinity and upper-class vice that had emerged during the prosecution of Boulton and Park in the 1870s would again feature in a scandal that, during the summer of 1885, cemented London's reputation as a site of sexual exploitation and commodification and further stigmatised aspects of urban masculinity. The publication in the *The Pall Mall Gazette* of William Thomas Stead's '*The Maiden Tribute of Modern Babylon*', a four part exposé of child prostitution, caused a sensation and a subsequent moral panic that provided the purity campaign with the impetus it required to force through legislative change in the form of the 1885 Criminal Law Amendment Act, an Act that, although intended to enhance the protection of girls, would ultimately have a profound impact on the legal and popular conceptions of male same-sex sexual deviance (Weeks, 1989).<sup>17</sup>

Beginning on the 6<sup>th</sup> July 1885 *The Maiden Tribute of Modern Babylon*, the progenitor of twentieth century investigative journalism, recounted Stead and his 'secret commission's' descent into London's underworld to confirm the fear

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<sup>17</sup> Although the passing of the Criminal Law Amendment Bill on the 14<sup>th</sup> August 1885 was hailed as a triumph by a broad coalition of social progressives, moralists, feminists, and temperance activists its passage through the House allowed the Radical Liberal MP Henry Labouchère to table an amendment to the bill that dealt not with female prostitution but with male indecency. Subsequently termed the Labouchère Amendment Section Eleven of the final Act introduced the offence of gross indecency between males that criminalised 'Any male person who, in public or private, commits, or is a party to the commission of, or procures, or attempts to procure the commission by any male person of, any act of gross indecency' (Criminal Law Amendment Act 1885, c.69).



of social reformists that the 'violation of virgins [was] one of the ordinary incidents' of the metropolis (*The Pall Mall Gazette*, 6 June 1885). Stead's lurid narrative of the abduction, degradation, exploitation and sale of young girls to London's brothels horrified and outraged Victorian society. As Stead's revelations continued and public outcry mounted, the government, caught very much on the back foot, was forced to reaffirm its commitment to the passing of legislation that would ensure the protection of the working class from the predatory predilections of a degenerate aristocracy (Hunt, 1999).

The Maiden Tribute, much like the press coverage of the prosecution of Boulton and Park, was far more than sensational journalism, Stead was as concerned for the moral health of his readership as much as their willingness to purchase his exposés. As the public outcry grew so did Stead's no longer 'secret commission' of moral entrepreneurs. By the time he addressed an estimated crowd of 250,000 in Hyde Park his cause had attracted temperance activists, clergymen, several notable members of the Salvation Army and the feminist campaigner Josephine Butler who had championed the original Bill and campaigned alongside Stead in his crusade against the 'white slave trade' (Mathers, 2014).

Although the Maiden Tribute instigated the legislative changes that criminalised gross indecency between males the significance of the Labouchère Amendment in terms of defining male sexuality has been over-emphasised within the constructionist historiography (Cocks, 2006). Unlike the Dublin Castle scandal of 1884<sup>18</sup> and the prosecution of Boulton and Park in 1870-1 same-sex desire was not a feature of the Maiden Tribute, rather it

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<sup>18</sup> The 'Dublin Castle' scandal, unlike the other sex scandals of the latter nineteenth century was utilised by radical elements of the press in an attempt to affect political rather than moral change. The scandal broke in 1883 when rumours of an association between a number of British officials and Irish rent boys in Dublin were seized upon by the nationalist politician William O'Brien who, sensing an opportunity to further the cause for Irish Home Rule, utilised his editorship of the *United Ireland* newspaper to openly accuse James Ellis French, the head of criminal investigations at Dublin Castle of sodomy. In response to French's subsequent libel action O'Brien hired a private detective who discovered 'a criminal conspiracy which for its extent and atrocity, almost staggered belief' (O'Brien cited in Hyde, 1970: 129), a conspiracy that ultimately implicated the Secretary of the Irish Post Office, an officer in the Royal Dublin Fusiliers and a Crown Solicitor and dealt a near fatal blow to the Gladstone Administration. Effeminacy and cross-dressing did not feature in the scandal but O'Brien's campaign did strengthen the notion that 'homosexual vice was rampant in official circles' (ibid, 1970: 133).

was the uncontrolled lust of the privileged that was the focus of reformist zeal. Public reaction and press coverage of Stead's campaign and his subsequent imprisonment<sup>19</sup> highlight the place of 'effeminacy' within wider discourses of class, gender and sexual morality (Kaplan, 2005). Both the Maiden Tribute scandal and the prosecution of Boulton and Park reveal that the bourgeois restructuring of masculinity around the concepts of social responsibility and individual purity created and stigmatized a 'leisure-class' whose idleness and immorality were increasingly characterised as manifestations of effeminacy. The effeminacy of the male cross-dresser and the predatory Minotaurs of Stead's labyrinthine London may have differed but in both cases the accusation of effeminacy did not infer male same-sex practices, rather it was utilised to condemn the immorality of a supposed anti-production ethos that was viewed as directly oppositional to middle-class conceptions of masculinity (Sinfield, 1994).

The discourses that accompanied the prosecution of Boulton and Park, the Maiden Tribute and the 'West End scandals' of the 1890s emphasise the connection between sexual immorality and metropolitan existence with the city increasingly viewed as both a site in which deviance could go undetected and a site in which deviance gestated (Cook, 2003, Robb, 2004). The sodomite was part of this urban narrative but so too were a menagerie of other deviant urban types, dandies, swells, cross-dressers and female prostitutes all of whom were united within the discourses of sexual immorality but nonetheless continued to remain an indistinct and confused category of undesirables (Walkowitz, 1992).

The first case of male same-sex sexual immorality to achieve widespread public notoriety in the post Labouchère period was very much conceived as a metropolitan scandal. Beginning in the summer of 1889 the discovery of a male brothel populated by telegraph boys and 'Piccadilly Vultures' would continue the convergence of the themes of aristocratic immorality, class inequality and the abuse of privilege, evident in the 'Dublin Castle' and the 'Maiden Tribute' scandals, with the wider moralist assault on urban bohemian

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<sup>19</sup> Ironically in the wake of the scandal it would be Stead himself who ultimately faced prosecution for the abduction of a minor, a chimney sweep's daughter by the name of Eliza Armstrong whose purchase Stead used to validate the claims made in the Maiden Tribute (Kaplan, 2005).

masculinity that had defined the press responses to Boulton and Park in the 1870s. The discourses that emerged from the press coverage of what became known as the 'Cleveland Street Scandal' represented the final stages of the 'aggressive assertion of middle-class morality' (Kaplan, 2005: 182) that, by the 1890s, had dually stigmatised and fragmented the concept of effeminacy.

### ***The House on Cleveland Street (1889)***

In July 1889 a fifteen-year-old employee of the General Post Office named Charles Thomas Swinscow was detained during a police investigation into a series of thefts from the Office's headquarters in St Martin-le-Grand. As telegraph boys were forbidden from carrying personal cash during their rounds, the discovery of fourteen shillings in Swinscow's possession forced him to counter the accusations of theft by admitting to supplementing his income via prostitution. The resulting discovery of a male brothel in Cleveland Street led to several prosecutions under Labouchère's Amendment and generated a scandal that would further reinforce the links between aristocratic lust and class exploitation exposed by Stead, as, Lord Arthur Somerset, Henry Fitzroy the Earl of Euston and ultimately Prince Albert Victor, grandson of Queen Victoria and second in line to the succession, were named as possible clients of the Cleveland Street boys (Hyde, 1976).

The scandal broke when Ernest Parke, writing in the *North London Press*, publically accused Fitzroy of orchestrating 'a foul and widespread plot to poison the morals of the community' (*North London Press* 1889 cited in Hyde, 1976: 181). Although Fitzroy would ultimately be vindicated in the libel courts, the fact that the authorities had quickly apprehended the working-class telegraph boys yet had failed to prevent Lord Somerset and brothel owner Charles Hammond from absconding to the continent was seized upon by the radical press as further evidence of widespread collusion between a sexually deviant aristocracy and an increasingly corrupt establishment. Stead bemoaned from the pages of the *Gazette* that 'there has been too much of this kind of thing in the past. The wretched agents are run in... the lords and gentlemen who employ them swagger at large' (*The Pall Mall Gazette*, 12<sup>th</sup>

September 1889: 2) a view shared by Labouchère who utilised his editorship of *Truth* to accuse the Home Office of 'impeding the police' and facilitating the escape of 'high-born criminals' (*Truth* 1889 cited in Kaplan, 2005: 170).<sup>20</sup>

The prosecution of Newlove and Veck on 18<sup>th</sup> September 1889 went unreported in the major London papers. By contrast Fitzroy's libel suit against Ernest Parke was the subject of frenzied coverage between November 1889 and January 1890. Although the press, both radical and conservative, produced censored reports of the legal proceedings that carefully excluded the specifics of the sexual acts undertaken at 19 Cleveland Street their coverage of the case revealed the emergence within discourse of a distinctly urban sodomite whose deviance was distinguishable from both the opportunism of the telegraph boys and the unrestrained lust of the aristocracy.

Throughout the proceedings the image of the telegraph boys was carefully constructed to create distance between the character of the boys and the character of their offence. Press discourse resonated with the narratives of class exploitation established in the Maiden Tribute casting the boys as working-class victims whose behaviour, although reprehensible, was a response to the inequity of their position and the result of the unnatural influences of Hammond and his associates (Hyde, 1976).

With the telegraph boys and the Earl of Euston respectively cast as the victims of predatory sodomites and radical newspaper proprietors, attention turned to the only adult prostitute involved in the case. Jack Saul, a self-described 'professional sodomite', was seen as representative of the moral and social decay that the scandal typified (Kaplan, 1999). Radical papers like *Reynolds*, *Truth* and *The Pall Mall Gazette* had initially publicised Cleveland Street to highlight the supposed duality within the English legal system that, they asserted, increasingly favoured the rich and penalised the poor but in the end it was Jack Saul who stole the show.

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<sup>20</sup> Two former telegraph boys, Harry Newlove and G. D. Veck, were the only individuals to be prosecuted whom had a direct connection with the affair having both admitted to engaging in 'indecent acts' with fellow post office employees and to recruiting other telegraph boys to sell their services at Cleveland Street. Ernest Parke, who first publicised the arrests and accused Fitzroy of sodomy in the *North London Press*, was found guilty of libel and sentenced to twelve months imprisonment (Hyde, 1976).



Figure 2: 'The House on Cleveland Street' (*Illustrated Police News* 25<sup>th</sup> January 1890: 1).<sup>21</sup>

The dogged presentation of the telegraph boys as naïve, youthful and respectable members of the working-class, in spite of evidence to the contrary, highlights that age and class dynamics remained important features within Victorian conceptions of sodomy. The fact that the press failed to report that most of the telegraph boys were in their early twenties and that a number of them had admitted to engaging in consensual sexual acts with each other suggests that the idea that young working-class men would engage in same-sex sexual contact without compulsion or influence was inconceivable in discourse if not in practice (Kaplan, 1999).

The idealised representation of the telegraph boys demonstrate that as late as 1890 the shift from sexual act to sexualised actor that Foucault (1976) envisaged as central to the development of modern conceptions of homosexuality had not fully materialised. Neither the telegraph boys nor their clientele equated to the 'professional sodomy' of Jack Saul; rather their same-sex sexual activity was conceptualised as inequalities of age, class and economic capital. Saul, by contrast, whose testimony revealed many of the same inequalities, represented a composite of the contradictory narratives of sexual deviance that had developed across the eighteenth and nineteenth

<sup>21</sup> The tableau of the case produced by the *Illustrated Police News* has a number of notable features. Note the emphasis placed on the childlike aspects of the telegraph boys and the contrast between the respectability of Ernest Parke – depicted on the right – and the effeminate and ambiguously attired Jack Saul, 'the Piccadilly Vulture', in the lower left panel.

centuries. Saul the 'effeminate' 'creature' whose evidence by its 'brutal callousness... both shocked and revolted' (*The Star*, 16<sup>th</sup> January 1890: 3) represented, like Boulton and Park twenty years before, a stigmatised form of urban masculinity possessed of an aggressive effeminacy. Unlike Boulton and Park, Saul never denied engaging in sodomy and other acts of indecency and his public defence of both prostitution and same-sex sexual contact went far beyond the evidence presented by London's cross-dressers in order to legitimise their activities in the 1870s.

Crucially, Saul is distinguishable from both the telegraph boys and the male cross-dresser whose sexual immorality and gender nonconformity was ultimately constructed as a temporary aberration rather than a permanent predilection. The representations of Saul in both legal and popular discourse are those that suggest a permanency to his sexual deviance. Saul's status as a professional sodomite was one that conferred more than simple economic considerations, it suggested that he was a distinct type of individual; an individual whose professionalisation of same-sex practice resulted not from external social inequity but from an internal 'sexualized personal identity' (Kaplan, 2005:206). The representation of Jack Saul that emerged from the press and court reports do not however point to a unified schema for effeminate homosexuality. Whilst some press reports emphasised Saul's effeminacy others described him as a 'filthy loathsome... detestable beast' (*Reynolds*, 19<sup>th</sup> January 1890: 4), there is more of the folk devil about Saul than Foucault's (1976) emergent species.

The vehement condemnation of Saul in the wake of Parke's conviction was in part facilitated by his class for, unlike Boulton and Park who could appeal to middle-class sensibilities with an almost straight face, Saul, marginalised and maligned, personified the disreputable poor. The fact that Saul escaped prosecution for perjury and gross indecency testifies to a deep unease within the establishment that in pursuing cases involving male sexual impropriety the State risked exposing the public to moral corruption exacerbating the very behaviour it wished to suppress. Commenting at the outset of the Cleveland Street affair the Lord Chancellor feared that the case was 'likely to do more harm than good' and publicity would likely spread 'matter of the most revolting

and mischievous kind' (Halsbury, 1889 cited in Simpson, Chester and Leitch, 1976: 105). Such concerns had been vocalised nineteen years before when agents for the Society for the Suppression of Vice had called for the press and public's exclusion from the arraignment hearings of Boulton and Park (*The Times*, 30<sup>th</sup> May 1870). In the end it was far less problematic to allow Jack Saul to return to the anonymity of the street than to risk the further exposure of London's sexual underworld. Five years after the close of the Cleveland Street prosecutions, however, the authorities were faced with a defendant who could not be dismissed as easily as Jack.

### ***The Wilde Trials (1895)***

On the 25<sup>th</sup> May 1895 Oscar Wilde was led from the dock at the Old Bailey to cries of 'shame' from the public gallery (*The Times*, 25<sup>th</sup> May 1895: 4). Wilde had been found guilty of gross indecency after a protracted series of trials brought about by his disastrous libel action against the Marquess of Queensberry after the Marquess had left a card at Wilde's club accusing him of 'posing as a sodomite [sic]' (Queensberry, ND cited in Cohen, 1996: 215).

Forced to defend their client's conduct in the libel courts Queensberry's counsel actively sought out evidence of Wilde's 'posing' by dually questioning the meanings of Wilde's aesthetic principles and by trawling the West End for informants willing to testify to his deviant sexual practices. They were successful on both counts and Wilde was forced to withdraw the prosecution. Shortly afterwards, thanks in no small part to Queensberry's continuing vendetta, Wilde found himself in the dock as the Crown utilised the defence's evidence in the Queensberry case to justify a charge of gross indecency against Wilde and his associate Alfred Taylor (Hyde, 1976). The first criminal prosecution ended with the jury unable to deliver a verdict. The second, however, in which Wilde was the sole defendant, ended in conviction.

Wilde's trials, the last of the West End scandals to be given prominence in the historiography of Victorian masculinity, were sites through which many of the themes and association that had emerged from the earlier sex scandals of the nineteenth century converged. Wilde's effeminacy, his urban bohemianism, his

cross-generational and cross-class relationships, his connection to the theatre and his familiarity with the unsavoury aspects of metropolitan life were all presented as proof of Wilde's sexual deviancy. Wilde's accusers drew parallels with both Cleveland Street and Boulton and Park, his literature was fit only for 'outlawed noblemen and perverted delivery boys' (Whibley, 1890 cited in Bartlett: 94) and it was rumoured, although never proven, that cross-dressers and male prostitutes were counted amongst his associates (Cohen, 1996). Just as had occurred during the prosecution of Boulton and Park Wilde's private letters were scrutinised for hidden meaning and like John Stafford Fisk, Ernest Boulton's American admirer, Wilde's evocation of Greek homoeroticism within his personal correspondences was viewed as deeply suspect.<sup>22</sup>

Wilde, like Jack Saul and Boulton and Park, was not portrayed as representing the homosexual invert proposed by continental sexology. Wilde's downfall was ultimately not his 'posing' but the extensive evidence that he had actually engaged in acts of indecency with other men (Sinfield, 1994). The threat that Wilde represented was conceived along familiar lines. He was representative of moral degradation and personal weakness. Like Saul, it was his defence of his relationships and his supposed promotion of unnatural vice that fanned the fires of moral outrage (Cohen, 1993).

The constructed image of Oscar Wilde as an effeminate, indolent and degenerate predator was not so different from the image of male sexual deviance established by Stead a decade earlier. It was not therefore the elements of the last West End scandal that can be seen as extraordinary but the unprecedented attention that the case has subsequently received. For a number of scholars (cf. Sinfield, 1994, Hyde, 1976, Cohen, 1993) the last of the West End scandals represents 'a major shift in perceptions of the scope of same-sex passion' in which the disparate representations of the sodomite

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<sup>22</sup> John Stafford Fisk, the American Consul at Leith described Boulton as 'Lais and Antinous', respectively a male courtesan and the male lover of the emperor Hadrian (DPP 4/6). Wilde wrote in a similar vein to Lord Alfred Douglas likening his friend to Hyacinthus, the beautiful youth who loved the God Apollo (Hyde, 1976). In both cases the association between male friendship and Greek eroticism was deeply damaging to the defence.



coalesced 'into a brilliantly precise image' centred on Wilde himself (Sinfield, 1994: 3).

Whilst it is true that Wilde has come to represent the archetypal urban homosexual it would be incorrect to assert that this twentieth century representation of a unified image of male sexual deviance was recognisable to his contemporaries; Wilde's 'type' remained one amongst many. The character and appearance of Wilde was held as a totem of gross indolence and effeminate self-indulgence. True, his prosecution had done much to link such traits with unnatural desire, but ultimately Wilde was condemned for more than his sexual relationships. Wilde's stigmatisation, like many men before him, was necessitated by his rejection of the bourgeois masculine ideal (Kaplan, 1999, 2005). The image and persona of Wilde like many of the individuals discussed in this chapter was contradictory. He was both husband and sodomite, family man and man about town, a champion of aesthete ideals who was not above slumming it with rent boys. Despite such contradictions it is undeniable that the landscape of sexual geographies had changed dramatically by the century's end. The public antics of cross-dressers like Boulton and Park would no longer be tolerated in the hostile atmosphere that followed Wilde's imprisonment in 1895 but to assume that the 'brilliantly precise image' (Sinfield, 1994: 3) of the effeminate homosexual was pre-established, requiring only the critical mass of publicity, scandal and celebrity in order to emerge fully formed within the discourses of sex and gender is to read history in reverse as if Wilde's punishment was 'the end towards which [the Victorians] had been headed all along' (Kaplan, 2005: 225).

### **1.3 Summary**

Before the Wilde trials male effeminacy represented a diverse and amorphous concept that, although increasingly stigmatised as the nineteenth century progressed, could be applied to a broad range of personal characteristics and public behaviours. Whilst the link between male effeminacy and same-sex practice can be traced through discourse from the alarmist pamphlets of eighteenth century social commentators like Ward to the moralising editorials

that condemned Jack Saul, in the final decade of the nineteenth century the wider discourses that accompanied the formal regulation of sexuality during the period reveal that the link between sodomy and effeminacy was far from exclusive. In addition to the connection with same-sex practices effeminacy's intersections with class, labour, social responsibility and moral purity are recurring features of the legal cases and press exposés discussed in this Chapter. Although cross-dressing can be seen as linked to the concept of effeminacy the assumption within the literature that effeminacy was in turn directly associated with unnatural desire is deeply problematic.

The current historiography of male cross-dressing during the nineteenth century is constrained within the narrow ideological parameters of the histories of male homosexuality, histories that 'look *through* rather than *at* the cross-dresser' (Garber, 1992: 9) and consequently histories that have failed to acknowledge the wider sociocultural significance of gender performance. To ask why 'Fanny and Stella [were] not demonized, victimized, punished?' (Sinfield, 1994: 7) is to interpret history in reverse, objectifying the standing of evidence at the outcome of legal proceedings, whilst underplaying the productive qualities of legal discourse (Edmond, 2002). The legal discourses that cross-dressers like Boulton and Park would ultimately be incorporated within cannot therefore be utilised to assess Victorian conceptions of male cross-dressing before such litigations were instigated.

In order to address the distorted image of the [homo]sexualised cross-dresser that has characterised the current literature of nineteenth century masculinity Chapter Two redirects focus away from the legal, moral and social representations of Boulton and Park that emerged during their prosecution to explore the performances that culminated in the arrests of April 1870. This shift recognises that, whilst the private behaviours of London's cross-dressers would be central to the processes of legal and medical classification undertaken in 1871, it would be the individual classifications of audiences that ultimately necessitated the formal mechanisms of control. Only by encountering Boulton and Park on the stage and in the stalls, just as their audiences did, can the symbolic interactions that defined both gender performance and gender performers be understood. That such interactions

ultimately necessitated their arrest and formal classification is not in question but, as the following Chapter demonstrates, such interactions extend beyond the recognition of effeminacy's links to male same sex practice to encompass the complex interplay of gendered narratives that ordered Victorian conceptions of self and place.

## Chapter II: Boulton and Park: 'The Somebodies whom Nobody Knows'

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If, as had been suggested, they were merely acting in this way for “a lark”, it must be said that the lark was one of a very long duration, extending over years, and carried on with a degree of systematic arrangement, unusual, to say the least (*The Times*, 7<sup>th</sup> May 1870: 11)

### 2 Introduction

It was with the above statement that Mr Fredrick Flowers, the stipendiary magistrate for the Bow Street police court, sought to draw the lengthy arraignment hearings of the he-she ladies to a close. By the time that Boulton and Park were finally committed for trial in May 1870 it was clear to all concerned that the objects of the court's attention were two male cross-dressers. Following their arrest outside the Strand theatre on the evening of the 28<sup>th</sup> April 1870 the public was confronted with the unsettling disjuncture between the actuality of Boulton and Park's biological sex and the illusionary gender of their public personas.

The discovery of Boulton and Park's gender performances by spectators who had failed to see the masculine beneath the feminine or who had chosen to disregard seemingly incompatible attributes, resulted in a process of 'othering' as the discrepancy between the fantasy of Stella and Fanny's gender and the realities of Boulton and Park's biological sex dissolved the established categories through which their social actions had previously been interpreted. When faced with the othered cross-dresser, counter as he was to the processes of intrinsic ordering that characterised modern social arrangements (Elias, 1939, Bauman, 1989), the duped and outraged spectators turned to the courts beginning the process of legal ordering and classification that ultimately culminated in the 1871 conspiracy to commit sodomy prosecution before the Queen's Bench.

This Chapter considers Boulton and Park's gender performances in relation to their various stages and audiences. Far from universal figures of unnatural, that is, homosexual desire, Boulton and Park will be shown to have presented subjective virtual identities that were inherently connected to both the individual gender performance and the spaces in which such performances were enacted. By highlighting the significance of spatialization (Shields, 1991) the place myths that facilitated the ordering of the Victorian city will be demonstrated to directly influence the categorisation of the urban cross-dresser. Utilising Foucault's (1986) notion of heterotopia and the literary device of the *Flâneur* the place myths of the Victorian city will be shown to have been constructed and maintained via an ideology that was singularly male. Within the public spaces of the city it was the male gaze that enacted the processes of ordering resulting in the classification of Boulton and Park not as sodomites, the embodiment of male sexual transgression, but as prostitutes, the totality of female sexual deviance.

Before their biological sex was discovered Boulton and Park had successfully passed as women, they had masked the discreditable attributes of their masculinity and although individual categorisations may have differed, each spectator responded to a feminine social identity. Francis Cox, for example, the businessman who wined and dined Boulton at the Guildhall Tavern took him for a 'fascinating and charming lady'; Hugh Mundell, Boulton's would-be suitor, took him for 'a gay lady'. Both Cox and Mundell may have interpreted the social cues of Boulton's gender performance differently, attributing a virtual social identity that conformed to their expectations, but they were united in their belief that Boulton was female. Once the searchers at Bow Street had confirmed beyond any doubt that Boulton and Park were male the processes of othering and ordering began to reconfigure their social identity in response to the visibility of the stigma of the discovered and discredited cross-dresser. The legal process discussed in Chapter Five was therefore the final stage on which the processes of ordering were enacted. It was only on the legal stage that Boulton and Park's performances began to be interpreted via the narratives of sodomy and degeneration but this narrative was neither universally accepted nor internally consistent.

The complexities of a case involving multiple stages, performances and audiences required Mr Flowers to relinquish his jurisdiction to the higher courts. The arraignment hearings, rather than ordering the cross-dressers, had heightened their otherness by revealing the complex ambiguity of cross-dressers whose performances straddled both the public and private spheres. Boulton and Park would not leave the dock at Bow Street as recognisable homosexuals, the arraignment hearings were not, as has been argued, 'the great homosexual scandal of the mid-Victoria period' (Hyde, 1970: 94). *Reynolds* may have proclaimed that the public cross-dressing of Boulton and Park was 'of the most filthy and abominable nature' (*Reynolds*, 5<sup>th</sup> June 1870: 4) but, as Chapter One demonstrated, establishing exactly what the Victorians considered 'filthy' and 'abominable' in relation to unsanctioned cross-dressing is far more complex than the current historiography of the case has suggested.

The evidence presented at the arraignment hearings demonstrated that Boulton and Park had performed before both knowing and duped audiences, that their cross-dressing had facilitated successful passes and public spectacle and that their performances had achieved both rapturous applause and hostile accusations. Through the skill of their 'systematic arrangements' Boulton and Park had continued to publicly cross-dress for a period well in excess of any cross-dressers previously encountered by the courts.

Uniquely Boulton and Park represented the two halves of Victorian gender performance, legitimate and transgressive. As professional cross-dressers their performances were interpreted via the established schema of theatrical cross-dressing that ensured that their true sex was apparent to their audiences thereby removing much of the transformative and destabilising potential of the cross-dressed form. Once they stepped beyond the limelights to join their public in the stalls they dissolved the line between performer and audience and in doing so ceased to present a unified and unambiguous image. That Boulton and Park were free to cross-dress for an extended period suggests that those they encountered in the public spaces of the capital - the young men who followed them, the theatre attendants and Burlington beadles who patrolled the venues they frequented, the cab drivers who ferried them between high-class boutiques and low-class dives, and the officers of the Met who did

their best to ignore them - did not, as the current literature has suggested, directly equate their public performances with 'detestable and abominable crime' (KB 12/99). Rather, it suggests that they interpreted Boulton and Park's performances via the normative expectations that governed their everyday social interactions in the metropolis. *The Times* was wrong therefore when it assumed that the public would defend English morality by taking 'the law into [their] own hands' to 'inflict a suitable castigation' on public cross-dressers like Boulton and Park, for as this Chapter will demonstrate, the public often failed to see the cross-dresser at all (*The Times*, 31<sup>st</sup> May 1870: 9).

## **2.1 Cross-dressing in the Gendered City**

Fredrick Flowers did not overstate the point when he highlighted the complexity of the systematic arrangements of Boulton and Park's public cross-dressing; arrangements that encompassed the sanctioned practice of theatrical cross-dressing, the quasi-sanctioned performances at private parties and costumed balls and the unsanctioned performances - at least from the perspective of the authorities - in the stalls, streets and arcades of the capital. Such arrangements went beyond the simple adoption of gendered apparel, highlighting the interconnectivity that exists between performer, performance space and audience thereby emphasising the inherent subjectivity of gender performance. This subjectivity of performance allowed for a multiplicity of responses to the same cultural practice that were dependent, not only upon the intent of the performer, but also the recognition of his audience that a performance was being enacted. Once recognised the cross-dresser could 'denaturalize gendered meanings to reveal the imitative aspects and fluidity of gender' (Butler, 1990: 120) and therefore be met with heterophobic hostility but equally he could occur 'exclusively under the camouflage of laughter', ultimately greeted with 'nothing but laughter' (Bakhtin, 1984: 90).

The failure of the current literature to consider the performative dynamics of male cross-dressing has largely neglected extra-legal categorisations of Boulton and Park's gender performances. By recognising that all of the component parts of performance are cultural formations and that, such

formations are subject to macro and micro variations in intensity<sup>23</sup>, it is clear that the processes of classification are inseparable from the processes of 'spatialization', the arrangements, place images and place myths that facilitated the ordering of the urban landscape (Shields, 1991, 2003). Cross-dressing in public space is therefore inherently subjective, dependent upon both internal arrangements and the meaning attributed to such arrangements externally by the normative expectations of individual audience members (Foucault, 1986, Goffman, 1967, Shields, 1991).

Building on the work of a number of authors, (cf. Hetherington, 1997, 1999, Rose, 1993, Walkowitz, 1992) the spaces in which Boulton and Park enacted their gender plays and passes can be characterised as heterotopias, spaces set apart from normative relations in which the marginal and central coexisted (Foucault, 1986). Foucault (1986) provides two conceptual examples of heterotopias, the first is that of the mirror, which at once portrays reality whilst revealing, to the viewer, the unreality of the image it presents. The mirror makes the place that the viewer occupies in the glass 'at once absolutely real, connected with all the space that surrounds it, and absolutely unreal, since in order to be perceived it has to pass through this virtual point which is over there' (Foucault, 1986: 23-4). The second example is that of the ship, a physical place yet one that is adrift without a place, the ship therefore is both 'closed in on itself and at the same time is given over to the infinity of the sea' (ibid, 1986: 27). In both cases the important feature is that heterotopia is not an intrinsic feature of either mirror or ship, rather it is the relationship between the idea and other ideas or between space and other spaces that can be viewed as heterotopic. Heterotopias are relatable within conceptual arrangements as their distinctiveness, their otherness, is established via a connection with other arrangements.

Within the public spaces of the metropolis, the theatres, the casino carnivals and the market places in which Boulton and Park enacted their gender performances, the heterotopic social and spatial arrangements can be seen to govern audience responses to sanctioned and unsanctioned cross-dressing.

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<sup>23</sup> Variations resulting from personal experience, geographic location, normative expectations and so on.



Being sites of otherness characterised by both the juxtaposition of incompatible objects and ideas through which the existing 'arrangements' of society are at once 'represented, challenged, and overturned' and by spatial and temporal arrangements that result in places that lie 'outside all places' (Foucault, 1986: 23), they are places in which the deviance of the cross-dresser and prostitute was permissible.

In addition to the juxtaposing of the incompatible heterotopic spaces are also distinguished by their external arrangements of access and their internal arrangements of time, qualities that also distinguish those performance spaces that celebrate the consumption of leisure. Heterotopias represent 'a system of opening and closing' that both isolates and facilitates the permeability of space (Foucault, 1986: 26). Thus the theatre and the shopping arcade are revealed to be public and private, spaces that embody personal and cultural freedom but that nonetheless are governed and segmented.

When considering the juxtaposition of the incompatible, the theatre, market and carnival embody the heterotopia par excellence. Normal and extraordinary, hegemonic and transgressive are mingled on a 'stage' which itself exists as a real place on which a procession of 'places that are alien to each other' are created, occupied and dismissed (Foucault, 1986: 25). Just as the carnival site and theatrical stage can be seen to facilitate the juxtaposition 'in a single real place different spaces and locations that are incompatible with one another' (Foucault, 1986: 25) so too can it be seen to facilitate the juxtaposition of incompatible concepts such as the powdered male and the top hatted prostitute.

Recognition of the heterotopic qualities of both cross-dressing and the spaces in which it occurred - the incompatibility of elements projected from the performance spaces of the stage and carnival, the juxtaposition of the ordinary and extraordinary within performance narratives and the convergence of normative and deviant social elements – draws attention to the significance of place myths, the sociocultural spatializations, 'half topology, half metaphor' (Shields, 1991: 265) that allowed Boulton and Park's audience to order the contradictory material and emotive components of their gender performances.

Within the gender performances of Boulton and Park in the years preceding their arrest, this complex interplay of the interpretation of the incompatible is revealed. Far from presenting a stable image of cross-dressing as a marker of unnatural desire through their actions and interactions, Boulton and Park projected multiple images to multiple audiences. Just as the performances varied, so too did the classifications attached to them as the individuals they encountered across the public spaces of London established virtual identities for Boulton and Park drawn from the normative expectations of everyday social interaction (Goffman, 1967, 1986).

During the nineteenth century the dominant expectations through which the place myths of the city and its inhabitants were established are recognisably gendered. The gaze through which the cross-dresser was interpreted was therefore, invariably male (Wolff, 1990). Boulton and Park's public performances were enacted on a gendered landscape. As the place myths that comprised Victorian London were attuned to the male gaze that enjoyed the 'freedom to look, appraise and possess' (Pollock, 1988: 79), so too were the meanings affixed to their public performances. It is through exposure to uncertainty that Taguieff (1988) argued the lines between the familiar and the other are drawn and redrawn. For Taguieff, in relation to the fear of the unknown other and Goffman (1967) in his analysis of everyday social interaction, understanding exposure, expressed via the symbolic interaction of the semiotics of dress, language and performance, is central to understanding human relationships.

Once Boulton and Park had been arrested and their true gender revealed, their status as other was dictated by their breach of masculine gender roles, but in the streets, theatres and arcades of London their cross-dressing projected a feminine image. It was this image and the otherness it represented to which the audiences of the street responded. Boulton and Park's audiences could fix differing meanings to the pair's public escapades. They could respond with carnivalesque laughter or heterophobic hostility, but in each case, each micro classification that failed to recognise that gender was being performed was informed by masculine interpretations of public women,

interpretations that invariably equated women and the city with sexual commodification.

### **The Gendered City: Gender Distortion and the Metropolitan Masquerade**

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On the evening of the 22<sup>nd</sup> April 1870 Hugh Alexander Mundell, the 23 year old son of a London barrister, idle swell, bachelor and would-be man about town sat in the stalls of the Surrey Theatre. Like many of its counterparts the origins of the Surrey could be traced back to the circus performances of the later 1700s. The Surrey's earlier incarnation, The Royal Circus, had been renowned for animal novelty acts such as the 'Dog-stars' and a raucous clientele, with the Riot Act having been enforced during a performance on more than one occasion. However, by the mid-Victorian period, the Surrey was considered, if not the most respectable venue in the capital, then certainly one of the most successful (Hartnoll and Found, 1993). The respectability achieved by the Surrey and its competitors during the course of the nineteenth century was tenuous at best for, although the proliferation of theatrical venues, professional performers and theatrical productions points to a steady increase in the popularity of stage theatrics from the 1830s onwards (Baker, 1978, Booth, 1995, Davis and Emeljanow, 2004), the place myth of the theatre by the mid-Victorian period was one in which legitimacy and illegitimacy coalesced.

Within Victorian moral discourse long established anti-theatrical prejudices were combined with the ubiquitous mid-Victorian concerns for social purity arranged around the exploitation of women in the form of prostitution and the corruption of the working class via the idleness and effeminacy of unproductive entertainment (cf. *Report from the Select Committee on Theatrical Licence*, 1832, 1866). Such moral discourses, running in parallel with official anxiety regarding urban unrest, working class degeneracy and indecency within the metropolis, provided a stark counterpoint to the centrality that the theatre had achieved in the social lives of Victorians across the class spectrum from the 1860s onwards. London's entertainment district straddling West and East Ends, the multi-class composition of theatrical audiences and

the sheer variety of theatrical modes on offer identify theatres like the Surrey as heterotopic sites in which the familiar and fantastical shared a single stage. It is little wonder then that middle-class gentlemen like Hugh Mundell flocked to the theatre in expectation of the carnivalesque.

The Surrey's evening performance that Mundell attended on the 22<sup>nd</sup> April 1870 was *Clam* a debut drama by C. H. Ross that related the story of Agnes who, finding herself outcast, adopted male attire reinventing herself as the leader of a gang of Arab street boys (*The Era*, 24<sup>th</sup> April 1870). As Cross-dressing was by no means unusual in Victorian melodrama (Ackroyd, 1979, Booth, 1995) the fact that *Clam* and 'his' compatriots were all played by actresses in drag was therefore more likely to titillate than offend.<sup>24</sup> It was not, however, *Clam* that caught Mundell's eye for, as the play progressed, he found himself captivated by a performance playing out in the dress circle above him, a performance that to him seemed to mirror that of the cross-dressed *Clam*. During the first intermission Mundell made his way up to the circle having concluded that the occupants of one of the theatre's private boxes, later revealed to be Ernest Boulton and William Park, were a pair of female prostitutes attending the theatre dressed in male attire. Mundell's attention finally elicited a response and having broken the ice he joined the 'ladies' in the circle before inviting them backstage for a tour of the set. When they finally returned to their seats some fifteen minutes later the group found it impossible to pick up the thread of the story and resolved to revisit the performance on the following Tuesday. Ever the gentleman, Mundell insisted in escorting his companions as far as Waterloo Bridge where they parted company. As they travelled he took the opportunity to critique his new friends' male impersonations. If, he counselled, they wished to achieve a convincing illusion of masculinity, just as Agnes Burdett had done in her role as *Clam*, 'they had better swing their arms about a little more' (KB 6/3).

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<sup>24</sup> The fact that the Surrey's programme included a number of plays involving both male and female cross-dressing running alongside the production of *Clam* (*The Era*, 24<sup>th</sup> April 1870) supports the notion that cross-dressing, on the stage at least, was a relatively common occurrence.



Figure 3: 'The Saloon of the Surrey Theatre' (*The Day's Doings* 13<sup>th</sup> May 1870).<sup>25</sup>

Recounting his first meeting with Boulton and Park from the dock at Bow Street Mundell would insist that he had genuinely believed his companions were cross-dressed female prostitutes. Such testimony was of course self-serving, given that Mundell faced the prospect of being placed in the dock as a defendant in a sodomy prosecution. Despite the subjectivity of his account the fact that the court could accept his testimony with an almost straight face<sup>26</sup> indicates that his representation of public cross-dressing as a method of concealment rather than as an external manifestation of unnatural desire was a credible one. The laughter from the public gallery suggests that Mundell did not match the social conception of a sodomite, nor was cross-dressing directly associated with male sexual immorality. Mundell could argue and the court could accept that if cross-dressers were to be encountered in the heterotopic public spaces of London, a 'fallen women' dressed as a man was just as feasible as a 'fallen man' dressed as a woman.

<sup>25</sup> The image of ambiguity that Mundell's testimony invoked is clearly manifest in the illustrator's conception of Boulton and Park that suggests an androgynous synthesis of masculine apparel and feminine form.

<sup>26</sup> Press coverage indicates that laughter from the crowded public gallery accompanied much of Mundell's deposition (cf. *The Times*, 7<sup>th</sup> May (1870), *Reynolds* 8<sup>th</sup> May (1870)).

The connection between cross-dressing, female prostitution and theatrical performances had persisted since the emergence of the theatrical professions in England. By the late 1500s the authors of the Jacobean anti-theatrical tracts warned that the attire of London's prostitutes made it impossible 'to discern whether they were men or women' (Harrison, 1587: 147 cited in Howard, 1988: 420). The surviving Bridewell court records substantiate the claims of social commentators like William Harrison that cross-dressing facilitated female prostitution. Analysis of court records for the period 1565 – 1605, for example, reveal numerous cases of female cross dressers prosecuted for prostitution (Benbow, n.d cited by Howard, 1988). By the nineteenth century the theatre was synonymous with prostitution, imposture, and sexual deviance and, although both external and internal regulation of the theatrical professions during the first half of the nineteenth century had afforded a degree of legitimacy to stage performance, by the 1870s the actress continued to be viewed as a figure of sexual licentiousness (Baker, 1978) and the heterotopic spaces of the theatre as the haunt of 'fast women on and off the stage' (Senelick, 1982: 34).

The fact that Mundell deposed that the outfits worn by Boulton and Park on the evening of the 22<sup>nd</sup> April were very similar to those they appeared in during his testimony at Bow Street again demonstrates the heterotopic qualities of theatrical spaces. Only in the carnivalesque atmosphere of the theatre could the *Telegraph's* description of Boulton and Park's apparel 'both the prisoners had on fashionably-cut frockcoats and turn-down collars... Boulton wore a sailor's scarf neck-tie and Park one which covered the front of the shirt' (*The Telegraph*, 7<sup>th</sup> May, 1870: 3) be reconciled with Mundell's assertion that 'every one who saw them' that evening 'took them to be women' (KB 6/3). In his account of this first meeting with Boulton and Park Mundell sought to portray himself, and, by extension, the other patrons of the Surrey, as a duped spectator 'because of their ways – their carriage' and the fact that 'when they walked they did not swing their arms like men' (KB 6/3). He presented the court with the image of two performers so adept that they could project an aura of unquestionable femininity even from behind sports coats and collared shirts.

Mundell was not the only witness called by the court in its attempt to understand the meaning of this novel form of cross-dressing in which the gendered apparel of the cross-dresser was set at odds with his gendered performance. Long before Mundell's fateful encounter with Boulton and Park the attention of John Reeves, the superintendent for the Alhambra, had been called to a pair of 'gay ladies' who regularly frequented his theatre. Reeves would testify that he had seen Boulton and Park in the Alhambra on no less than twenty separate occasions sometimes in female attire but far more often in male attire, albeit male attire with a twist, their shirt collars were 'low' and their waistcoats very open' (KB 6/3). The gender image presented was further complicated by the adoption of female makeup and mannerisms 'their faces [were] painted up, their necks powdered' to Reeves they seemed 'more feminine than masculine' (KB 6/3).

The gender performances recounted by John Reeves were different to those observed by Francis Cox who courted Boulton in the Guildhall Tavern believing him to be a woman or Hugh Mundell's description of his evening with the 'gay ladies' at the Surrey. According to both Mundell and Cox Boulton passed successfully, presenting his duped audience with a flawless feminine impersonation. By contrast the performances of Boulton and Park in the Alhambra represented an inversion of the normative markers that distinguished male from female. Although such performances frequently ended in confrontation, with Reeves ejecting Boulton and his companions from the theatre whenever he encountered them, his interventions point towards a desire to maintain decorum within the theatre rather than the recognition that such gender performance represented a form of sodomitic display.

Although Boulton and Park's gender continued to confound, 'sometimes I thought they were women, sometimes I thought they were men' (KB 6/3), Reeves was positive that, regardless of gender, such persons were 'unbecoming' of his establishment. They had caused 'confusion in the house' by 'walking about as women looking over their shoulders' enticing men by making 'noises with their lips, the same made by females when passing gentlemen on the street' (KB 6/3) and disrupted performances by 'playing all sorts of frivolous games with each other... handing cigarettes backwards and

forwards and lighting them by gaslight' (KB 6/3). For Reeves, charged as he was with maintaining the reputation of the theatre, the disruptions caused by Boulton and Park were clearly problematic but, whilst contained within the theatre, their performances failed to evoke widespread heterophobic hostility and therefore constituted no real threat to established gender relations.<sup>27</sup> It is difficult to reconstruct from the surviving records the reactions of the patrons of the Alhambra when confronted with such behaviour. Reeves' testimony recalled one instance when he was forced to extract Boulton and Park from a hostile crowd but more often than not they seem to have attracted more favourable attention or failed to gain notice at all suggesting that within the place myths of the theatre gender performance was a familiar trope attuned to both notions of imposture and female sexual deviance.

The frequent visits by Boulton and Park to the Alhambra, whilst dressed in effeminised male attire or cross-dressed in female attire highlight the heterotopic possibilities of theatrical spaces. The generally passive reactions of their audience points, if not to a sense of knowingness in terms of the audience being in on the cross-dressed act, then certainly to a knowingness that within theatrical spaces such acts were to be expected and should be tolerated. The bohemianism and sensual ambiguity established within the place myths of the West End were, after all, part of the areas enduring appeal (Cook, 2003).

Beyond the theatrical spaces of the West End the capital offered numerous similar sites of leisure, display and consumption. From the opera houses and pleasure grounds of Covent Garden, the music halls, casinos and inns of Holborn to the bazaars and arcades of Regent Street and Piccadilly, the urban geography of nineteenth century London was one arranged and ordered by the 'physical and conceptual pursuit of pleasure' (Rendell, 1998: 76). Such sites afforded both the opportunity to observe and be observed. Just as the market places of the late medieval period had been endowed with the image of the carnival (Bakhtin, 1984), so too were the nineteenth century spaces of consumer capitalism incorporated within the place myths of the metropolis,

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<sup>27</sup> Reeves' testified that he had requested police assistance on numerous occasions to deal with the disorder in his establishment, all of which had been ignored (KB 6/3).



constructed as neither public nor private, but rather occupying the space in-between - spaces in which everyone was welcome but no one truly belonged (Rendell, 1998, Wilson, 1992).

Witness depositions from the hearings of 1870 allow for a partial reconstruction of gender performances within this urban landscape. From the testimony of John Reeves and William Chamberlain<sup>28</sup> it is possible to trace an area of activity that incorporated the theatres of the West End through to the gardens and casinos of Holborn and along Regent Street towards the shopping bazars of Piccadilly. The most detailed account of Boulton and Park's gender performances outside of the capital's theatres comes from the testimony of one of the private security officers employed to maintain order within the progenitor of the enclosed shopping precinct, the Burlington Arcade.

Opened in 1819 the Burlington Arcade, specialising in 'the sale of jewellery [sic] and other fancy articles' (*The Gentleman's Magazine*, 1817: 272) was the brainchild of Lord George Cavendish who saw an opportunity to create both a bulwark between the public thoroughfare and his newly acquired property of Burlington House and a substantial source of revenue by accessing the spending potential of the upwardly mobile middle-classes (Rappaport, 2001). The arcade proved extremely profitable not only for both Cavendish and his tenants but for other classes of professionals who quickly established a presence. By the 1860s the renowned urban explorer Henry Mayhew had marked the Arcade as the 'resort of Cyprians'<sup>29</sup> of the better sort' that operated out of rooms above a 'friendly bonnet shop' (Mayhew, 1862: 217). So public had the solicitations become that men of position 'dreaded being seen in the neighbourhood' fearing that their 'amours' would become public knowledge (ibid, 1862: 222). Regulation of such activity, similar to that undertaken in theatres and other public entertainments, tended towards informal controls rather than the direct intervention of the Metropolitan police. In the case of the Burlington Arcade the task fell to the beadles, a private uniformed security force that would patrol the thoroughfare and, should the occasion require,

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<sup>28</sup> Chamberlain was one of three police officers involved with the arrest of Boulton, Park and Mundell outside the Strand Theatre.

<sup>29</sup> Mayhew employs the archaic usage of 'cyprian' to denote the wantonness of female prostitutes.

eject troublesome individuals. Although the official policy of the Arcade was to exclude 'gay women' their presence was informally tolerated by both the beadles who would receive payment from, and share liquor with the women and the merchants who counted them amongst their regular clientele (KB 6/3). This mingling of legitimate and illegitimate trade, of private space made public, and the voyeurism that typified the Victorian shopping experience, marks the Burlington Arcade as a further site of heterotopic possibilities within which the performance of gender could occur (Rendell, 1998).

From the autumn of 1867 George Smith, one of the Arcade's beadles, was faced with new additions to the unofficial menagerie that promenaded the Arcade and congregated in its atrium – groups of what appeared to be men, walking the Arcade 'arm in arm' their faces 'painted very thickly with rouge' (KB 6/3). On occasion Smith had observed Boulton, Park and other young men cross-dressed as women but much like in the Alhambra effeminised male attire and mannerisms dominated the performances in the Arcade. They employed 'such an effeminate walk that it used to cause the notice of everybody in the arcade' (DPP 4/6), and time was spent window shopping and playing up for the crowd, smiling and nodding at onlookers and 'making chirruping sounds at passing gentlemen' (DPP 4/6).

Smith was unsure what to make of such activity. They struck him as 'improper' but what their impropriety amounted to remained unclear. Like John Reeves he ejected the cross-dressers whenever he encountered them. Unlike Reeves, who was motivated by a desire to maintain the standing of his establishment Smith's objection to the impropriety of Boulton and Park was based on their deviation from the narratives through which Smith had contextualised improper occupants of the Arcade. Had Boulton and Park's performance conformed to Smith's individual expectations, if they had offered him a bribe as the Arcade's prostitutes had done, it is likely that their presence in the Arcade would have been tolerated. By failing to conform to established gender expectations, Boulton and Park deprived Smith of the visual and behavioural cues necessary to resolve his heterophobia, his hostile reactions were not therefore

those of a beadle confronted with visible sodomites but rather those of a beadle confronted with uncooperative female prostitutes (KB 4/6).<sup>30</sup>

The gender performances that took place in the Alhambra theatre and the Burlington Arcade were geared towards spectacle rather than the projection of a convincing feminine image. Whilst it is true that some individuals confronted with the deliberate distortion of gender norms reacted with alarm or hostility, it seems that greater numbers of spectators went along with the joke or were able to contextualise the performance via the existing place myths that organised the othered menagerie of the anonymous city. The complicity of audiences in the flagrant distortion of the gender conventions of the period, when combined with the evident reluctance of the Metropolitan police to regulate such behaviour, suggests that, although Boulton and Park's virtual identities could unsettle in the sense that they confounded normative expectations, the image projected by the performers was not one that was readily recognisable as signifying unnatural desire or the intention to commit unnatural offences.

Some commentators (cf. Bartlett, 1988 and Upchurch, 2000) have suggested that the effeminised dress and mannerisms adopted by the young men encountered by Reeves and Smith clearly marked them out as mollies, the loose collective of male cross-dressers and male prostitutes that had existed in London since the 1700s. This presentation of Boulton and Park as recognisable sodomites however, creates an erroneous link between the networks and cultural practices in existence at the time of the raids on Mother Clap's house in 1725 and the White Swan in 1810 discussed in Chapter One and the gender performances of the late 1860s.

The rituals of the Molly Houses bear little resemblance to the gender performances of Boulton and Park beyond the superficial equation of one form of cross-dressing with another. The transcripts from both the arraignment hearings of 1870 and the Queen's Bench trial of 1871 do not reveal large

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<sup>30</sup> Despite Smith's testimony that he would not have accepted a bribe from Boulton had he been offered one, the fact that he admitted to taking money from prostitutes, their clients and the shopkeepers who welcomed the trade, led Lord Chief Justice Cockburn to question whether it was possible for Park's defence lawyer to render Smith any 'less credible' than his testimony had already succeeded in doing.

networks of clandestine cross-dressers nor do they provide conclusive evidence that same-sex desire motivated the cross-dressers of the 1870s. The possibility that the gender distorting performances of Boulton and Park were viewed as forms of erotic display is clear but the vast majority of individuals who encountered their performances do not appear to have directly associated this eroticism with male sexual deviancy. For Hugh Mundell, and no doubt the other young men that Boulton and Park's performances attracted, the ambiguities of gender that the pair projected seem to have been the principal allure. That many of these men, Mundell included, took Boulton and Park for prostitutes points not to the existence of an emboldened homosexual subculture but to an 'urban consciousness' that was singularly male (Epstein Nord, 1991). The place myths of the public spaces of the mid-Victorian metropolis were myths constructed by the male gaze for increasingly the public world was barred to respectable women who 'had been more or less consigned (in ideology if not in reality) to the private sphere' (Wolff, 1990: 58).

The gendered construction of metropolitan narratives is most clearly expressed in the literary device of the *Flâneur*, the allegorical observer of the urban scene whose 'botanizing on the asphalt' (Benjamin, 1973: 37) takes ownership of the urban scene, commoditising the spaces of the city and its occupants and in doing so articulating a 'masculine sexuality which 'enjoys the freedom to look, appraise and possess' (Pollock, 1988:79). Within the masculine discourse of urban definitions femininity, the femininity of the public woman who inhabited the domain of the *Flâneur*, could only be interpreted as a sexual commodity (Pollock, 1988, Walkowitz, 1992, Wilson, 1992).

The construction of the public woman as prostitute and the idealisation and isolation of femininity via the doctrine of the separate spheres can be seen as the reflexive heterophobia of a bourgeois masculinity uncertain if women were the problem of the city or the city the problem of women (Wilson, 1992). Through both discourse and regulation the image of the prostitute as an othered form of woman possessed of a threatening sexuality independent of masculine definitions emerged only to be contained via its commodification (Wolkowitz, 2006). The body of the prostitute and its status within the literature of the *Flâneur* reveals a further site of heterotopic possibility, a site in which

legitimate and illegitimate forms of commerce, sexuality and gender coexisted. The prostitute represented both triumph and tragedy; she offered both new possibilities and new dangers being at once a challenge to and the subject of dominant masculine definitions (Benjamin, 1973, Walkowitz, 1980).

Filtered through the masculine gaze Boulton and Park's gender distortion, their 'effeminate walk', 'frivolous games' and ambiguous gestures clearly invoked images of prostitution but importantly such images, inevitably attuned to the ideologies and images of the street, were of female not male sexual commodification. The literature of the Flâneur reveals that an ideology of otherness pervades the city and its inhabitants, the public spaces of the metropolis were filled with 'somebodies whom nobody knows' (Acton, 1870: viii). For Mundell, Reeves, Smith and the multitudes of the metropolis Boulton and Park could be most readily classed amongst these 'somebodies', othered but not immediately recognisable as unnatural.

It is clear that Boulton and Park's performances possessed the potential to disrupt established hegemonies but this potential was more complex than the overt subversion of masculine identity. Boulton and Park's performances can be seen as a challenge to established gender relations but this challenge, interpreted via the male gaze, was frequently constructed in relation to feminine gender norms. All of the witnesses who came forward to testify to Boulton and Park's unsanctioned public performances reported that they took them to be female prostitutes rather than male sodomites. On the streets and in the stalls it was therefore the conduct of prostitutes that was the focus of attention and ultimately it was the transgression of feminine gender roles that necessitated the enacting of the formal mechanisms of control.

### **The Gendered City: Playing Women and Passing Prostitutes**

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Boulton and Park demonstrated both the legitimate and illegitimate possibilities of male cross-dressing. As semi-professional performers they delighted audiences with convincing feminine masquerades and were applauded for their 'wonderful feminine appearance and charm' (*The Essex Journal* cited in *Illustrated Police News*, 14<sup>th</sup> May 1870), yet simultaneously

they chose to take their performances beyond the legitimate confines of the stage and, with the same makeup and frocks, walked the streets and auditoriums of London.

By the 1860s two distinct forms of professional cross-dressers could be encountered on the Victorian stage: the pantomime dame whose function was to caricature and ridicule threatening aspects of femininity and the female personator who sought to present an idealised representation of Victorian womanhood (Ackroyd, 1979, Senelick, 1993). Boulton and Park's sanctioned gender performances represented the latter and although relatively novel their idealistic representations of femininity proved extremely popular amongst middle class audiences. From 1866 Boulton and Park had appeared as the female leads in numerous amateur theatrical productions and by the late 1860s they had established themselves as professional female impersonators, the skill of their performances receiving regular mention in the theatrical sections of the press. *The Scarborough Gazette* commented that 'The makeup of Mr. Boulton, as a lady, is something wonderful in its perfect natural semblance' (*The Scarborough Gazette*, 22<sup>nd</sup> October 1868). The *Essex Herald* heaped praise upon the 'charming acting and singing' of Ernestine Edwards<sup>31</sup> whose delivery of *Fading Away* 'brought down the house' (*The Essex Herald*, 9<sup>th</sup> February 1869).

In the summer of 1869 Boulton joined Charles Pavitt's amateur dramatic company, performing in Scarborough, Raleigh, Bishops Stortford, Chelmsford, Romford and Gravesend to glowing press reviews and packed houses. According to Pavitt the two performances he arranged at Bishops Stortford were sell-out shows with the takings from both nights reaching an impressive ninety pounds. Photographers in Chelmsford and Scarborough were commissioned to take portraits of the performers that proved to be just as popular. The Scarborough sets 'sold as fast as they could be printed' and Frederick Spalding, the Chelmsford photographer, reported that his prints 'sold by hundreds' following the Essex entertainments (DPP 4/6). By the end of the

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<sup>31</sup> This is one of the few instances in which Boulton's stage name is recorded without a direct reference to his true name and gender. However, the article does go on to group Miss Edwards with the other 'creditable personators' that appeared during the production.

tour Boulton was frequently receiving standing ovations and was often showered 'with as many as fourteen bouquets' (DPP 4/6) along with numerous invitations to dinners and private parties.



Figure 4: 'A Morning's Call' (Oliver Sarony c. 1869, Scarborough, Frederick Spalding\Essex Record Office c.1869).

The venues in which the performances took place, along with the audiences that queued to attend, were distinctly middle-class. The National School rooms in Raleigh and the Spa Rooms in Scarborough, for example, were frequented by 'the best class of ladies and gentlemen' (DPP 4/6). The formalised arrangements of Boulton's tour of 1869 were in sharp contrast to the informality of the music hall entertainments of the period. The lack of a clearly demarcated stage and ad hoc play lists required the music hall cross-dresser to break character, engage his working class audience in conversation and visibly 'defrock' at the end of his performance thus affirming the legitimacy of his performance by emphasising its illusionary nature and by revealing to his knowing audience the tricks of his trade (Bailey, 1994).

Unlike the music halls of London the spaces that Pavitt's company occupied were imbued, albeit temporarily, with the same place myths that distinguished the capital's established theatres. Boulton may not have defrocked at the end

of his performances, but the fact that he was a male cross-dresser was, regardless of theatrical skill, never in question. The demarcation between stage and stalls, the framing mechanisms of theatrical productions that revealed the liminal artifice of performance and the play bills, advertisements and reviews that demonstrated the centrality of impersonation to Pavitt's entertainments rendered Boulton's cross-dressing visible and understandable.<sup>32</sup> The cross-dressers in Pavitt's company could not therefore pass as women for the audience was in on the act from the start. That so many of 'the best class' enthusiastically applauded Boulton's Mrs Chillington and his Lady Jane Desmond demonstrated that, far from a risqué expression of unnatural desire, convincing female impersonation on the stage was a legitimised facet of the mid-Victorians love affair with masquerade and imposture (Sweet, 2002). No audience member was alarmed, for example, when in 1868 Boulton's Lady Jane Desmond shared a kiss with her on-stage suitor Captain Charles Lumley (cf. *The Times*, 13<sup>th</sup> May 1871) because elements of the production ensured that this breach of masculine gender norms was containable within the gendered narratives of the play.

What motivated Ernest Boulton and William Park to cross the threshold from stage to stalls is impossible to determine but in doing so they stripped their cross-dressing of the legibility required of legitimate gender performance. The processes that followed their eventual arrest in the spring of 1870 were not unique. The heterophobia engendered by the discovered cross-dresser necessitated formal intervention and classification. The direct gaze of public audiences was superseded by the indirect gaze of doctors and judges who sought to classify male cross-dressing as either a 'stupid lark' (KB 6/3), or the 'endeavour to persuade diverse persons... to commit and perpetrate the detestable and abominable crime of buggery' (KB 12/99). Although the legal processes of 1870-1 sought to present Boulton and Park's public cross-dressing as familiar, recognisable as either the actions of foolhardy young men

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<sup>32</sup> A playbill from Raleigh, for example, stated that 'Mr. Boulton will appear in his wonderful impersonation of female character, which have gained for him a great reputation in London and the provinces' (DPP 4/6).



or those of habitual sodomites, in reality the substance and duration of their cross-dressing performances was wholly unfamiliar to the court.

Established legal categorisations of public cross-dressing during the period were based upon encounters with unconvincing cross-dressers, intoxicated or over exuberant young men whose arrest and subsequent reprimand before the police courts tended to mark the end of their public performances.<sup>33</sup> Likewise, the legal categorisation of sodomites, although difficult to establish directly,<sup>34</sup> was centred on notions of secrecy. As Park's barrister would argue in 1871, sodomy was 'something over which a pall of darkness was to be drawn... some secret horrible crime' (KB 6/3). The unsanctioned cross-dressing of Boulton and Park that culminated in their arrest in 1870 was neither secretive nor frivolous. It represented a sustained attempt to pass, to present and maintain a convincing feminine facade capable of withstanding the scrutiny of the public gaze.

To publicly cross-dress invites the possibility of both sanction and stigma (Butler, 1993). Only by maintaining the performance, by passing, could such consequences be avoided. To successfully cross-dress before a duped audience is therefore 'discreditable' (Goffman, 1986) in the sense that the control of information becomes central to the maintenance of the presented feminine self. This concern for information control can be seen as contextual, with each performance requiring the cross-dresser to decide 'to display or not to display; to tell or not to tell' (Goffman, 1986: 42).

In Boulton and Park's interactions with Hugh Mundell, following their first meeting at the Surrey Theatre, the tension between the 'harried concern for production' (Goffman, 1959: 235) that signifies the maintenance of the pass and the desire of the discreditable to 'let on' is clearly apparent. In extending their female impersonations beyond the stage Boulton and Park were ironically

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<sup>33</sup> See Chapter Four's discussion of the legal regulation of male cross-dressers during the nineteenth century.

<sup>34</sup> Establishing legal discourse on the nature of sodomites is hampered by the censorship of trial transcripts in cases of sexual misconduct from the 1780s onwards. Nevertheless the discourses that emerged in the wake of the Cleveland Street raid of 1890 combined with personal accounts, medical tracts and cultural references do establish that the sodomite as a furtive and secretive individual was well established in Victorian discourse (Cocks, 2003).

victims of their own theatrical skill. Their presentation of female personas had affected a successful pass but in misjudging the accepted gender norms that governed their virtual identities Boulton and Park had provided Mundell and others with the visual cues necessary to write their characters' backstories, a narrative, constructed and mediated through the expectations of the male gaze, that equated the public woman, cross-dressed or otherwise, with the prostitute.

Boulton and Park's second meeting with Hugh Mundell took place as planned at the Surrey theatre on the evening of the 26<sup>th</sup> April 1870. Mundell, expecting as he had done previously to encounter ladies in gentlemen's attire, had come armed with a pair of button holes but upon finding his companions in frocks was required to source some pins from the theatre bar before he could attach them to the ladies' gowns. Over the course of the evening's performance Mundell came to know them as Stella and Jane. From the beginning it was Stella who captivated Mundell's attention. On several occasions he attempted to put his arm around her, though Stella succeeded in keeping him at arm's length. 'I treated them as ladies. Stella keeping me off whenever I made any advances. I put my arm around her back once, sure would have gone on, but the strange gentleman returned to the box, which prevented me' (KB 6/3).

As both legitimate and illegitimate performances went on the dilemma facing Boulton and Park intensified. Unlike their cross-dressed promenades in theatre lobbies and public streets, the confined and semi-private space of the theatre box established a close proximity between actor and audience, a proximity that ultimately prompted Boulton to disclose his true gender to his amorous companion. A note was produced that spelled out in no uncertain terms that 'she' was in fact a 'he'. Given that the note appeared to be in a woman's handwriting Mundell laughed it off, 'I told them I did not believe it... I believed that they had written the letter as a joke' (KB 6/3).

Boulton's written confession was intended to transform Mundell from duped to knowing audience member. Had he succeeded Mundell's new status as a 'sympathetic other' would have allowed Boulton to attempt to manage the disclosure of the discreditable truth of his cross-dressing and mitigate the more dangerous possibility that his pass should be revealed prematurely

(Goffman, 1986). That Mundell could dismiss this written evidence demonstrates, not only his inability to distinguish between the virtual and actual identity of his companion, but also his unwillingness to depart from his initial classification of Boulton as a female prostitute. By 'laughing it off' Mundell revealed that he already considered himself a member of a knowing audience. He had, he believed, understood the signs and symbols and in his interactions with Boulton and Park he demonstrated that both Stella and Jane, albeit unintentionally, represented a distinct category of public women. The ideological image of female respectability did not allow for independence of movement or finances. In public spaces the image of the prostitute was, therefore, that of the unattended and unowned women (Wilson, 1992). As bourgeois men Boulton and Park's freedom to occupy and enjoy the leisure spaces of London was the prerogative of their class and gender. Once cross-dressed as Stella and Jane however this same freedom represented a deviant form of female sexuality.

Hugh Mundell interpreted Boulton and Park's occupation of the masculine spaces of the city as confirmation of their status as female prostitutes and he was not alone in his conclusions. By late April 1870 Boulton and Park had succeeded in attracting the attention of the Metropolitan Police. A number of officers had seen them in the vicinity of Holborn late at night acting 'improperly'. They had been observed talking to gentlemen 'as women would who were about at that hour'. They frequented public houses and had been seen 'worse for drink' wandering the streets and 'falling in the gutters' (DPP 4/6).

Unladylike as this behaviour may have been, the officers were in no doubt that they were women and it was the actions of these women therefore, that prompted William Chamberlain to follow Boulton, sporting a 'cherry-coloured evening silk dress', and Park in a 'dark green satin dress' to the Strand Theatre on the evening of the 28<sup>th</sup> April (*The Times* 30<sup>th</sup> April 1870: 11).

Accounts of their conduct during that evening's performance of the Easter Burlesque *Sir George and a Dragon*<sup>35</sup> varied with Mundell, who had met his companions and another of their entourage, named Thomas, in the theatre lobby, continuing to insist that he had failed to see 'a look or hear an expression of impropriety' (DPP 4/6) and the police who claimed that Stella and Jane had promenaded through the galleries of the Strand, lighting their cigarettes from the gas lamps with 'gestures of unnecessary flamboyance' and, upon taking their seats in their private box, had repeatedly 'twirled their handkerchiefs, and lasciviously ogled the male occupants of the stalls' (Anon, 1870: 3).

It was not, however, Stella and Jane's actions in the auditorium that proved to be the final straw but their presence amongst the respectable female patrons in the sanctified private spaces of the theatre's retiring rooms.<sup>36</sup> One of the many commentaries produced during the arraignment hearings of 1870 was clear in its condemnation of this intrusion. Park's interaction with the female attendant was an act of 'unblushing impudence'. What protection, the author asked, had 'mother, sister, wife or daughter' from this intrusion 'into the chambers set apart for our countrywomen (ibid, 1870: 1)?

By the time the above commentary was published, it was clear that Park was a male cross-dresser and his impudence represented the male penetration into a hallowed feminine space. At the time of their arrest, however, it represented something very different, specifically the intrusion of the public woman into the private spaces established to preserve the virtue of respectable middle-class women. The formal regulation of prostitution was an extremely sensitive issue for the Metropolitan police during the 1870s. On the streets and public thoroughfares of the capital, the vagaries of dress and demeanour blurred the boundaries between the respectable working-class woman and the working-class prostitute (Walkowitz, 1980, 1992). By the 1870s the campaign to repeal

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<sup>35</sup> Once again the performance attended by Boulton, Park and Mundell featured troops of cross-dressers. Actresses in drag played Sir George, his entourage of knights and St Patrick, the part of the beguiling Princess Kalyba was performed to great acclaim by one Edward Terry (*The Era*, 3<sup>rd</sup> April 1870).

<sup>36</sup> The Strand's retiring rooms served as lounge, dressing room and cloakroom for female patrons during intermissions.

the Contagious Diseases Acts<sup>37</sup> had begun to make inroads into the political and popular discourses of sexual regulation and the Metropolitan police had been warned against arresting prostitutes 'simply because they were prostitutes' (McHugh, 1980, Petrow, 1994: 130). As a result of both external pressures and internal constraints on manpower and resources the police pursued a policy of containment, regulating the contact between respectable and unrespectable women by establishing and policing spatial boundaries within the city (Petrow, 1994, Walkowitz, 1980). Much like the public woman herself, such boundaries were open to interpretation for although the ideology of the separate spheres had done much to curtail the free movement of women in the city, it had not succeeded in banishing them altogether (Wilson, 1992).

The theatre provided a site of possible contamination. The heterotopic spatial qualities that constituted part of its appeal also created spaces in which the two halves of the ideological Victorian woman could meet and interact. The anonymity of the city created distance between the women of the West End street corner and the middle-class ladies who passed them on the way to theatres like the Strand. Such meetings were unavoidable and, provided the street prostitutes were not overly aggressive in their solicitations, the police saw no need to interfere. The 'unblushing impudence' of emboldened and clearly visible prostitutes inside the theatre, walking the halls, lounging in the saloon and touting for business from private boxes was another matter entirely. Upon leaving the retiring room Stella and Jane re-joined Mundell and hailed a cab for the journey home. They were arrested as they attempted to board. For the arresting officers Boulton and Park did not represent male prostitutes or even male cross-dressers; they, like Mundell, saw only Stella and Jane. When Mundell, ever the gentleman, opted to remain with his companions, the arresting officer replied that he could go, he 'did not want the men' (*Reynolds*, 15<sup>th</sup> May 1870: 5).

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<sup>37</sup> The intent of the Contagious Diseases Acts of 1864, 1866, and 1869 was to reduce the instances of venereal diseases in the armed forces by the forced medical examination and possible detention of female prostitutes. The Acts untimely galvanised a cross class feminist movement opposed to both the double sexual standards of Victorian society and the escalation of state control over the female body (McHugh, 1980).

Perhaps sensing that the game was finally over Boulton spoke to Officer Chamberlain on the way to Bow Street who later deposed 'they said that they were men and were very sorry for what they had done' (KB 6/3). Chamberlain's reaction to this revelation was not recorded, but once the female searchers had confirmed that the police had two cross-dressed men rather than two female prostitutes in custody, the individualised narratives of police officers and besotted playboys could no longer resolve the heterophobic otherness that Boulton and Park now engendered; this only the court could achieve.

## **2.2 Summary**

Academic commentaries have tended to focus on the classifications ultimately attributed to cross-dressing practices by regulatory institutions and dominant cultural expectations, rather than the micro processes of classification enacted at the site of performance. Such commentaries have produced typologies of cross-dressing comprised of visible cross-dressers who intentionally, to legitimise their performance or unintentionally as the result of a failed pass, had revealed the performative elements of gender to their audience.

As the cross-dressing practices of Boulton and Park highlight, this tendency 'to look through' the cross-dresser obscures the interactions and subsequent classifications of 'invisible' cross-dressers whose successful pass masked the discreditable truth of their masculinity. Unlike the unsuccessful cross-dresser or the theatrical performer, the successful presentation of femininity in public spaces generated categorisations attuned to female gender norms. In the Victorian city, arranged by masculine discourse, this resulted in the sexual commodification of the passing cross-dresser.

The freedom with which Boulton and Park enjoyed the public spaces of the city was the prerogative of their gender. When this gender was successfully masked behind another, this freedom could only represent an othered form of femininity. The othered public woman was defined by her sexuality, her apparent independence, representing a challenge to masculine hegemony, was subject to both commodification and formal regulation (Walkowitz, 1980).

There is little doubt that Boulton and Park were viewed as prostitutes by those who witnessed their gender performances. It is true therefore, as Upchurch (2000) argues that the failure of Boulton and Park to conform to the boundaries, both spatial and behavioural, that governed the prostitute, ultimately necessitated formal sanction. It was their deviant femininity however, their failure to conform to the narrative arrangements that ordered representations of the prostitute, not their flaunting of masculine gender roles that ultimately instigated legal sanction.

The arresting officers on the evening of the 28<sup>th</sup> 'did not want the men' (*Reynolds*, 15<sup>th</sup> May 1870: 5). It is clear therefore, that during the course of their observations Boulton and Park's cross-dressing had remained undetected. It was Stella and Jane who had transgressed and it was their prosecution which the police intended to use to reemphasise the 'firm limit on the use of public space' (Upchurch, 2000: 128). The cross-dresser was a figure onto which multiple narrative possibilities could be written. Only once discovered, however, could the cross-dresser be categorised as legitimate or transgressive based upon the content of his performance. The passing cross-dresser was also subject to categorisation, but it was his virtual not actual identity, his persona not his performance, that was rendered legitimate or transgressive by the narratives of the street.

The gender performances of Boulton and Park in the years preceding their arrest reveal the complex interplay between performance, performer, audience and performance space. Far from presenting a unified image of sodomy the cross-dresser is revealed as a figure of multiple symbolic possibilities ranging from benign to threatening (Garber, 1992). It is clear from the reactions of Boulton and Park's various audiences that gender performance was not directly associated with unnatural desire. Although the connection drawn in the literature between effeminacy, cross-dressing and sodomy discussed in Chapter One has clearly overemphasised the unity of images of male sexual deviance it is clear that for the vast majority of audience members Boulton and Park's performances were symbolic of gender deviance. As this Chapter has demonstrated however this deviance was attuned to multiple symbolic representations. Some observers like Hugh Mundell responded

enthusiastically to symbols of female sexual commodification whilst other like John Reeves recognised symbols of social disorder and impropriety. Likewise the audiences that flocked to Charles Pavitt's farces in the summer of 1869 responded favourably to the novel and risqué spectacle of the female impersonator whilst the patrons of the Alhambra described by Reeves reacted with hostility when they encountered the same cross-dressers in the stalls. This mutability of both symbolic meaning and social response presents a clear challenge to the existing historiography's presentation of Boulton and Park, a historiography that, in reading history in reverse from dock to street, has failed to recognise the complex social and symbolic arrangements revealed by the everyday interactions between the cross-dresser and his audience. Before the processes of legal sanction and classification can be understood therefore it is necessary to explore such symbolic arrangements.

In the following Chapter the destabilising potential of the cross-dressed performances of Boulton and Park is contextualised via an exploration of the broader symbolic significance of both dress, gender and the performance of gender. Utilising the theoretical underpinnings of social performance proposed by Goffman (1959) and Butler (1990, 1993), the act of cross-dressing is revealed as a space of possibility capable of confounding established cultural arrangements. Given that such arrangements are dependent upon the immutability of the concepts of self, sex, race, gender, and class, the historic objections levelled against professional gender performance can be seen to continue to define Victorian social anxieties. Although such anxieties are clearly visible in the reactions of some of Boulton and Park's audience, the extent and duration of Boulton and Park's gender performances and the continued acceptance of cross-dressing on the theatrical stage suggests that not only was cross-dressing not universally associated with unnatural desire but that its disruptive potential could be tolerated provided it conformed to the established expectations of individual audience members. In order to understand why Boulton and Park's cross-dressing was ultimately constructed as an issue of national concern it is therefore necessary to understand the symbolic arrangements, the rules of cross-dressing, that dictated the constructed representations of Boulton and Park's gender performances. Such



rules, centred on the concepts of legibility, liminality and the carnivalesque, will be shown to neutralise the destabilising and heterophobic potential of male cross-dressing. Through an understanding of such rules the boundaries of legitimated gender performance during the nineteenth century become clear, boundaries that, as their prosecution will be shown to demonstrate, Boulton and Park would ultimately transgress.

## Chapter III: Theorising Cross-dressing: Crisis and Legitimacy

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Looking at him with both one's eyes open, listening to his extraordinary voice and criticising however narrowly his wonderful feminine appearance and charm, it is really difficult for a moment to believe that he is not a charming girl (*The Essex Journal* cited in *Illustrated Police News*, 14<sup>th</sup> May 1870).

### 3 Introduction

The opening quote to this Chapter, taken from an 1869 theatrical review of one of Ernest Boulton's stage performances, highlights the inadequacy of interpretive frameworks of cross-dressing centred on deviant sexual practice. Whilst it is possible, as Senelick (1993) suggests, that some individuals within the audiences of the drag and impersonation plays of the late 1860s saw within the performers and their performances homoerotic possibilities, it cannot be credible to suggest that such individuals were in the majority. The glowing press reviews that accompanied Boulton's cross-dressing performances were clearly more than 'mash notes' from repressed literati, the crowds that applauded Boulton and Park upon the stage cannot easily be dismissed as 'outgrowths of a newly conspicuous homosexual subculture' (Senelick, 1993: 82). It is equally problematic to present cross-dressing performances as the risqué fare of metropolitan rakes like Hugh Mundell. Whilst it is true that male impersonation featured in the emerging burlesque scene of the 1870s (cf. Vicinus, 1998, Senelick, 2000, Powell, 2007, Suthrell, 2004) female impersonation was, by the late 1860s an accepted feature of mainstream popular theatrics.

If Boulton and Park were universally recognisable as 'figures of unnatural desire' (Cocks, 2003: 114) the continued appearance of the male cross-dresser within both high and popular culture, both on and off the stage, during the nineteenth century appears at odds with the increasing intolerance of sexual misconduct manifested by both the working and middle-classes during the period. By equating cross-dressing with deviant male sexuality it is clear

therefore that the current literature has unduly focused on Victorian conception of cross-dressing generated by formal regulatory practices. As a result the literature has largely failed to acknowledge that whilst cross-dressing continued to cause consternation amongst opponents of theatrical performance and, as evidenced by the prosecution of Boulton and Park, remained the source of considerable social anxiety well into the nineteenth century, this hostility and anxiety occurred in tandem with the proliferation of gender performance within theatrical entertainments and the continuing presence of the practice within folk culture.

As the previous Chapter demonstrated, whether Boulton and Park's gender performances were deemed legitimate or transgressive was dependent upon elements integral to the performance itself, elements afforded to the performance by the spaces in which it occurred and the expectations of the audience that witnessed it. On the theatrical stage Boulton and Park's gender was never in doubt as the performative arrangements of the stage engendered a knowingness that prohibited the possibility of a gender pass. Off the stage the cross-dresser could disrupt established social hegemonies, as Boulton and Park's frequent and disruptive visits to the Alhambra attest, or they could effect a successful gender pass as they did with the hopelessly besotted Hugh Mundell but in each case their social performance was constructed via a male gaze that linked such performances with aspects of female sexual deviance. Both the visible and passing cross-dresser therefore were potentially destabilising, for on the stage he demonstrated the mutability of supposedly absolute concepts disrupting established categories and challenging the notion of category itself (Garber, 1992: 17) and off the stage his actions were intrinsically connected to immorality during a period of increasing moral and social conservatism.

Whilst accepting that cross-dressing could be symbolic of unnatural desire this Chapter begins by positioning the cross-dressed performances of Boulton and Park within the wider theoretical discourses surrounding performance and the performance of gender that reveal that cross-dressed symbols of sexuality are but one amongst many cross-dressed tropes. As Jaques' often quoted monologue from Shakespeare's *As You Like It* suggests one player will take

many parts<sup>38</sup>, true of both the professional actor and the cross-dressed actors of everyday life. Performance is by its nature subjective, driven by narratives that are themselves multifaceted with the possibility of multiple audience interpretations for a single performative event. Although the symbols utilised to explore the meaning of male cross-dressing must intersect with the concept of gender they nonetheless remain divergent as to the impact of cross-dressing. Gender performance is by its very essence 'a space of possibility structuring and confounding culture' (Garber, 1992: 17), a space in which multiple narrative meanings are manifest.

By linking the concepts of performance and gender, building on the work of Butler (1990) and Goffman (1956), this Chapter begins its reconstruction of the symbolic meanings of Boulton and Park's cross-dressing by demonstrating that gender is not dependent upon biological sex or sexuality but rather it is a sociocultural performance centred around the semiotics and constructed meanings of physical apparel (De Lauretis, 1987). The function of apparel as the primary symbol of gender demonstrates both the productive and performative nature of gender, with cross-dressing the most overt example of this performative aspect. Recognition of the performative aspects of social relationships reveals the strength of the normative values and mechanisms of social control that are employed to regulate individual gendered identity. Given that power relationships are dependent upon the immutability of aspects of the self, sex, race, gender, and social class, Boulton and Park's cross-dressing performances that revealed the gossamer-like quality of these seemingly fixed markers of identity, are shown to present a direct challenge to a wide range of normative and hegemonic systems.

It is this ability of the cross-dresser to disrupt the semiotics of status and sex, in addition to the disruption of sexuality that accounts for much of the transhistoric and transcultural stigmatisation of such performers. The cross-dresser, similarly to other theatrical performers, has historically been portrayed as a figure of transgression and deviance, viewed until the pre-modern period with superstition and, after the emergence of the theatrical professions in the

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<sup>38</sup> 'All the world's a stage, And all the men and women merely players; They have their exits and their entrances, And one man in his time plays many parts' (*As You Like It*, Act II Scene VII).

late-medieval period, as undesirable and untrustworthy (Barish, 1981). Whilst representations of the cross-dresser linked with transgressive sexual practice remain a component feature of regulatory and moral narratives of the nineteenth century, this Chapter demonstrates that it is the ability of the cross-dresser to call 'attention to cultural, social, or aesthetic dissonances' thereby highlighting the permeability of supposedly fixed boundaries that has driven the narratives of gender performance and has largely dictated the formation of deviant representations of the male cross-dresser (Garber, 1992: 16).

Like the current historiography of Boulton and Park, therefore, this Chapter accepts the proposition that the Victorian cross-dresser clearly transgressed normative social codes and in doing so was ultimately incorporated within existing legal narratives of deviance. By reviewing the wider narrative responses to cross-dressing that have emerged from the early-modern period, however, it is argued that gender performances, including those of Boulton and Park, are capable of disrupting a wide range of social hegemonies and that such disruption, and the anxiety it engendered, is recognisable within Victorian rationalisations of transgressive cross-dressing. The transgressions of Boulton and Park may not have been novel, in the sense that the ability of the cross-dresser to disrupt hegemonies of gender, sex, class and status was clearly recognised by medieval and Elizabethan social commentators, but, during the nineteenth century, such transgressions can be seen to be exasperated by the social and ideological arrangements of the bourgeoisie.

For the Victorian bourgeoisie the disruptive potential of the cross-dresser will be shown to directly relate to the centrality placed upon immutable concepts of masculinity and femininity within discourse. Given that the ideological underpinnings of Victorian conceptions of self, status and social structure were dependent upon binary presentations of sex and gender the disruptive potential of gender performance during the nineteenth century will be shown to pose a direct challenge to the social structures and ideological arrangements of the Victorian middle-class. Cross-dressing, and by extension cross-dressers like Boulton and Park, were, therefore, unquestionably constructed as deviant rule breakers.

Given the challenges posed by the cross-dresser to bourgeois social hegemonies, a diminishment of the anxiety surrounding cross-dressing's destabilising properties cannot account for the normalisation of distinct modes of theatrical cross-dressing during the period. For the Victorians, like their forbears, the cross-dresser remained a troubling and ambiguous figure but one that via distinct mechanisms of containment and ideological framing had been, and continued to be, tolerated. Although the socio-cultural meanings attributed to cross-dressing performances are historically specific, the second half of this Chapter will demonstrate that the Passion play spectators of the 1400s, the Elizabethan playgoers of the 1500s and the audiences of Pavitt's Victorian farces are equivalent. Irrespective of historic period, the legitimacy of the cross-dressing practice will be shown to derive from the viewers' collective recognition that the distortion or transformation of natural gender achieved by the cross-dresser was performative, representing a temporary and playful disruption of hegemonic markers. Cross-dressing may have been inherently deviant but, as Victorian responses to the practice will be shown to demonstrate, deviancy could also be rule governed.

Removed from the punitive assumptions of the existing historiography of Boulton and Park this Chapter's analysis of cross-dressing reveals the complex social and symbolic mechanisms that mediated and neutralised the inherent disruptive potential of the male cross-dresser. This process of neutralisation, as the previous Chapter demonstrated, occurred within distinct performance spaces, spaces that provide a liminal period of normative relaxation. Within such spaces the transgression of gender boundaries from the medieval period through to the nineteenth century will be demonstrated to be functional, being both an expression of formal resistance to established gender hierarchies and a mechanism through which such hierarchies are maintained. This functionality, facilitated through the combination of the liminal, carnivalesque and legible elements within both gender performance and the spaces in which such performances occur is shown to allow the resolution of the various definitional crises inherent to gender performance (Garber, 1992). By supplementing the previous Chapter's discussion of Foucault's (1986) heterotopic model of socio-spatial arrangements with

Turner's (1969) work on liminal ritual and Bakhtin's (1984) concept of the carnivalesque, this Chapter establishes the boundaries of legitimacy that governed the formal and informal responses to cross-dressing during the nineteenth century. By again highlighting the significance of both internal performative arrangements and external arrangements of space the Victorians' relationship with the male cross-dresser is brought into focus. By cross-dressing Boulton and Park may have been viewed as deviant by their contemporaries but as this Chapter will show their prosecution was not driven by this deviance but by their failure to follow the rules that governed the 'rule breakers'.

### **3.1 Gender, Performance and the Problem of Performing Gender**

The self is not essential; it is instead a construct that is both performative and performed (Butler, 1990).<sup>39</sup> Identity is therefore determined through the repeated performance of prescribed actions. In relation to gender, this performance serves to authenticate gender that in reality has no intrinsic validity (Butler, 1997). This does not suggest however, that individuals are free to decide which gender to enact, as a distinction can be drawn between gender as a performance and the practice, the 'performativity' of gender, with the latter being dictated by a pre-established and limited range of 'gender scripts' (Butler, 1993).<sup>40</sup>

One of the primary ways in which masculinity, and indeed other components of the self, is enacted is through the semiotics of dress. Aside from its obvious utilitarian function of offering protection and warmth, clothing can be viewed as serving as a 'coded sensory system of non-verbal communication' (Eicher, 1995: 1) that can transmit concepts as diverse as gender, economic status, social standing or political affiliation. The symbolic significance of clothing lies in its proximity to, and association with, the body. As the body is the site at

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<sup>39</sup> This distinction between performance and performativity serves to demonstrate that gender is not performed as an extension of the self; rather gender is a product of such performances (McKenzie, 1998).

<sup>40</sup> For example, the sexing and gendering of new-born infants is a discursive act that in 'its symbolic power, governs the formation of corporeally enacted femininity' (Butler, 1993: 232).

which the individual intersects with society, clothing is empowered beyond its connections with anatomy and gender becoming an essential element of the constructed self (Senelick, 2000).

In relation to gender, clothing can therefore be viewed as the visible 'citation of a norm' and, as such norms are 'indissociable from relations of discipline, regulation and punishment' (Butler, 1993: 232), the practice of purposefully distorting such norms clearly becomes one that is both inherently subversive and potentially deeply problematic. It is of little surprise, therefore, that cross-dressing, a performance that 'denaturalizes gendered meanings to reveal the imitative aspects and fluidity of gender' has been identified as a site of potential cultural crisis (Butler, 1990: 120).

Butler's notion of a performative gender and the importance she places on discursive and symbolic totems finds synchronicity with the concepts of performance proposed by Goffman in relation to everyday social interaction. Whereas Butler confined her analysis to the performance of gender, Goffman (1959) argues that the summation of social existence is a series of performances in which the individual lives out a socially prescribed role. Social interaction requires individuals to adapt to their audience's perceptions, seeking to construct a believable and favourable façade through the use of normative symbols whilst avoiding any slipups that might give the performance away. The individual is therefore 'a solitary player involved in a harried concern for his production', the self, far from permanent and essential, is the product of 'many masks and many characters' (Goffman, 1959: 235). The maintenance of such performances is both difficult and treacherous and it is never spontaneous or voluntary, the performer once again subjected to normative values and mechanisms of social control (Goffman, 1959, Butler, 1990).

Performance through symbol and discourse is therefore integral to the mundane processes of social interaction, performance serving a functional role in the maintenance of established power relations. 'Everyday actors' are trapped, forever acting out what others demand of them whilst, for the most part, remaining ignorant of the play in which they are involved. From this performative perspective, to achieve the successful performance of everyday



life the 'actor' must never drop character and must never break the fourth wall, for to do so would invite both social sanction and personal stigma.<sup>41</sup>

What then of the cross-dresser whose costumed entrance upon a stage serves to highlight both the transient qualities of the self and the gossamer nature of seemingly unassailable norms? Such performances and indeed all theatrical performance are inherently subversive, for as Barish (1981) warns 'when a player has given over his consciousness to some form of identification with a character what happens to his own self? Is it suspended somehow and if so, is this not a spiritually dangerous state of affairs?' (Barish, 1981: 76). Barish does not overstate the point, for whilst the feminist critique and interactionist movement have postulated the illusorily nature of fundamental concepts of human categorisation they have simultaneously revealed how deeply such concepts are entrenched within hierarchical societies. The professional actor and the public cross-dresser, via the unsettling nature of their body, seem both mystic and demonic, outsiders and tricksters who historically have elicited fascination and revulsion in equal measure for they both, through performance, challenge the 'easy notions of binarity' questioning the notion of category itself (Garber, 1993: 10).

### **The Problems of Performing Gender**

In his review of anti-theatrical<sup>42</sup> sentiment Barish (1981) notes that hostility towards the performative arts was a ubiquitous feature of civilization until the end of the late-modern period. This prejudice resulted in performers being classed alongside the gladiator slaves of ancient Rome, the prostitutes of Indochina, the casteless of India and the gravediggers of Japan (Barish, 1981). In England the professional actor fared little better. In the early-modern period the laws governing vagabonds were utilised to regulate the travelling theatre troupes whose members were equated to rogues, drunkards and

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<sup>41</sup> For a discussion of the consequence of stigma and its management in relation to male cross-dressing during the nineteenth century see Chapters Two and Five of this thesis.

<sup>42</sup> It is important to note the term 'anti-theatrical' in this context is not limited to stage performances and 'professional' actors. The anti-theatrical texts of the Elizabethan pamphleteer Philip Stubbes, for example, were as critical of carnival masquerades and gender performance during annual fates and feast days as they were of the 'male actresses' of the Elizabethan stage.

whore-mongers (Pitt, 1981) and, although theatrical productions gained increasing popularity from the Elizabethan period onwards, the stage performers of the 1860s and 1870s found their social standing little improved from that of their predecessors remaining as they did 'social and artistic outcasts' (Baker, 1978: 18). This transhistoric and transcultural hostility towards performance, and stage performance in particular, points to more than the sporadic concerns by those in power regarding the maintenance of public order and the protection of public health (Barish, 1981). Whilst much of the anti-theatrical literature is characterised by 'an unmistakable crackpot streak' (Baker, 1978: 2) its persistence, points to an underling objection to the intrinsic nature of performance, or rather the danger that unsanctioned performance may hold.

Of all the anti-theatrical texts to have survived from antiquity it is the Socratic dialogues within Plato's *Republic* that form the first systematic and analytical attack upon performance.<sup>43</sup> Through his mouthpiece Socrates, Plato dismisses the artist as a distorter, 'a maker of counterfeits that look like truth' (Else, 1972 cited in Barish, 1981: 7). The artist, Plato infers, imitates because he cannot himself achieve great deeds or lofty positions, compensating for his own inadequacies by imitating the better qualities of others (Barish, 1981). Far worse than this personal failing however, is the effect the artist has upon his audience. By depicting characters 'divided within themselves, torn between passion and reason' the performer 'pours fuel on the most combustible part of [his audience's] nature', he becomes an agent of subversion (Ibid, 1981: 9). Plato's twofold denunciation of mimicry within *The Republic* would endure long after the inflexible materialism that necessitated the Platonic objection to performance had fallen from vogue. Although the players and critics changed, the notion that performance was both inherently deceptive and dangerously provocative would remain central to the anti-theatrical movements that would sporadically emerge down the centuries.

The legacy of the Platonic critique can be clearly felt in the major anti-theatricalist texts of the Elizabethan period in which Puritan thinkers such as Stephen Gosson warned his readership that 'for a boy to put on the attyre, the

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<sup>43</sup> (C. BC 380).

gesture, the passions of a woman; for the meane person to take vpon him the title of a Prince is by outwarded signes to shew them selues otherwise that they are, and so with in the compasses of a lye' (Gosson, 1579 cited in Twycross, 1983). The scene may have shifted from classical Athens to sixteenth century Elizabethan England but the charge remains the same. To act is to deceive but, importantly, Gosson's objections point to an underlying concern that such performances may undermine the established social order, with the performance of gender clearly capable of the disruption of hegemonic representations of class, age and status. It is no coincidence, therefore, that the vitriolic and often hysterical rhetoric established in the tracts of pre-nineteenth century anti-theatricals resurfaced during the prosecution of Boulton and Park in the 1870s, a period in which the normative social order was once again threatened by shifts in class and gender relations (Tosh, 2005, Weeks, 1989). During such periods the distortion of gender<sup>44</sup> through performance threatened to expose the gulf between the supposed immutability of rank, gender and sexuality and the visible mutability of such concepts in times of social and economic change (Howard, 1988).

The anti-theatrical tracts and social commentaries of the latter half of the nineteenth century demonstrate that the disruptive potential of cross-dressing was not a uniquely Elizabethan concern. The objections to gender performance are deep-seated within hierarchical societies and whilst the strength of such objections are culturally and historically variable the narrative schema utilised to justify them remained fundamentally arranged around the concept of elemental gender that could attest to the truth of the body and the place of bodies within existing social orders. The disruption of three interlinking gendered concepts, status, sex and sexuality, can be seen to have dictated the historic objections to cross-dressing and it is through an exploration of

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<sup>44</sup> For example, the all-male troupes of the Elizabethan period necessitated a male Lady Macbeth whilst the popularity of the actress during the Restoration resulted in women replacing juveniles in the role of principal boy. Gender inversion on the Elizabethan stage in particular could reach dizzying degrees of complexity; consider, for example, the role of Portia in Shakespeare's *Merchant of Venice* which saw a male actor performing a female character who spends the final acts of the play cross-dressed as a man.

these concepts that the conflicting responses to the cross-dresser during the nineteenth century must be understood.

### ***Cross-dressing as a Crisis of Status Hegemony***

The elemental objections to cross-dressing in the West are inherently connected to the supplanting of pagan mysticism, for whilst gender performance served a role within the religious rituals and mythological traditions of the ancient world, it was subject to increasing sanctions following the spread of Christianity in the West. Prohibitions inherited from the Jewish tradition, with the direct denunciation in Deuteronomy being the most prominent,<sup>45</sup> led to religious edicts forbidding male cross-dressing outside of specifically designated spaces (Jochens, 1991).

The notion that unsanctioned cross-dressing amounted to the breaching of fundamental natural laws is a feature of medieval, pre-modern and Victorian anti-theatrical texts<sup>46</sup> but importantly, whilst Christian scripture denounced both male and female cross-dressing, in practice the female cross-dresser was viewed as far less problematic than her male counterpart (cf. Hotchkiss, 1996). This limited and by no means universal tolerance towards instances of female cross-dressing was reflected during the early-modern period in the popularity of the 'holy transvestite' tales of the early church in which numerous instances are recorded of women who preserve their chastity and ultimately achieve sainthood by successfully passing as monks (Schibanoff, 1996). The rationale that underlies such representations of female cross-dressers was that the act of cross-dressing could be interpreted as the rejection of the natural sin and weakness of the feminine, an understandable longing for the traits of the superior sex. Justifications for female cross-dressing centered on Christian concepts of sin were less frequently expressed during the nineteenth century

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<sup>45</sup> 'Woman shall not wear that which pertaineth unto a man, neither shall a man put on a woman's garment, for all that do so are an abomination unto the Lord' (Deuteronomy 22:5, King James Version).

<sup>46</sup> The Elizabethan pamphleteer Philip Stubbes (1583), for example, warned in his *Anatomy of Abuses* that 'to weare the Apparell of another sex ... was to participate with the same, and to adulterate the verite of his owne kinde... that is, Monsters of bothe kinds, half women half men' (Stubbes cited in Fortunati, 1992: 111).

but the notion that the act of cross-dressing afforded women the opportunity to overcome the natural limitations of their sex clearly persisted. In the street ballads of the period, the secular equivalents of the early-modern holy transvestite tales, for example, instances of female sailors, bargemen and farriers were presented as unthreatening and often humorous attempts by women to improve their lot. (cf. Hindley, 1871)

Ironically, whilst the mystic functions of cross-dressing in the ancient world were suppressed in Christian Europe, the Greco-Roman conceptualisation of the superiority of the masculine over the feminine would become increasingly influential to scholars like Ambrose who set out to delineate the concepts of sexual difference in medieval England, and would remain so well into the nineteenth century (Suthrell, 2004). The justification for masculine pre-eminence taken from Aristotle's observations of the natural world combined with Christian creation ideology presented a view of woman as subordinate to men in both physical character and mental faculty. For medieval theorists this division was central to divine order. As Thomas Aquinas rationalised 'good order would have been wanting in the human family, if some were not governed by others wiser than themselves. So by such a kind of subjection woman is naturally subject to man' (Aquinas cited in Bullough, Shelton and Slavin, 2006: 148). Female cross-dressing could therefore be understood as an attempt by women to overcome the essential weakness of their sex; the same however could not be said for men who chose to dress as women.

A woman who cross-dressed, provided she did not pose a substantial threat to masculine hegemony<sup>47</sup>, was considered to be expressing a natural desire to better herself (Schibanoff, 1996). As the 'holy transvestite' chronicles of the early church attest women who successfully passed as males were typically praised for their masculine virtues. No such justification existed for male cross-dressers who, within patriarchal systems could only devalue their social standing (Bullough, Shelton and Slavin, 2006). This disjuncture between the supposed motives of male and female cross-dressers highlights the inability within patriarchal societies to reconcile the loss of status that would result in

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<sup>47</sup> The fate of Joan of Arc, burnt at the stake in 1431, is testimony to the consequences of a woman attempting not to pass but publically subvert the symbols of masculine authority.

the inversion of the superior male to the inferior female gender. The distortion of male status can therefore be seen as one of the most threatening aspects of male cross-dressing. A *Times* editorial from 1870 covering the Boulton and Park case for example associated male cross-dressing with 'the barbarism or demoralization of certain races' but was confounded by its enactment by 'youths of respectable family and position' (*The Times*, 31<sup>st</sup> May 1870: 9). By contrast, female cross-dressing was frequently attributed to utilitarian or egalitarian considerations. The majority of folk ballads dealing with female cross-dressing that survived into the nineteenth century tended to emphasise economic underpinnings with cross-dressing facilitating female access into the labour market (Dugaw, 1989), an assumption supported by the observations of the diarist and social explorer A. J. Munby whose accounts of working class culture document many cases of female cross-dressers passing as male tradesmen (Davidoff, 1995). Women who chose to improve their lot in life via cross-dressing were not exempt from social or legal sanction but the discourse that surrounded such cases focused on the unseemliness of the practice; the female cross-dresser may have been regulated but she was constructed as far less threatening than her male counterpart.

### ***Cross-dressing as a Crisis of Sex Hegemony***

As the patriarchal arrangements of medieval, Elizabethan and Victorian society were reliant upon essentialist presentations of status division, the differences between male and female capacity to function and shape the social world would largely be conserved along biological lines with the female sex characteristics constructed as dependent on, but subordinate to, male biology (Laqueur, 1992). The Judo-Christian creation ideology which maintained that Eve and by extension, all women were created from man influenced opinion from the medieval through to the modern period that on a biological level little delineated the sexes.<sup>48</sup> Again, taking its lead from antiquity, anatomical literature for much of this period supported the biblical

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<sup>48</sup> The second century philosopher physician Galen was arguably the most influential in both Islamic and medieval medical discourses. In his *On the Usefulness of the Parts of the Body* Galen argues that 'In fact, you could not find a single male part left over that had not simply changed its position; for the parts that are inside the woman are outside in man' (Galen cited by Schiebinger, 1987: 74).

position by frequently presenting women as inverted men. Such ideas, whilst increasingly scrutinised during the nineteenth century, remained a prominent feature of folklore in which the transformation from one sex to the other was a recurring theme (Lindahl, McNamara and Lindow, 2002). That such transformative motifs endured demonstrated that the transmutable aspects of sex and gender concepts evident in the pre-modern period remained a feature of nineteenth century discourse. Although biological distinctions were drawn between men and women in terms of their rational and reproductive roles, the idea that sex could be physically inverted persisted in both popular and medical discourse. Likewise, concepts of gender were formulated around elemental traits that although innate to each sex were not dependant upon biological status.

The distinction between sex and gender, between female and feminine, male and masculine that has emerged in modern discourse of gender is not one that would be recognisable to medieval scholars who, in relation to femininity, were unable to separate the symbols of gender from the sex and gender roles associated with such symbols (Bullough and Bullough, 1993). From the medieval perspective, masquerading in the trappings of gender also produces an unsettling confusion between signifier and signified, between the garments and the gender they constitute.

In spite of the shift from a one to a two sex model during the eighteenth century (Laqueur, 1992) the condemnation of male cross-dressing that emerged from the medieval discourses of sex would persist well into the modern period. The deep-seated belief that the signifiers of gender were mystic totems that imparted gender and could therefore transform or unsex those that abused such totems along with the status differential between the sexes formed the two primary and most enduring justifications for the hostility towards male cross-dressing (Senelick, 2000). Indeed, the majority of the anti-theatricalist interventions from the late-medieval period onwards expressed concerns regarding cross-dressing's transformative properties. Stephen Gosson, building upon his earlier objections to the disruption of status in Elizabethan performance, added in 1597 that the plays effeminised the mind. His contemporary Phillip Stubbes followed four years later with the claim that

male actresses adulterate the masculine gender. Medieval and Elizabethan concerns would resonate in William Prynne's attack upon the stage during the reign of King Charles (Levine, 1994), Restif de la Bretonne, writing in post revolutionary France, would demonstrate that cross-dressing was not a uniquely English concern when he warned that 'a woman in a man's hat and trousers has a hard, imperious, unlovable, antisocial personality' and that 'man in pointed shoes is a fop, an effeminate, a trifler' (Restif de la Bretonne cited in Senelick, 2000: 1) and ninety years later as public interest in the Boulton and Park case intensified the Victorian press warned of the danger of private theatrics and the 'unsexing' of the nation's youth (*The Times*, 31<sup>st</sup> May 1870).

### ***Cross-dressing as a Crisis of Sexual Hegemony***

The final problematic aspect of male cross-dressing that can be identified from a review of the anti-theatrical material is its connection with deviant sexuality. The theatre has long been recognised as a site of erotic possibility and the actor by displaying his body invites both speculation and sexual exploitation; this, after all, is part of performances' enduring appeal. The cross-dressed performer can be seen as further compounding the excitement and uncertainty as gender performance 'directs the attention to the enigma of the body' (Senelick, 2000: 8).

Although some Renaissance scholars maintain that the stage primarily served as an outlet for homoerotic excitement and uncertainty (cf. Jardine, 1989), a growing body of work, in recognising the early-modern obsession with 'images of androgynous breakdown' (Cressy, 1996: 441), has begun to acknowledge the wider erotic possibilities of cross-dressed performers. Whilst idealised androgyny has often been the subject of artistic and poetic admiration, in practice true androgyny was, and to some extent still is, seen as an anathema.<sup>49</sup> The erotic excitement of androgynous gender performance, therefore, lies not in the perfect synergy of gender but in the appropriation of

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<sup>49</sup> Michael Foucault's rediscovery and publication of the memoirs of the nineteenth century French hermaphrodite Herculine Adélaïde Barbin, for example, reveal the unsustainability of such natural ambiguity in societies with established divisions of sex, gender and sexuality. (cf. Foucault, 1980 and Butler, 1990).



favourable aspects; 'what do they teach or stir up in us but lusts?' questioned the Elizabethan preacher Adam Hill of the cross-dressed players whose 'bodies do counterfeit unchaste women' (Hill cited in Cressy, 1996: 443).

As the historiography of Boulton and Park discussed in Chapter One demonstrates, a direct link between cross-dressing performance and homosexuality is a common assumption within the current literature. Although the spectre of sodomy haunts many of the Elizabethan and Victorian anti-theatrical tracts, the fear of the erotic potential of cross-dressing performance can be more usefully conceived as amorphous, pointing to anxieties surrounding moral porousness, castration, otherness and ultimately the loss of masculine control (Levine, 1994). The objections of Plato, Gosson, Stubbes and Prynne that performance 'pours fuel on the most combustible part of nature' (Barish, 1981: 9), highlights the anxiety that gender performance was capable of inflaming all unworthy passions. The cross-dressed performer should therefore be conserved as more than a totem of homosexual desire. The eroticism that troubled the critics of theatrical cross-dressing transcended the sexual binary revealing cross-dressed performers like Boulton and Park to be 'the ultimate tease, being at the same time more and less than what they seem' (Senelick, 2000: 10).

### ***Cross-dressing as a Crisis of Victorian Masculinity***

Whilst the crises of cross-dressing discussed above can be viewed as transhistoric in the sense that anxiety regarding the ability of the cross-dressed body to disrupt hegemonies of class, gender, sex and sexuality, the intensity of such anxiety can be seen to be dependent upon the social and ideological arrangements of specific historic periods. During the nineteenth century, a century in which the binary conceptions of sex that had emerged in the eighteenth century were fully integrated into discourse (Laqueur, 1992), the notion that masculinity or femininity could be appropriated via the simple switching of apparel was increasingly unthinkable.

Within the gendered discourses of the mid-Victorian period, sex traits and gender roles were increasingly presented as mutually inclusive categories with

notions of natural masculinity and femininity underpinning social ideological arrangements (McLaren, 1997). For the Victorians, clothing was the externalisation of the essentialist presentation of sex and gender division with the semiotics of dress empowered beyond material culture serving to signify the immutability of gender relationships (Senelick, 2000). This presentation of gender as an immutable and essential component of the self was key to the power relationships of the bourgeoisie who, more than the working class or the aristocracy, had constructed their social reality around a series of gendered divisions that were most clearly manifested in the concept of the separate spheres of natural character (Weeks, 1989).

The separation of public and private spheres would formalise earlier concepts of natural difference to create a gender role framework centred upon reproductive roles and strengthened by the continuing division of labour (McDowell, 2004). As the nineteenth century progressed, the realignment of the existing formulations of masculinity that had begun in the eighteenth century saw ideas surrounding productive labour, physical prowess, personal valour and emotional stoicism becoming increasingly prominent in medical, educational and popular discourses of masculinity (Tosh, 2005). Femininity, by contrast, was constructed as both precious and fragile with both the female body and psyche presented within educational, political and medical discourses as unsuited to the pressures and perditions of public life. Although the ideology of the separate spheres underpinned the totality of bourgeoisie social arrangements, by the mid-nineteenth century it was increasingly challenged by both the rise of the feminist polemic and the decrease in masculine privilege (Weeks, 1989). This crisis of masculinity can account for the rise of the new man ideology of the mid to late nineteenth century that saw masculinity defined by the most exclusive of male traits with men's emotional and physical vulnerability stigmatised via the ideologically empowered concept of effeminacy (Showalter, 1990, Whelan, 2010).

Given the stakes, it is little wonder then that the cross-dresser, a figure who appropriates gender signifiers and thus demonstrates their performative status, was viewed with both suspicion and hostility. The disruption of gender, as the above discussion demonstrates, confounds culture by revealing the

permeability of social categories (Butler, 1990). In England, from the pre-modern period onwards, the opposition to theatrics demonstrates a concern amongst the ruling elite that through gender performance established social hegemonies could be destabilised and undermined. The transhistoric objections to male gender performance can be seen to present femininity as subordinate to masculinity, to be 'woman like' was therefore to trade down the gender scale. For the Victorians, masculinity remained the privileged state and yet the act of cross-dressing by its very nature demonstrated the fragility of the foundations on which this privilege had been constructed. The charge of effeminacy that was often levelled against Boulton and Park was therefore one that recognised not only the possibility of the adoption of female sexual roles but also the subjugation of natural masculine supremacy via the adoption of female social status.

From its inception as a religious device in the early modern to its necessary incorporation into the stage practices of the Elizabethan and its ultimate redundancy in the wake of the Restoration, male gender performance was therefore clearly viewed as transgressive. By the end of the eighteenth century this transgression was increasingly conceptualised via the concept of effeminacy. For the Victorians the label of effeminacy expressed the totality of masculine failings revealed in this Chapter's discussion of the anti-theatrical assault upon gender performance. The cross-dresser remained a dangerously subversive figure whose adoption of female dress pointed to an unsettling dissolution of supposedly fundamental divisions and yet, in spite of this subversive potential, the cross-dresser was not banished from the stage. The cross-dressed performer continued to feature in popular theatrics and could still be encountered amongst the patrons of seasonal fetes, feast days, wakes and festivals well into the nineteenth century. By the time of Boulton and Park's arrest in 1870, female impersonators were ubiquitous features of circus shows, music halls, masked balls, drawing room entertainments and the annual pantomime spectacles.

The persistence of cross-dressing as a cultural genre is at odds with the crises of status, sex and sexuality revealed within the anti-theatrical narratives. Given the empowerment of the concept of effeminacy within nineteenth century

regulatory discourse, that cross-dressing not only endured but also continued to proliferate suggests the existence of an alternate system of regulation independent to the formal agencies of control. That Boulton and Park's cross-dressing possessed the potential to destabilise established hegemonies cannot in and of itself, therefore, account for their prosecution. To understand how Boulton and Park found themselves before the Queen's Bench and why their cross-dressing presented such a challenge to the Victorian social arrangements it is necessary to establish the symbolic and situational devices used to contain and neutralise the disruptive elements of male cross-dressing during the nineteenth century. Only by understanding the rules can Victorian responses to rule breakers like Boulton and Park be understood.

### **3.2 Legitimising the Performance of Gender**

To perform gender is to subvert gender, whether this subversion is suppressed or tolerated is dependent upon the situational context in which the performance takes place. Two contextual elements, legibility and location, can be seen to distinguish the socially tolerated cross-dressing practice of Boulton and Park from those that were interpreted as symbolic of structural or social challenge. Legibility can be seen as representing the ability of the observer to distinguish between the illusionary apparatus of the performed persona and the 'truth' of the performer's identity. Interactionist approaches to social phenomena have highlighted the performative aspects of all social interaction, the 'performance of everyday life' to borrow Goffman's (1959) terminology, but whilst the performance methodologies employed by both professional and everyday actors are similar, in the sense that both actors seek to construct authenticity, their relationship with their audience differs dramatically. The everyday actor is possessed of a 'harried concern for his production' of authenticity, a production that, if successful, allows the everyday actor to pass in social situations just as Boulton did with Hugh Mundell (Goffman, 1959: 235). Passing in the context of everyday life can therefore be viewed as a 'deceiving performance', the ability to successfully present aspects of the constructed self that are favourable to the social expectation of the intended

audience (Goffman, 1986). Passing therefore requires the audience to be deceived just as Mundell was deceived by his gay 'ladies'.

The stage actor also seeks to effect authenticity in terms of his performance in that he seeks to pass as what he is not. Importantly, however, given that this passing takes place within clearly designated spaces it can be viewed as a 'complicit performance' in which both actor and audience are aware of the illusionary apparatus being employed. This complicity places both actor and audience within the in-crowd, a crowd that is privy to visual codes that evade the uninitiated. The connection between performer and spectator, and the 'sense of select inclusion' (Bailey, 1994: 145) that it engenders, neutralises, albeit temporarily, the destabilising elements of performance, serving to render the unfamiliar familiar and, importantly, the illegitimate legitimate as in the case of Boulton's stage romance with 'Captain Charles Lumley' in Pavitt's production of *Love and Rain*.

The second element of sanctioned cross-dressing practice is its location within heterotopic spaces; spaces that share a common set of physically and culturally constructed characteristics. In line with the conception of space that has arisen in recent years from the field of cultural geography<sup>50</sup> such spaces should be viewed not as passive concepts, existing outside of, and to a large extent, independent from social relations, rather the production and maintenance of space can be said to be inherently connected with relations of culture and power (Sibley, 1995).

Heterotopic spaces, spaces like the theatre, carnival ground or the market place, do not exist as an abstract backdrop for human interaction, they are both an intrinsic element of the production of social relations and a product of such relations (Hetherington, 1999). This productive dynamic finds expression through the liminal and carnivalesque qualities of both the physicality of spaces and the cultural practices that are undertaken within them. Through the concept of liminality (Turner, 1969), the combination of material and social cross-dressing practices that occur in a number of cross-dressing events can

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<sup>50</sup> The study of cultural production that, in building on Foucault (1975, 1980), Bauman (1989, 1991) and Bachelard's (1958) theorising of modernity, has placed the relationships of space at the centre of post-modern social theory (Hetherington, 1997).

be conceived as quasi-revolutionary, facilitating the emergence of marginal social orders and novel communal experiences. Alternately, the carnivalesque (Bakhtin, 1984) qualities that characterise sanctioned cross-dressing suggest the controlled management of the marginal via officially endorsed deviance and the temporary relaxation of normative enforcement. Such spaces, far from being revolutionary, occupy a central position within existing power relations. Regardless of the hegemonic or counter-hegemonic elements of cross-dressing performances, such performances only gain legitimacy when the internal characteristics of the performance and the external characteristics of the space in which it occurs conforms to the audience's symbolic expectations, expectations that will be demonstrated to be centred upon the concepts of legibility, liminality and the carnivalesque.

#### **Rules of Legitimacy: Legibility**

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In the opening discussion of this Chapter the concept of gender identity was discussed; gender was revealed not as an absolute component but rather a constructed component of the self, a product of the collective definitions that come to define social groups. Such definitions were seen to be formed via the everyday interactions between individuals and groups; as such interaction is governed by informal and formal rules, the success or failure of any social encounter is dependent upon the ability of the individual to manage their personal and social identity. The social actor, the everyday actor, is therefore compelled to attune his performance to the expectations of his audience (Goffman, 1986). Central to the management of audience expectations is the act of passing 'a performance in which one presents himself as what he is not' (Rohy, 1996: 219). In his seminal work on the management of identity, Goffman (1986) conceptualises passing as a method through which an individual seeks to mask deeply discrediting information, information that if revealed to the audience would be detrimental to internal conceptions and external representations of the self. The concept of passing has been widely employed within the interactionist literature to explore the management of problematic identities. Whilst the focus of this literature is diverse passing is uniformly presented as a deceiving performance, a performance which, if

successful, masks discrediting information about the self thereby ensuring that such information remains undisclosed.<sup>51</sup> Within the context of everyday social interaction the actor's intent is for the audience to remain unaware of the performance, the relationship is therefore that of the deceiver and the duped, only if the actor 'fluffs his lines', if he fails to conform to pre-established expectations, is the pass revealed to the audience (Goffman, 1986). The consequence of a failed pass is the application of stigma, a process through which the individual is branded with a social identity that highlights the very characteristics that the pass had attempted to hide (Goffman, 1986).

Whilst the majority of the sociological literature has focused on the management, or the failure to manage stigma, a number of authors have drawn attention to the role of passing within professional performance (cf. Robinson, 1994, Bailey, 1994, Reinelt, 1994, Davis, 1998, Maltz, 1998). Although there are clear parallels between professional and everyday life performances<sup>52</sup> the framing of the performance differs and, as a result, so too does the relationship between actor and audience. If the performance of everyday life is to succeed the passer must disappear from view in the sense that the social identity they portray must equate to the category they aspire to; a legitimate pass is achieved only if the performance remains undiscovered. Professional performance, by contrast, derives its legitimacy from its legibility, the ability of the audience to recognise the performative aspects of the pass and thereby negate the destabilising crises of identity performance (Reinelt, 1994). Legibility can be seen to be facilitated through external and internal contextual arrangements, arrangements such as the spatial dynamics of the performance space that serve to demarcate and therefore frame an area of

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<sup>51</sup> Although the concept of passing has most frequently been explored in relation to race, sexuality and disability (Kanuha, 1999) the usefulness of the concept in relation to gender is clearly demonstrated by the formal and informal regulation of the male cross-dresser.

<sup>52</sup> For example, both require an actor or actors, both rely on narrative elements to shape and relay the performative message, both seek to present this message to an accepting audience and the failure to do so effectively in both cases results in the application of stigma (Goffman, 1956, De Marinis, 1993, Bennett, 1997).

permissible performance<sup>53</sup> and arrangements within the performance itself which, whilst not detrimental to the overall validity of the performance, nonetheless highlight its illusionary elements.<sup>54</sup> Legibility alters the performance dynamic from passing deceiver and duped spectator to one in which both actor and audience are aware of the mechanisms of performance, the apparatus of passing. This awareness unites actor and audience as members of the in-crowd, a crowd which is aware of the artifices of the professional pass and for whom the pre-passing identity of the actor is never fully obscured (Goffman, 1986, Robinson, 1994)<sup>55</sup>

The stylistic presentation of gender within cross-dressed performances further serves to emphasise the importance of legibility as a performative rule. A systematic analysis of stylistic representations is complicated by the diversity and volume of legitimate cross-dressing practices<sup>56</sup> for, whilst both professional and amateur cross-dressing falls under the broad heading of leisure practice, the functionality of individual performances is clearly dependent upon the situational variables and the aesthetic arrangements of the performance; likewise it is not possible to divorce individual performances or common styles of performance from wider sociocultural developments.<sup>57</sup> In spite of the complexities it is possible to discern two distinct stylistic archetypes of gender performance; drag performances, like those witnessed

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<sup>53</sup> For example, the clear separation between stage and stalls and between theatrical and commercial areas within in traditional performance venues or indeed the aesthetic arrangements of such venues that serve to demarcate leisure from vocational spaces.

<sup>54</sup> For example, the stage itself acts as a frame through which any number of illusionary places are superimposed, likewise the final curtain call separates the performer from performance thereby re-asserts the actor's identity over that of his character.

<sup>55</sup> The concept of the in-crowd is informed by Robinson's (1994) conception of the 'in-group' and Goffman's (1986) notion of 'the wise', spectators that introduce 'a special set of contingencies in regard to passing, since the very techniques used to conceal stigma may give the show away to someone who is familiar with the tricks of the trade' (Goffman, 1986: 85).

<sup>56</sup> For example, although the emergence of a stage tradition in early-medieval England heralded the arrival of the professional cross-dressed actor he had been preceded and would continue to share the limelight with amateur cross-dressers whose caricatures of folk figures were integral to the numerous feast and saint days that populated the medieval calendar (Bullough and Bullough, 1993).

<sup>57</sup> For example, by the mid-Victorian period changing trends in popular culture stemming from the geographic consequences of urbanisation and the social and economic ramifications of industrialisation had marginalised the cyclical carnivals as sites of social mediation and leisure practice in favour of a proliferation of commercialised leisure institutions (Bailey, 1978).



by Boulton and Park during the *Strand's* Easter Burlesque in 1870 that parodied gender by caricaturing the more threatening aspects of femininity, and naturalistic performances, like those effected by Boulton and Park during their time with Pavitt's company that romanticise gender by idealising the essence of femininity (Ackroyd, 1979). Regardless of historic period, both archetypes are present to varying intensities in sanctioned amateur and professional cross-dressing performances. By reviewing the prominence of the idealised or caricatured portrayals of femininity within theatrical performances it can be demonstrated that the aesthetics of gender performance, including the socially sanctioned performances of Boulton and Park during the mid-nineteenth century, continued to be attuned to the mechanisms of legibility.

### ***Pre-modern Legible Gender Performance***

The beginnings of a recognisable theatrical tradition in England directly involving gender performance can be traced to the early-medieval period during which ecclesiastical theatrics in the form of the mystery, miracle and passion plays sought to convey Christian doctrine to a largely illiterate population. Such productions became a widely recognisable feature of early religious practice and rapidly became integral features of the religious festivals of the period. As women were expressly forbidden from holding clerical office, the female parts in such performances were, by necessity, delivered by young male initiates (Mantzius, 1904). Legibility within ecclesiastical theatrics can be seen as resulting from the functional aspect of such productions within religious ritual; indeed the ritualistic aspects of the mystery plays represent the clearest form, and therefore the least problematic form, of stylistic representation with regard to gender performance.

The supplanting of this tradition by secular performances, and with it secular performers who not only maintained the practice of gender performance but elaborated upon it through the use of costume and makeup, called into question not only the motives of the professional performer but also the effect of performance on the viewer. At the core of the anti-theatrical movement's

attacks against professional performance was the issue of legibility, the ability of the observer to distinguish between performance and reality (Barish, 1981).

### ***Legible Gender Performance (1500 - 1800)***

Although the proliferation of theatricals during the late medieval period instigated a crisis of legibility, it would also prove an integral feature in its resolution for as the popular demand for theatrical entertainment increased so too did the requirements for regulation and professionalisation (Brockett and Hildy, 2008). During the reign of Elizabeth I the professionalisation of English theatrics facilitated the rise of dedicated dramatists and the establishment of permanent theatrical venues. Whilst this process of codification was reflected across Elizabethan society its specific effect in relation to theatrical entertainment was the creation of fixed and officially sanctioned performance spaces. The establishment of the first theatres marked a period of dramatic expansion both in terms of artistic output and popular patronage with the later driving the former towards more professional and aesthetically complex productions (Adams, 1912). The popular demand for complex and naturalistic stage productions necessitated a less overtly stylised form of gender performance that, in turn, required the resolution of the legibility crisis presented by male actors portraying believable female roles. Although the design of early theatrical venues can be seen as partly dictated by mundane utilitarian considerations, many of the performative and special arrangements established during the period also function as elements of legibility. The establishment of stage and stalls, for example, can be seen as both a utilitarian innovation maximising visibility and attendance and as a framing mechanism that demarcates the borders between reality and fiction and emphasises the liminal nature of performance and leisure time.

The lessening of social and formal regulation of theatrical performance in the wake of the Restoration of the seventeenth century combined with wider changes in class and gender relations marked the decline in naturalistic gender performance that had characterised the Elizabethan stage tradition. In the wake of the Restoration of 1661 the prohibition of public entertainment,

and the puritanism that had enforced it was swept away, replaced during the reign of Charles II, with the spirit of libertinism. In addition to reinstating public theatre Charles II provided license for female performers who quickly began to fill the roles that had traditionally been played by young boys (Keay, 2008). The arrival of the actress did not signal the end of gender performance on the English stage, as for a brief period both female and male cross-dressers shared the limelight but it marked the beginning of the decline of naturalistic female impersonation.

The prolific diarist Samuel Pepys' entries for the early years of the Restoration record both the public mania for theatrics and the novelty and overt sensuality that the actress brought to the restoration comedies. Recounting one of his numerous visits to the playhouses, Pepys' remarks of a young actress that 'She had the best legs that ever I saw, and I was very well pleased by it' (Pepys, 1661: 376). A year earlier in 1660 Pepys had been satisfied with cross-dressed performers like Edward Kynaston who Pepys described as 'the loveliest lady that ever I saw in my life' (Pepys, 1660: 191), but times were changing fast. Pepys' diaries chart the dramatic decline in naturalistic cross-dressed performance; by the latter part of the seventeenth century the male actress was a marginal figure within serious drama, by the beginning of the nineteenth century he had disappeared from the stage.

### ***Legible Gender Performance (1800 - 1900)***

By the early 1800s the androgynous charms of gender performers like Edward Kynaston were no longer in vogue and the requirement for convincing female impersonation in serious drama could no longer be justified. Where female impersonation endured, the style of performance guaranteed the legibility of the actor's true gender by shifting female impersonation from a naturalistic form of performance to one in which gender was grotesquely caricatured or overtly idealised (Baker, 1994).

The principal sites of drag performance during the nineteenth century were the pantomime spectaculars staged by licensed theatres and the smaller scale, and often rowdier productions of the Victorian music halls (St Pierre, 2010).

Such productions, often reinterpreting the cross-dressing elements of Elizabethan comedies, combined the visual humour of unconvincing drag with the plot possibilities of having multiple cast members cross-dressed and at crossed-purposes. In *Love's Livery*, for example, which previewed in the *English Opera-House* in 1840, jealousy compels two young lovers to dispatch their cross-dressed servants to gather evidence of the other's infidelity (*The Times*, 1<sup>st</sup> August 1840). The *Princess Theatre's* 1859 production of *Nurse's Chickweed* revolved around a series of increasingly unlikely events that compels the governor of two unruly wards to impersonate a variety of female characters (*The Times*, 15<sup>th</sup> November 1859) and *The Strand's* Easter Burlesque of *Sir George and a Dragon* that Boulton and Park attended on the night of their arrest in 1870 saw Sir George, 'his' entourage of knights and St Patrick played by actresses in drag whilst the part of Princess Kalyba was performed to great acclaim by Edward Terry (*The Era*, 3<sup>rd</sup> April 1870: 10). The forms of male cross-dressing that characterised the Victorian pantomime cannot be viewed as female impersonation for 'the performer is clearly a man dressed as an absurd and ugly woman, and much of the comedy is derived from the fact that he is burlesquing himself' (Ackroyd, 1979: 102). As audience recognition of the actor's true gender is integral to the acceptance of the performance the unbelievable and fantastic components of drag can be seen to render the pantomime dame legible thereby sidestepping the potentially problematic aspects of cross-dressing (Herr, 1984).

The 1860s can be identified as the period in which naturalistic gender performance can once again be distinguished from the female caricaturist who had become the comic staple of the Victorian farce, pantomimes and burlesque shows (Senelick, 1993). Although absent from mainstream theatre and still a relative novelty at the time of Boulton and Park's arrest in 1870, the emergence of female personators<sup>58</sup>, actors whose performance was centred upon convincing cross-dressing, once again saw audiences confronted with the intriguing but equally disturbing figure of the convincing cross-dresser. This

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<sup>58</sup> The distinction between the usage of the term impersonator and personator in nineteenth century literature is unclear with single sources often using the terms interchangeably. The Victorian lexicographer J. Bedding Ware did however assert that the term 'personators' which he defined as 'A man who dresses and acts like a woman' was not widely used before the 1870s (Ware, 1909: 128).

novel form of gender performance was most notable within the music halls and temporary theatrical spaces that were increasingly popular entertainment venues in the mid and late Victorian period. As such venues often lacked the traditional theatrical framing mechanisms<sup>59</sup> the formation of the performer-audience in-group that was central to the legibility of gender performance was achieved via what Bailey (1994) has termed the 'knowingness' of music hall popular culture. This knowingness was achieved by a number of theatrical techniques that emphasised the temporary and illusionary aspects of the performance. Whereas the traditional theatre audience experienced the performative event from behind the fourth wall, the patrons of the music halls were an active and boisterous part of the performance. Music hall performers would often break character to banter with spectators and the content of the performative narrative would encourage audience participation, this constant shifting between character and actor and the complicity required of audience member for such a dynamic to be successful fostered a 'distinctive relationship with the audience by initiating them into the mysteries of the performer's craft' (Bailey, 1994: 144). The formation of a knowing in-group is an important component of the rule of legibility, the in-group's knowledge of the performative craft can be seen not only to render gender legible but also to form communal links between actor and audience thereby neutralising the stigma attached to both performance and male cross-dressing.

Within both Boulton and Park's stage theatrics and their performances at commercial costumed balls this sense of knowingness was fostered via established theatrical devices with both play bills and ball advertisements clearly highlighting the presence of female personators. Off the stage, although the cross-dressed performances enacted with Hugh Mundell were intended to effect a gender pass, as Chapter Two highlighted the creation of an in-crowd, albeit a hopelessly misinformed in-crowd, remained a clear feature of the symbolic interactions between the cross-dressers and their audience. The legibility of performance serves not only to demystify the

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<sup>59</sup> The music halls grew out of the saloon bars of the 1830s, such early venues cleared an era of seating at the end of the bar which acted as a temporary stage, later incarnations of the halls whilst having established stage areas were arranged to facilitate the serving of consumables as such the halls can best be conserved as commercial rather than theatrical spaces (Bailey, 1986).

gender transformation of the female impersonator, it also reassures the spectator that the distortion or adoption of gender is a temporary state, one that is bound by the limits of the theatrical narrative and the constraints of space and time. The liminal nature of both performance and the heterotopic spaces discussed in the previous Chapter can therefore be seen as a further element integral to the legitimisation of male cross-dressing.

### **Rules of Legitimacy: Liminality**

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Sanctioned cross-dressing performances and the spaces in which they occur are characterised by their liminal qualities having defined spatial and temporal boundaries that mark them as 'betwixt and between' established normative governance (Turner, 1969). Liminality facilitates the safe transgression of established gender norms as participation necessitates an understanding that 'normal' is permanent whereas deviance within is liminal and therefore unthreatening to the self and extra-liminal relationships (Goffman, 1986). The liminal nature of both the cross-dressing performance and the space in which it occurs provides members of the in-group with the opportunity to detach from established hierarchies creating a space in which cross-dressing's transformative properties can be seen to create novel social formulations and cultural possibilities that have the possibility to unite individuals via a state of temporary collective understanding (Turner, 1969).

Derived from van Gennep's (1909) usage in *Rites de Passage* liminality, the concept of a threshold period in which individuals or groups are temporarily dislocated from normative social systems, has become one of the key mechanisms for the interpretation of social rituals (Handelman, 1990). For Turner ritual action occurs during such threshold periods;<sup>60</sup> its function is to facilitate the transition between structural states by the deconstruction and distortion of pre-liminal arrangements, a process characterised as anti-structural, and ultimately the reconstruction of post-liminal arrangements and a

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<sup>60</sup> For example, between childhood and adulthood or between single and married status in the structural progression of the individual or between the natural seasonal cycles that structure cultural life in tribal and agrarian societies.

return to the structural (Turner, 1969). The liminal phase of such rites is anti-structural as participants, having been stripped of the symbols of their pre-liminal status, utilise ritual to adopt the persona of 'the other'. This otherness, which finds expression via rituals of status inversion,<sup>61</sup> facilitates social cohesion by providing space for individuals to explore their role and place within society (Turner, 1969).

The practice of mummering,<sup>62</sup> a common feature of Yuletide celebrations in England, Ireland and Wales, is an illustrative example of cross-dressing performance as status ritual during the early-modern period (cf. Halpert (1969), Szwed (1969), Fireston (1969), Robertson (1984) and Buckley, Mac Cárthaigh, Ó Catháin and Mac Mathuna (2007)). Mummering celebrations occurring between the 26<sup>th</sup> December and New Years Day involved local groups of mummers, often close relations or friends, disguising themselves via elaborate acts of cross-dressing before visiting chosen homes within their local community. Once inside they would threaten, harass and abuse the occupants until their 'hosts' successfully guessed their identities, at which point they would unmask, be offered refreshments and congratulated upon their performance (Buckley et al, 2007).

Although by the mid-nineteenth century mummering was all but extinct, the themes of otherness, dislocation, playful deviance and reintegration that typified such early folk practices remained evident in a number of urban leisure activities for both the working and the emergent middle-classes. One of the draws of the commercial costumed balls of the 1870s and 1880s, for example, was the professional cross-dresser who would intermingle with paying patrons who were charged with detecting the 'false ladies'. Although a competent impersonation was called for at such events, the function of cross-dressing was not to pass successfully, just as with mummering an acceptable performance was ultimately dependent upon discovery.

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<sup>61</sup> Turner's notion of rituals of status inversion incorporates both profane inversions of social status and gender relationships and sacred inversions between life, death and the ancestral or spirit world (Turner, 1969).

<sup>62</sup> The collective term for a diverse but related set of folk practices dating from the early medieval period in which the themes of death, rebirth, strangeness and community form a common motif (Halpert, 1969).

When Boulton and Park attended one such event at the Royal Exeter Hotel in the spring of 1870, witnesses later testified that no deception was intended as all the guests were aware that cross-dressers were in attendance. As one attendee asserted ‘I heard the observation round the room, how well the young fellows were acting! There was plenty of funning, but nothing improper’ (*Reynolds*, 1870: 5). Such comments clearly point to a distinction between known and unknown performance, just as for the cross-dressed music hall performers of the period the acceptability of cross-dressing in the context of the balls relied upon the legibility of the cross-dresser and the ability of the audience to perceive the liminal nature of his transformation.

The liminal elements of both mummering and ‘false ladies’ are clear; the adoption of disguised identities and deviant performance presents the cross-dressers as liminal figures with the former occupying a space between the closing of the old year and the beginning of the new and the latter a space between the real and imagined. The bawdy behaviour that characterises their performances, although disruptive, is tolerated as they adhere to the rituals of the rites of passage (Turner, 1982).

Whilst Turner and van Gannep’s observations of the threshold and cyclical rituals within small scale societies suggest a strong relationship between spiritual ritual and social cohesion, the influence of ritual as a functional element of large scale social integration in complex industrialised societies can be seen to be weaker in impact and more sporadic in application (Lewis, 2008). Although elements of ritual can be discerned in some of the examples of the gender performance discussed in this Chapter, ritual – as defined by Turner – is not an inherent feature of performance. Rather, cross-dressing performances can be conceived as ritual-like (Bell, 1992) in that they share some but not all the characteristics of ritual.<sup>63</sup> For example, like ritual, gender performance is characteristically formulaic and functional. But unlike ritual it often lacks decorum, it is not necessarily sequential in formula and, in relation

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<sup>63</sup> This is not to say that transvestism within religious practice does not occur; the practice is common and well documented amongst the Hijra and Sakti sect of India for example (Bullough and Bullough, 1993).



to the examples presented in this Chapter, is not primarily employed to 'influence preternatural entities or forces' (Turner, 1977: 183).

Removed from religious formulation, the deviance and disorder that features within many of Boulton and Parks' sanctioned cross-dressed performances can be conceived as ritualistic, for whilst they may appear chaotic to the uninitiated they are in truth rule-governed and functional, functioning not to appease supernatural powers but to reinforce and reaffirm the bonds of social cohesion. It is therefore the symbolic expression of rules that, in part, defines the legitimacy of gender performance. In relation to cross-dressing the mores of legibility remains consistently prominent across historic periods. This legibility and the inclusivity it fosters is manifest in all the examples of sanctioned cross-dressing performances discussed in this Chapter.

The legitimacy of the cross-dressing practices of pre-industrial societies can be seen to be dependent upon strong community bonds that ensure that the unfamiliar can be contextualised within the familiar. In the case of Mumming, for example, although the function of cross-dressing is to render the body unrecognisable the practice is dependent upon the knowledge that those involved are familiar, they are liminal, both within the community and temporarily removed from it (Buckley et al, 2007). In industrialising and post-industrial societies where community bonds are weaker (Lewis, 2008), legibility remains a legitimising element of liminal cross-dressing performances. The realistic female impersonators of the 1860s and 1870s for example often incorporated a 'de-wigging' at the end of their performance, a visible dispelling of the performative myth (Senelick, 2000). In both examples the problematic aspects of gender distortion are only manageable if both actor and audience recognise that cross-dressing is performative, a falsehood that must be both recognisable in practice and liminal in duration.

Sanctioned cross-dressing performances, as the above discussion has demonstrated, are therefore characterised by a number of liminal/liminoid qualities, they are performances in which novel communal interaction is possible and normative behaviour and ideas are distorted, challenged or inverted. Such performances also occur in spaces 'between spaces', areas set apart from the everyday work – home binary by physical character, geographic

location or temporal nature.<sup>64</sup> Most importantly, cross-dressing was seen as performance in which deviance was employed as a therapeutic act that facilitates the controlled discharge of ill feeling (Turner, 1969), provided that such deviance conforms to pre-established 'event schema' a notion that can be explored further via the concept of the carnivalesque.

### **Rules of Legitimacy: The Carnavalesque**

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Bakhtin (1984) employed the term carnivalesque to summarise the structural disorder that he believed characterised European popular culture during the late-medieval and renaissance periods. The carnivalesque spirit was expressed via playful anti-establishmentism, a celebration of the grotesque and erotic body, and an inversion of cultural norms during the liminal celebrations associated with seasonal change or religious significance that punctuated the medieval calendar (Bakhtin, 1984). Such festivals were theatrical events in which masquerade through costume and performance resulted in an atmosphere of excess in which 'all hierarchical distinctions and barriers were suspended' (Bakhtin 1984: 15) uniting the serf and the landlord together as equals able to engage in human relations free from the constraints of power, gender and the division of labour. To engage with the communal aspects of the carnivalesque an individual must adopt a persona of otherness that finds expression through moral transgression and grotesque behaviour. The body thus becomes a site of 'mythopoeic transgression' in which established codes are inverted to the extent that the body achieves heterogeneity of perverse meanings (Stallybrass and White, 1986: 24).

Cross-dressing and gender performance were prominent features of carnivalesque distortions of body and status, often forming the central element of carnival celebrations (Davis, 1978, Bullough and Bullough, 1993). May Day celebrations, for example, were often arranged around a re-enactment of the life of Robin Hood in which a cross-dressed 'maid' Marian would cavort with spectators, the Feast of Fools in early January elected cross-dressed kings and queens to preside over a court of mock bishops and gentry and the

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<sup>64</sup> Consider, for example, the styleised décor of the Victorian theatres, the division between event space and normal space or the timing of cyclical festivals bordered by sunrise and sun set.

beginning of the Epiphany carnival was often marked by a cross-dressed 'Bessie' dragging a 'fools plough' across the village square (Davis, 1978). The carnivalesque challenging of authority is clearly evident in Boulton and Park's interactions with both John Reeves and George Smith, discussed in the pervious Chapter. Although both Reeves and Smith attempted to expel the cross-dressers from their establishments, Boulton and Park's reactions to such confrontations suggest the adoption of what Redmon (2003) has termed 'playful deviance'. Boulton and Park's response to the Alhambra superintendent's repeated attempts to evict them from the theatre was to invite Reeves for a drink at the bar (KB 6/3), Smith was addressed as 'you sweet little dear' (KB 6/3).

Just as the body is incorporated into the carnivalesque so too is the space it occupies; this connection between the performer and the performance space serves to align the spatial characteristics, or the perceptions of such characteristics, of carnival spaces with the ambivalent and hybrid character of the carnivalesque (Shields, 1991). In Bakhtin's work it is the market space that embodies this hybridity and therefore is the logical space to be given over to carnival for, as Bakhtin and others have argued, market places, or, in the modern period, leisure districts such as London's West End, are inherently paradoxical spaces mixing the exotic and mundane, the commercial and recreational and, at carnival time, the legitimate and illegitimate (cf. Stallybrass and White, 1986 and Bakhtin, 1984).

During the nineteenth century the theatre itself can be considered a site equivocal to Bakhtin's carnival market. Just as the heterotopic arrangements of space and time marked the Victorian theatre as a place between places so to did the place myth of the theatre align with the symbols of the carnivalesque. Boulton and Park were not unique in extending the organised disorder of the theatre stage to the stalls for by the 1870s theatre going was every much as part of the theatrical experience as the performances that took place upon the stage.



Figure 5: The carnival of the theatre as depicted in *The Old Curiosity Shop* (Dickens, 1841).

As Dickens' description of theatregoers in the 1840s illustrates, Boulton and Park's promenading and their 'gestures of unnecessary flamboyance' (Anon, 1870: 3) were part of a show that was long established.

At last they got to the theatre... little Jacob was squeezed flat, and the baby had received divers concussions, and Barbara's mother's umbrella had been carried several yards off and passed back to her over the shoulders of the people, and Kit had hit a man on the head with the handkerchief of apples for "scrowdging" his parent with unnecessary violence, and there was a great uproar... all this was looked upon as quite a capital joke, and an essential part of the entertainment (Dickens, 1841: 10).

Such carnivals were not primarily transformative spaces, the community of disorder they facilitated may have the appearance of a revolutionary multitude but such cohesion is performed rather than embodied, the freedom that is offered in such spaces is provided 'exclusively under the camouflage of laughter' and is permitted 'provided there is nothing but laughter' (Bakhtin, 1984: 90). In this way the apparent contradiction of cross-dressing performance as a tolerated and endorsed challenge to established

hegemonies is revealed to be illusionary. The carnival queens, cross-dressed mummers and drag performers may well embody grotesque inversions of natural hegemony or popularist expressions of utopian ideals of gender and class equality, but their expression within carnival spaces, lacking both political capital and unifying discourse, is not a serious challenge to established order. Rather their carnivalesque elements are revealed to reinforce the structures and institutions they lampoon (cf. Eagleton, 1981, Bakhtin, 1984, Foucault, 1984 and Hughes, 1999).

Although revolutionary or anti-establishment themes may be present in the rhetoric of theatrical texts and enacted via anti-hierarchical displays such as the feast of fools or the Robin Hood pageants such themes are contained by both the liminal qualities of performance space and by the linguistic and normative values that maintain such spaces. The liminal element of carnival ensures that all participants are aware of the boundaries, both temporal and geographical, in which transgression is permitted. Amos Gibbings, for example, the 'decidedly effeminate youth' who strongly defended the 'modern pastime of going about in drag' at Boulton and Park's arraignment hearing in 1870 was keenly aware of the limits of the carnivalesque; drag balls were one thing but he 'never went out in woman's dress with the intention of walking the streets' (*The Times*, 30<sup>th</sup> May 1870: 13).

Just as participation in the carnivalesque is dependent upon recognition of the boundaries that govern the physical event space it is also dependent upon individual compliance to the informal norms that govern communal interaction during such events. In order for official policing of transgression to be relaxed and the laws governing individual conduct suspended new codes of personal governance must be recognised and articulated to the temporary communities of the carnival. Again, the mores of legibility are prominent amongst the rules of the carnival; the deviance practised within such spaces is rarely novel, rather the transgressions of the carnivalesque are 'everyday' transgressions which, for a time, the authorities have chosen to ignore (Bakhtin, 1984).

Only compliance to the norms of the carnival guarantees inclusion within the in-crowd and only in such crowds does transgression engender official

sanction. The suspension of regulation and the licence for disorder can therefore be seen as an inalienable gift on behalf of religious and civil authorities (Mauss, 1990).<sup>65</sup> The 'gift' of disorder is permissible, therefore, because it is reciprocated with the 'gift' of allegiance, allegiance in this case to the dominant normative and regulatory systems of society (Ravenscroft and Gilchrist, 2009). The constructive deviance that characterises the carnival can be seen as representing a hegemonic force in relation to gender performance, although such sites are 'outside the restricting frames of masculinist domination and compulsory heterosexuality' (Butler, 1990: 141). They are therefore sites in which gender distortion can be practised, but they must also be considered as spaces that have been constructed to facilitate and contain such distortions and therefore remain 'firmly within the sphere of social regulation and control' (Ravenscroft and Matteucci, 2003: 2). They are sites in which cross-dressing performers like Ernest Boulton could breach dominant mores whilst simultaneously reinforcing them. Returning to the romantic elements of Pavitt's cross-dressed farces which saw male characters and female impersonators sharing passionate embraces it is clear that removed from the carnivalesque elements of the stage farce such an action would have been viewed as deeply problematic in this context however the playful deviance of the performance exists within a wider theatrical narrative which serves to reinforce the importance of female virtue and manly character.

### 3.3 Summary

Having reviewed both the gender critiques offered by Butler (1990), Goffman (1959) and Garber (1992) and the historic critiques of cross-dressing from the medieval through to the Victorian, it is clear that the act of cross-dressing, far from representing a singular challenge to constructed binaries of sexuality, possesses the potential to disrupt a wider range of social hegemonies. Recognition of this ability to disrupt is clearly evident across the anti-theatrical tracts discussed in this Chapter, from the Platonic commentaries through to

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<sup>65</sup> Mauss' (1990) arguments relating to gift exchanges in commodity economies note that no gift is freely given (alienated) within a gift economy. They are loaned rather than ceded and therefore retain the identity of the giver (in-alienated) creating a reciprocal arrangement, a 'gift-debt', that must be repaid (Mauss, 1990, Gregory, 1982).

press agitation surrounding private theatricals during the nineteenth century, and as such can be considered to represent a consistent and transhistoric hostility towards the male cross-dresser. Whilst this hostility towards cross-dressing has been seen to respond to a historically stable set of hegemonic crises, those of sex, status and sexuality, it has been argued that the social responses to such crises are historically dependent, inseparable from the social and gender hierarchies of distinct historic periods. For the Victorian bourgeoisie the crises of the male cross-dresser were demonstrated to have been constructed within a two sex social system dependent upon the biological, ideological and social separation of the sexes. The crises of the Victorian cross-dresser were therefore deeply embedded within gendered social relationships and, within the patriarchal arrangements of the nineteenth century, represented a clear threat to bourgeois masculinity.

Despite the disruptive potential of the male cross-dresser it is clear that gender performance continued to play a role within popular and folk culture during the nineteenth century. From the ever popular seasonal pantomimes and carnivals to the costumed balls of the 1860s and 1870s the cross-dressers presence demonstrated that crisis was not the only social response that his performances could engender. In the second half of this Chapter cross-dressing was shown to be permissible during the nineteenth century provided it possesses a number of distinct characteristics, which could be inherent to the performance or could be imposed upon it by external spatial and temporal arrangements. Legible, liminal and carnivalesque characteristics have been shown to feature in all of Boulton and Park's socially sanctioned cross-dressing in which a complicit relationship with a knowing audience was established. This relationship has been characterised as complicit in the sense that although the gamut of cross-dressing styles is extensive, both drag and naturalistic gender performance contain elements that facilitate the recognition that the cross-dresser temporarily performs gender rather than permanently possessing it. Legibility, liminality and carnivalesque deviance can therefore be viewed as normative requirements of legitimacy. Within this pre-established framework, gender performance offers both the possibility of resistance and control. It is clear that both the communal aspects of

performance and the relaxation of formal control that is a requirement of the carnivalesque provide the possibility for both actor and audience to explore the transmutable aspects of gender but the examples presented above would suggest that such exploration is again bounded by the liminal elements of performance.

Although disruptive much of Boulton and Park's cross-dressing did not invoke the cultural conflict that Butler (1990) argues is an inherent feature of drag performance for, as the previous Chapter demonstrated, it was not the transgression of masculine gender norms that necessitated their arrest in 1870 but rather, as a result of their audience's inability to recognise the performance of gender, the transgression of the norms governing female public conduct. It was female prostitutes not male cross-dressers that were causing alarm in the lobbies of *The Strand* in April 1870. When Boulton and Park's gender performances were recognisable, it is clear from the public's reaction that symbolic representations of cross-dressing practices that followed the rules of the carnivalesque, the liminal and the legible were not directly attuned to representations of male sexual deviancy. On the stage, although the stigmatisation of the theatrical profession remained, female personation had, by the 1870s, achieved cultural legitimacy. Off the stage, in the stalls and in the streets, the potential for conflict and disruption is evidenced by the hostile reactions of some of Boulton and Park's audience but as this and the previous Chapter has demonstrated such reactions were by no means uniform or inevitable. Depending upon the internal and external arrangements of performance and space Boulton and Park's cross-dressing was subjected to a wide gamut of interpretations ranging from female sexual commodification to disreputable male conduct. Boulton and Park therefore projected multiple images to multiple audiences; the only image that does not appear to have been at the forefront of spectator's minds was the image of the sodomite.

Although arrested as female prostitutes the discovery by the Bow Street searchers of their male genitalia dictated the legal and social responses to their disorderly conduct. Their ability to pass for prolonged periods, their interaction with duped audience members like Hugh Mundell and Francis Cox and their employment of cross-dressing to intrude upon gender regulated



spaces revealed a fundamental breach of the rules of cross-dressing. Illegible, indeterminate and seemingly directed towards actual deviance such cross-dressing was clearly viewed as transgressive and deeply problematic by both the legal practitioners who were charged with relating the transgressions of Boulton and Park's virtual and actual identities to established legal categories, and by the press that sought to disseminate legal classifications to the wider public. Such classifications would ultimately culminate in a sodomy trial before the Queen's Bench but it would be wrong to assume, as sections of the existing literature have done, that sodomy was the only category through which the actions of Victorian cross-dressers could be interpreted. Although the press coverage and public interest in the prosecution of Boulton and Park would ultimately elevate the legal proceedings of 1870-71 to one of the most sensational criminal cases of the period, the transgressive cross-dressing practices of Boulton and Park were not unique. Boulton and Park were not the first cross-dressers to find themselves before the courts. In the following Chapter the legal and medical categorisations formed by such encounters during the nineteenth century are explored. What is revealed is a range of possible transgressive interpretations employed to contextualise the rule breaking cross-dresser, classifications that would ultimately shape expert and lay responses to the cross-dressed performances of Boulton and Park.

## Chapter IV: Conceptions of Cross-dressed Rule Breakers

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I went to the table where Boulton, Park and Lord Arthur Clinton were sitting. I said, "You dammed set of infernal scoundrels, you ought to be kicked out for this" (KB 6/3).

### 4 Introduction

The above quote, similar to the opening quotation of the previous Chapter, is a review of one of Ernest Boulton's public performances, though clearly a less favourable one than that provided by the *Essex Journal*. The quote, taken from the 1870 police court deposition of Francis Cox whose discovery that the charming woman he had invited to dinner was called Ernest, led to angry exchanges in a Covent Garden restaurant and again highlights the importance of the dynamic between performer and spectator. Cox had met Ernest Boulton during a visit to the Guildhall Tavern and was so taken by Boulton's appearance and charm that he invited him to a Champagne dinner over which, excited by Boulton's 'flirting manner', he took the opportunity to 'kiss him, she or it, never suspecting that he was a man' (*The Times*, 21<sup>st</sup> May 1870: 11). When Boulton's sex was later disclosed Cox felt aggrieved enough to track Boulton down and confront him. When the waiters refused to evict Boulton and his friends from their table Cox stormed out, only to reappear some weeks later as a hostile witness during Boulton and Park's 1870 arraignment hearings.

Cox's hostility reveals the imbalance in power between actor and audience within illicit cross-dressing performances. On the stage the legitimising mechanism of liminality, legibility and carnivalesque deviance discussed in the previous Chapter were shown to both empower the spectator with insider knowledge and neutralise the cultural capital invested in the appropriated physical apparel of the cross-dresser. This process rendered the cross-dresser knowable and his performance visible. The in-crowd audience can therefore be seen as possessing sufficient information to 'read' the cross-dresser as unthreatening to established hegemonies.

When the cross-dresser leaves the stage and returns to the anonymity of the street, however, the power relationship between performer and spectator is inverted. The semiotics of dress are once more empowered with cultural capital, clothing functioning to announce the wearer's supposed gender, age, economic status and social class, thereby highlighting who has more power and who has less (Capers, 2008).



Figure 6: 'Men in Women's Clothes' (*Illustrated Police News*, 28<sup>th</sup> May 1870).<sup>66</sup>

The illusion of cross-dressing is therefore, once removed from the theatrical context, an illusion that produces power. Even the male cross-dresser who forfeits social capital by 'trading down' the gender scale still exerts power over the duped spectator for he represents a deceiver, for as Cox would later testify '[Boulton] would not have been asked to champagne had I not believed him to be a woman' (KB 6/3). Once Boulton's true sex was revealed, Cox's reaction demonstrates the danger of the illicit cross-dresser during a period in which the immutability of gender was central to bourgeois constructions of social order. By extending his cross-dressing beyond the sanctioned spaces of the period Boulton had simultaneously challenged and distanced himself from the ideological underpinnings of the bourgeois system in which he and Cox inhabited. He had become an ambiguous and alien 'other' (Harris, 2005).

In the first section of this Chapter, Victorian responses to the otherness of Boulton and Park will be contextualised within the wider responses towards

<sup>66</sup> An interesting tableau that aptly illustrates Cox's 'pilgrims progress' as duped spectator to Boulton's gender performances.

otherness that can be seen as emerging from what Elias (1939) terms the 'civilising process' of modernity. Two aspects of this process can be seen to influence and, to a large extent, dictate Victorian responses to othered individuals. Firstly, the State would increasingly exert authority over the public conduct of the individual and secondly, decreasing social distance between ruler and ruled would result in a homogeny of social standards and an increasing emphasis on personal restraint in both public and private relationships (Elias, 1939). The consequence of the civilising process was the emergence of the Victorian citizen, 'a fully rational, reflective and responsible citizen' (Pratt, 2002: 5) who possessed a sense of social responsibility and who relied upon the State to regulate and, where necessary, punish individuals who transgressed.

The othered cross-dresser, a cross-dresser whose gender performance has failed to conform to the definitional distinctions and situational markers of legitimacy discussed in the previous Chapter, instigates a number of definitional crises, crises that by challenging established social categories marked the cross-dresser as a figure of ambiguity and possible danger. At the core of this threat is anxiety of the unknown, what has been termed heterophobia, the fear and resentment of the different (Taguieff, 1988). In this way the hostile reactions of Francis Cox when confronted by an unsanctioned cross-dresser, one whose motives are unclear and who occupied an indistinct stage, can be seen as a natural response, the prerogative of the duped spectator when confronted with a dangerous unknown. What makes Cox's situation unique, or at least separates it historically from pre-modern examples of discovered illicit cross-dressing, is that he lacked the individual agency to resolve the gender crises of Boulton's gender performance beyond the recognition that the performance itself was in some way illegitimate. The civilising process had stripped him of both the tools of categorisation and the authority to punish. Faced with authoritative impotency Cox did what came naturally to the respectable Victorian citizen and reported the matter to the authorities, with the hope and expectation that they possessed both the tools and the mechanisms to resolve the definitional crisis.

In the second half of this Chapter the institutionalised narratives employed to resolve the ambiguity of the transgressive cross-dresser in the Victorian period will be explored. Such narratives, although dislocated from individual agency, remained fundamentally concerned with the issue of classification. Returning to the notion of the civilising process the consequences of rationalisation were dually an increasing institutional interest in the classification of public deviance and an equally acute desire that the parameters for such classification should be clearly defined. The desire for classification was therefore not driven by solely punitive impulses, for punitive and regulatory discourses during the nineteenth century were inseparable from the discourses of governance and individuality that sought to create clear delineations between the public and private spheres (Weeks, 1989). The process of classification can be more usefully conceived as an inevitable consequence of the homogeny of social standards and the internalisation of restraints on individual conduct that Elias (1939) identifies.

The shift towards bourgeois definitions of social character centred upon notions of self-restraint and personal responsibility during the Victorian era was the catalyst for the stigmatisation of diverse public behaviours and social phenomena which ultimately required both formal classification and the allocation of ownership and responsibility. Unsanctioned public cross-dressing was but one of many urban behaviours that were viewed as problematic and potentially dangerous to individual and national character. Unlike the other 'social evils' of the period (prostitution, drunkenness, poverty, for example) for which the State had a long history of classification, cross-dressing required the construction of interpretive narratives capable of establishing the causes of the behaviour and its consequences.

During its coverage of Boulton and Park's arraignment hearings *The Times* would claim that the origins of drag were unknown and that Boulton and Park represented 'the first of the set to act women's roles and go about in women's clothes' (*The Times*, 31<sup>st</sup> May 1870: 9). In truth such assertions were both myopic and disingenuous for male cross-dressers had appeared amongst the law sections of the press long before the Boulton and Park scandal broke in the April of 1870. The courts were not as unfamiliar with the male cross-

dresser as the initial reporting of Boulton and Park's appearance in the Bow Street Dock would suggest. True, no previous case had generated the level of public interest as the trial of the female personators but as this Chapter's review of press coverage of criminal cases involving male cross-dressing reveals, Boulton and Park did not represent a wholly unquantifiable form of public deviance.

The press were not alone in employing selective myopia when faced with the male cross-dresser as many of the expert witnesses called to testify to the cause and consequence of male cross-dressing during the prosecution of Boulton and Park were equally keen to distance themselves from the study of cross-dressing or the knowledge of male deviant sexual practices. The medical witnesses, called during the 1871 sodomy prosecution in particular, were united in their presentation of collective ignorance on the subject of cross-dressing's links with sodomy but, just as with the presentation of ignorance within the nineteenth century press, such assertions when considered in relation to the wider medical discourses of deviance that emerged during the period are called into question.

In spite of contemporary assertions to the contrary, during the nineteenth century two knowledge systems, medical and legal, can be seen to be increasingly concerned with the classification of transgressive cross-dressing. Neither fully oppositional nor wholly complementary the discourses of doctors and judges would, as the century progressed, seek to classify individual gender deviance as a moral or pathological failing (Foucault, 1978). Such investigations necessitated that the individual reveal his 'true self' to the expert gaze. Only through the intimate revelations of intent could cross-dressers like Boulton and Park be categorised within psychiatric assessment or judicial punishment.

Although the final outcome of both fields of investigation would not be manifest until decades after the prosecution of Boulton and Park, their evolution illuminates not only the individual decisions of doctors and judges during the nineteenth century but also the beginnings of a consensus regarding the motivations and consequences of unsanctioned cross-dressing, a consensus that would ultimately be tested before the Queens' Bench in the May of 1871.

Just as the previous Chapter demonstrated the importance of a wider understanding of cross-dressing's significance within nineteenth century cultural practices, this Chapter's discussion demonstrates the relevance of pre-existing legal and medical discursive classifications of transgressive male cross-dressing to the narratives surrounding the prosecution of Boulton and Park. Before it is possible to interpret the legal and medical narratives of the trial of 1871 it is therefore necessary to understand the processes and interactions that informed such narratives; the otherness of Boulton and Park must be contextualised within the wider responses to the Victorian male cross-dresser.

#### **4.1 Civilisation, Otherness and Heterophobic Hostility**

In the previous Chapter a number of problematic elements with regards to male cross-dressing were identified in both the theoretical work of Butler (1990) and Goffman (1959) and through a historic analysis of cultural responses to public gender performance from the medieval through to the Victorian period. The cross-dresser could destabilise established hegemony through disruptions of class, status, gender and sexuality but paradoxically, as Chapter Three demonstrated, the ability of the audience to recognise such sites of cultural disruption rendered the cross-dresser legible, recognition being in and of itself a form of classification. Behind the immediacy of hegemonic challenge can be detected a deeper anxiety, for cross-dressing by its very essence 'is a space of possibility structuring and confounding culture'; it represents not just the disruption of established categories but also the disruption of category itself (Garber, 1992: 17).

The anxiety that cross-dressing engendered therefore preceded the recognition of outcome or consequence; it was a manifestation of what Taguieff (1988) viewed as a universal human response to the unknown or different, a response he termed heterophobia<sup>67</sup>. Taguieff proposes that heterophobia, the fear of otherness, is best conceived as a process of segregation, the complexity of which is relative to a given society's position

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<sup>67</sup>It is important to note that Taguieff's usage is distinct from the clinical definition of heterophobia as an irrational fear of homosexuality.

within the civilising process. At its simplest, heterophobia represents the primary and natural response to the unknown, a response that is invariably one of hostility. In its more complex forms this 'instinctive' animosity is accompanied by rationalisations that provide a logical foundation for the stigmatisation of otherness. Ideologically defined categories are presented and internalised that present the other as 'objectively harmful', with the nature of the harmfulness of the other constructed in line with the current social and cultural forces of a given society (Bauman, 1989: 63).

Although Taguieff limited his analysis to racial prejudice, his typology of heterophobia provides a useful backdrop for a discussion of the otherness of the transgressive cross-dresser, within the wider narrative of what Elias (1939) termed the civilising process. As the term 'process' suggests, Elias viewed civilisation not as an intrinsic property of western society but rather as representing a linear historic process, the effect of sociocultural and structural change over time. For Elias, the emergence of the State's monopoly over individual action in the form of bureaucratic governance, taxation and the use of legitimate punitive force, combined with the increasing homogeneity of socially acceptable conduct, as the distance between ruler and ruled was eroded by both economic and social forces, were the central features of this process (Elias, 1939). By the nineteenth century the civilising process had resulted in nation States being administered via a bureaucratic model dependent upon rationality, stability and economic effectiveness (Elias, 1939, Pratt, 2002).

Two features of this 'modern garden State', a State concerned with 'designing, cultivating and weed poisoning' must be recognised in order to understand the Victorian responses to Boulton and Park (Bauman 1989: 13). Firstly, the suppression of hedonistic impulses and the transference of legitimate violence from the individual to the State created a chain of 'complex causal dependencies' (Bauman, 1989: 25) that diminished the individual's ability to create and enforce moral classifications. As the need for such classifications intensified rather than diminished during the civilising process, classification was deferred to the various institutions of governance. Secondly, interpretive systems, what Elias termed 'modes of knowledge', became less reliant on



supernatural forces as the discourses of scientific rationale that drove both enlightenment thinking and bureaucratic capitalism gained ascendancy. Such 'modern' modes of knowledge offered the prospect of an understandable and predictable social world that could be interpreted via the objective expertise of professions and institutions (Elias, 1939).

The crises of unsanctioned cross-dressing can therefore be seen to be unsustainable in civilising society for, on the one hand, the heterophobic hostility, a natural response to otherness, is no longer permissible as a form of individual agency and on the other, the dominant modes of knowledge negate the possibility of unknowingness. When faced with otherness, classification followed by assimilation or exclusion is the only response in the garden State and, during the nineteenth century, it would increasingly fall on the institutions of law and medicine to prune the social topiary and poison the persistent weeds.

### **Degeneracy, Effeminacy and Impersonation**

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Dorian Gray, Oscar Wilde's Faustian anti-hero, serves as both a figurative and literal expression of heterophobia of late Victorian period. Gray's slow descent from indolent effeminate to killer and finally suicide highlights the Victorian recognition of the dangers of the dissolution of established social bonds and the transformative properties of the chaotic arrangements of the metropolis. Within the narrative of *The Picture of Dorian Gray*, Wilde expressed the anxieties of the bourgeoisie. The themes of cross-class interaction, hedonistic indulgence, public immorality and private degeneracy mark the text as a moral fable of the late Victorian period (Wilde, 1891).

Although Gray to some extent reflects Wilde's philosophical position and personal experiences of London in the 1880s, the core concerns regarding modernity, morality, legibility and degeneracy that are central to his novel found their origins in the medical and legal discourses that had developed in tandem with capitalist industrialisation during the eighteenth and nineteenth centuries (Roberts, 2004). Although the focus of this discourse varied considerably over the course of the nineteenth century as the discovery of one

social evil invariably gave rise to another, the notion that urbanisation, industrialisation and metropolitan life were in some way causal with regards to deviance would be continuously reinforced as the century progressed (Bristow, 1977).

By the 1840s medical and legal discourses increasingly pointed towards the construction of the disordered city, a place of criminality and vice, a modern day Babylon whose citizens, unlike the fictional Gray who on the surface at least remained pristine, increasingly manifested the moral and physical stigmata of depravity and degeneracy (Cook, 2003). The mid-Victorian city was a place associated with prostitution, drunkenness, vagrancy, sexual immorality and imposture and in an echo of the anti-theatrical attacks of the Elizabethan era it was the popular entertainments of the period that would be the focus of bourgeois attention. The theatre, music hall and public house would feel the brunt of this assault cast as both the sources of criminality 'the most frequent source of crime is an instinctive love of theatrical representations' (*Report from the Select Committee on Criminal and Destitute Juveniles*, 1852: 19) and the loci for habitual offenders 'the audience consists almost entirely of young thieves and prostitutes' (ibid, 1852: 242).

Attuned to the ideologies of purity, self-responsibility and productive labour that would become the dominant features of reformist discourse during the nineteenth century, the attacks upon unproductive leisure from the 1830s were consequences of a wider shift in the concept of masculinity in which 'a genteel masculinity grounded in land ownership' was supplanted by a 'bourgeois masculinity attuned to the market' (Tosh, 2005: 63). The 'new man' that emerged from this process was one defined by his productive labour, physical prowess, personal valour, emotional stoicism and above all his status as patriarch of the Victorian Family (Cocks, 2006).

By the 1840s the artisan culture of workshop and tavern of the eighteenth century that had engendered definitions of masculinity centred upon 'pugilist pub culture' was quickly being supplanted by one which equated manliness not with homo-social relationships and sexual licence but with sobriety and domesticity (Davidoff and Hall, 2002). Whilst productive labour had been a continual focus of reformist concerns and legal regulation, the emphasis on

domesticity within the 'new man' ideology highlights that by the 1850s for labour to be considered productive it must have been seen to be directed towards the establishment and upkeep of the family. Without the security of private patriarchal responsibility the public city provided not only the means of labour but also offered sites of hedonistic consumption, sites that in Krafft-Ebing's view were 'the breeding places of nervousness and degenerate sensuality' (Kraft-Ebing, 1909: 404).

So pervasive were the discourses of bourgeois masculinity that by the mid-Victorian period aspects of masculinity at both ends of the class spectrum were increasingly viewed as deviant and socially problematic. Sex, sexuality and gender were incorporated within the medical model with deviance within these categories increasingly understood via the notion of 'degeneracy' (Huertas, 1993). Emerging from the works of the early eugenicists and built upon by advocates of Social Darwinism and the psychiatric profession during the course of the nineteenth century, degeneracy provided doctors, judges and reformers with a new and compelling category that united legal and medical discourses of deviance into which the problematic elements of metropolitan society could be consigned. For sections of the lower class this process saw them recast as a species apart to be distinguished by their drunkenness, violence and habitual criminality. They were 'bestial, filthy, and inexpressibly vicious barbarians' the product of 'generations of neglect, of vice and unavoidable grovelling at the foot of the social ladder' (Greenwood, 1883: 70, 22). Further up the social scale decadence, indolence and hedonistic drives threatened to destabilise newly established gender relations causing men to clothe 'themselves in a costume which recalls, by colour and cut, feminine apparel' and to become a hybrid race a 'strange and repulsive mixture of incompleteness and decay' (Nordau, 1895: 36).

Degeneracy and masculinity were inherently connected in Victorian medico-legal discourses. If the 'new man' possessed of his bourgeois respectability, stoicism and family values represented masculinity in its purity then the effeminate man, hedonistic, unproductive, volatile and single represented its degeneracy. Chapter One demonstrated that the notion of the exclusively effeminate homosexual should be perceived as the end of the medicalisation

of sexual and gender deviance rather than its beginning. Before the close of the nineteenth century effeminacy, whilst linked with manliness, was not necessarily utilised exclusively in relation to deviant male sexuality (Cocks, 2003). Whilst it is true that the majority of medical texts conflated the categories of sodomy, effeminacy, male cross-dressing and degeneracy the link was not absolute. Cesare Lombroso (1864), the high priest of pathological criminality, argued, for example, that hereditary degeneration in the form of effeminacy could account for a number of aristocratic vices whilst Krafft-Ebing described the 'indolent, effeminate, dreamy habit of thought', the inability to use money 'reasonably' and the 'mind only for externals' as symptomatic of nervous degeneracy and a range of perversions (Sinfield, 1994, Krafft-Ebing, 1909: 390).

Before the 1890s the charge of effeminacy evoked connotations of idleness, dissoluteness, over-refinement and aestheticism. Effeminacy as a concept was therefore not directly associated with sodomy. Rather, it was a term that was employed with increasing frequency as the century progressed to police the boundaries of bourgeois sexual categories (Sinfield, 1994). It is from within this eclectic mix of effeminate connotations that the cross-dresser emerges as a figure of medico-legal concern. Had idleness and dissoluteness remained fixed characteristics of the aristocracy, as they had in the eighteenth century, the stakes may not have seemed so high but once effeminacy had been incorporated within medical discourse such behaviour represented a congenital condition that would ultimately weaken the social body as a whole, resulting in 'too great a number of individuals unfit for the labours of common life' (Nordau, 1895: 301). Running parallel with this image of hereditary degeneracy was the possibility of contagion and disease; during the prosecution of Boulton and Park, for example, cross-dressing was presented as symptomatic of a 'plague, which, if allowed to spread without check or hindrance, might lead to serious contamination of the public morals' (*The Times*, 10<sup>th</sup> May 1871: 11). This duality of causation which permeates nineteenth century medico-legal discourses of deviance presented the cross-dresser as both atavistic and uniquely modern, on the one hand the product of pathological degeneracy and on the other a feature of 'the mysteries of

modern metropolitan life' in which the city and its entertainments were the breeding ground for 'neuroses and low morality' (Krafft-Ebing, 1909: 7).

In England, more so than on the continent, the notion that cross-dressing served as a disguise, masking degeneracy and facilitating the spread of immorality had gained increasing prominence by the mid-Victorian period yet just what this degeneracy might entail remained open to interpretation. The prevailing opinion within medical discourse was that cross-dressing served as a facade behind which the sodomite lurked, attracting his own kind or utilising gender inversion to ensnare and corrupt, a view that found wider support within populist, moral and to a lesser extent legal discourse (Cocks, 2003). Such opinion remained anecdotal however with no clear causal link between gender inversion and sodomitical practice emerging from the medical literature. If, once arrested, a cross-dresser was prosecuted for sodomy it would be unlikely that the Crown would require medical opinion.<sup>68</sup> In cases of attempt or conspiracy to commit sodomy in which the common proofs of unnatural offences, usually direct witness statements, were absent there is evidence to suggest that lawyers turned to forensic medicine, as they did in the case of Boulton and Park, but such cases were in the minority (Crozier, 2001).

Aside from isolated cases that directly linked sodomy and cross-dressing, the evidence suggests that the connection established in the sexological literature between deviant sexuality and gender inversion was not foremost in the minds of those individuals charged with interpreting the actions of Victorian cross-dressers. The novel categories provided by the medical model would gain traction, particularly within continental medico-legal discourse, but in England before the turn of the century it was the tacit connection between the cross-dresser and the city that would find widespread acceptance.

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<sup>68</sup> Given the requirements of the charge required proof of penetration Taylor noted the crime was 'commonly sufficiently proved without medical evidence' given that a prosecution would be unlikely to be brought without a direct witness to the act (Taylor, 1873: 471).

In describing London during his exposé of child prostitution in the 1880s Stead likened the metropolis to the Labyrinth of Daedalus and its young poor to the youths who were offered up in sacrifice to the fabled Minotaur (Stead, 1885). This representation of London as a fearful maze of lost souls and unknowable monsters is a recurring theme within both the literature and social commentary of the period and points to the deep anxiety regarding both the dissolution of social bonds within the city and the ambiguity inherent to rapid urbanisation. The heterophobic impulses that Taguieff (1988) identifies are acutely manifested in the Victorians' relationship with their metropolis, a site of ambiguity and masquerade that horrified and delighted in equal measure. The literary works of Dickens, Wilde and Reynolds and the social exposés of Stead, Greenwood and Nordau reveal a chaos of social relationships which, if left unchecked, would result in an unacceptable proximity between familiar and alien, 'oscillations between the noblest and the meanest of mankind' (Stead, 1885).

Boulton and Park were not the only manifestation of definitional crises for the city seemed full of impersonators, 'blind' beggars, demimonde prostitutes, phony aristocrats and Swell Mob thieves.<sup>69</sup> It is little wonder that the urban bourgeoisie felt heterophobic unease when confronted with alien otherness, unease that Bauman has characterised as the fear of 'the enemy in our midst' (Bauman, 1989: 65). This anxiety is not only a clear indication of Victorian heterophobia with regard to aspects of urbanisation it highlights a uniquely Victorian concern with the processes of social passing and masquerade within the public spaces of the city (Gunn, 2000), a city 'of great irregularity' and 'immense numbers of Lanes, Alleys, Courts and Byeplaces' that seemed to Henry Fielding to be 'intended for the very Purpose of Concealment' (Fielding 1751: 116).

Victorian perceptions of the city as a site of masquerade, crime and vice were also shaped by moral discourses characterised by a series of ideological

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<sup>69</sup> The slang term for young pickpockets who were described in Chesterton's *Revelations of Prison Life* as 'men of the world, of some education - not appearing at all flash [thief-like], but, on the contrary, acting the part of gentlemen in society' (Chesterton, 1856: 151).

divisions, the division between the individual and the state, between family and society and importantly between the privacy of female domesticity and the public arena of masculine commercialism, industry and consumption (Bristow, 1977, Weeks, 1989). This distinction between the public and private spheres would, by the end of the nineteenth century, emerge as the central feature of Victorian moral and regulatory discourse that in turn would shape individual and institutional responses to deviance. By the 1860s the privacy of the home, although increasingly ideologically and legally defined, was considered beyond the remit of regulatory mechanisms. The public sphere by contrast was the subject of both surveillance and regulation as the state, either directly through legislation or indirectly through its engagement with the temperance and social purity movements, sought to classify and control the immorality and vice that bourgeois ideology had located exclusively within the public sphere (Weeks, 1989).<sup>70</sup>

The desire for order and legibility that lies at the heart of Elias' (1939) conception of the civilising process is clearly visible in the Victorian's response to their Daedalean city. 'Urban explorers' such as Greenwood and Stead and their literary counterparts in Dickens and Reynolds contributed to the production of a masculinised urban consciousness (Epstein Nord, 1991) through which the unruly multitudes of the metropolis could be interpreted. Such press exposés, travellers pamphlets and 'penny dreadfuls' whilst all unquestionably sensationalist and attuned to the masculine gaze nonetheless shaped the popular perceptions of metropolitan life.

Beyond Dickensian depictions of the city the spectacle of Victorian justice, and the press that reported upon it, provided further opportunity to organise the disorderly. Although investigative pieces like Stead's *Maiden Tribute* and articles on unsolved crimes, absconded criminals and 'mysterious occurrences' were regular features of nineteenth century crime reporting, coverage of legal proceedings made up the bulk of the law sections with all of the major periodicals providing daily coverage of the various police, assizes and quarter sessions as well as detailed accounts of cases proceeding

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<sup>70</sup> Consider, for example, the Poor Laws, Vagrancy Acts and the Metropolitan Police Acts in terms of formal regulation and official engagement with the Society for the Suppression of Vice as typical of informal regulation.

through the higher courts (Devereaux, 2002). The relationship between the press and the courts reveals the central roles that legal categorisation and press dissemination played in shaping the popular consensus with regard to publically acceptable and unacceptable behaviour during the nineteenth century (Upchurch, 2000, Rowbotham and Stevenson, 2005). Aside from the fact that the extensive coverage points to a genuine desire for crime stories amongst an increasingly literate population the court reports reveal the extent of layman participation in the legal process during the nineteenth century. The public were called as jurors to the higher courts, they appeared as witnesses and, until the middle of the century, as prosecutors in both higher and lower courts and most importantly they attended the sittings of the police courts as spectators in considerable numbers (Rowbotham and Stevenson, 2005).

Legal institutions and legal discourse can therefore be seen as central to the process of objective ordering required by the civilising process. It was to the law that individuals like Francis Cox turned to resolve the category crises they encountered in the anonymous city and it was through the press reporting of such categorisations that a wider consensus about public deviance and its consequences was established.

## **4.2 Legal Narratives**

If the orthodox view of the regulation of dress is to be believed, the fact that cross-dressing had no defined position within the criminal law during the nineteenth century would perhaps come as no surprise given the expectation that State interference in personal consumption, what a person chose to eat, wear or buy for example, was abhorrent to the Victorians (Capers, 2008). This modernist critique of the regulation of consumption argues that, with a few exceptions, during the modern era individual consumption was constructed as a matter of private choice beyond the remit of the criminal law (Smith, 2002, Vincent, 2003, Ribeiro, 2003). In order to support this argument the fate of the early sumptuary laws is cited as a clear indication of a shift in conceptions of



public and private consumption and the role of the law in their regulation.<sup>71</sup> During the fifteenth, sixteenth and seventeenth centuries, and reaching a peak during the reign of Elizabeth I (1558 – 1603), the State sought to regulate personal consumption via various sumptuary laws, laws directed towards the regulation of the consumption of food, clothing and luxury items in order to reinforce class, gender and status boundaries (Vincent, 2003).

Overt State regulation of both the physicality of dress, its fabric, colour and cut and its social semiotics, who could wear what and at what times, ended in the repeal of the sumptuary laws during the parliament of 1604, and with this repeal it has been argued that consumption, and specifically the regulation of dress, was taken beyond the remit of the criminal law. What the modernist critique of sumptuary law has failed to acknowledge however is that the ideology behind such legislation endured long after the repeal of the legislation itself. This 'sumptuary ethic' proved to be far more pervasive with its influence apparent throughout the hegemonic legislation that characterised the modern programme of governance that was dependent upon popular consent (Hunt, 1996).

During the nineteenth century the sumptuary ethic was at its most visceral within the discourses of productive labour and found particular resonance within the ideology behind the twin pillars of Victorian reformist concern - alcohol and prostitution. In both examples it was regulation rather than prohibition to which nineteenth century law was directed. Even the Criminal Law Amendment Act of 1885 (enacted ostensibly to end the 'white slave trade') limited its focus to the regulation of brothels and establishing a higher age of consent. It is important to recognise, therefore, that the modernist critique of sumptuary regulation, in which the State's involvement in the regulation of personal consumption gradually recedes, has failed to acknowledge that the regulation of unproductive labour during the nineteenth century amounted to the regulation of overconsumption (Hunt, 1996 Capers, 2008). The regulation of public drunkenness, working class violence, gambling, street prostitution and cross-dressing demonstrates that the

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<sup>71</sup> Although commonly used to describe the regulation of consumption during the Elizabethan era 'sumptuary law' refers to any legislation that seeks to regulate personal expenditure or overindulgence particularly with regard to dress, food or the possession of 'luxury' goods.

anxieties surrounding class and gender that drove the sumptuary project had not diminished. Indeed, within Victorian moral, medical and legal discourses the preoccupation with idleness and degeneration are never far from the surface. In this respect the regulation of unsanctioned public cross-dressing during the nineteenth century did not differ dramatically from previous centuries. In the end, the problems of gender, sexuality and class that cross-dressing represented were intrinsically problems of public disorder.

### **Legal Narratives: the Cross-dressed Nuisance**

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Of all the public order legislation of the nineteenth century it was the Vagrancy Acts that allowed for the broadest categorisation of low-level public disorder and in practice was the charge, along with theft, that represented the majority of the lower courts' business. The Vagrancy Act of 1824 was implemented as a response to specific concerns regarding migrant labour that had emerged in the years following the close of the Napoleonic wars. Although proponents of the Act argued that the inadequacies of the antiquated pass laws<sup>72</sup> justified the implementation of legislation through which the movements of the discharged common soldier and economic migrants from Ireland could be managed, the final Act incorporated a wide array of problematic individuals under the heading of 'rogues and vagabonds.' The Vagrancy Act, along with the Poor Law that followed ten years later, represented legislative responses to wider discourses relating to urban poverty and the regulation of public space that had emerged at the end of the eighteenth century. Whilst the Poor Law focused on alleviating the suffering of the deserving poor, the Vagrancy Acts of 1824 and 1838 represented a punitive response to the problem of the idle and undeserving poor (Vorspan, 1977).<sup>73</sup>

The Vagrancy Acts established three broad categories of offenders, 'the idle and disorderly', 'rogues and vagabonds' and 'incorrigible rogues'. Although

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<sup>72</sup> A communal term for laws and bylaws that were primarily enforced to regulated economic migrants.

<sup>73</sup> The only significant addition made in the Act of 1838 was the expansion of the prohibition against the display of indecent images which the 1824 Act had considered only in relation to the public highway but which the 1838 Act prohibited in commercial venues and private dwellings.

many of the behaviours within these categories were considered unique to the problematic elements of the working class – prostitution, peddling, grifting, begging, loitering with intent and public drunkenness, for example – the prohibition on individuals ‘wandering in the public streets or public highways or in any place of public resort’ whilst behaving in ‘a riotous or indecent manner’ resulted in legislation that could be employed to regulate both socially problematic and morally undesirable behaviour in a diverse range of public spaces including, but not limited to, public thoroughfares, shopping arcades, theatres, parks and public houses (Vagrancy Act, 1824: section III).

Prosecutions for vagrancy along with petty theft were the mainstay of the police court and petty sessions’ business during the first half of the nineteenth century, with prosecutions for both categories of offence increasing in line with urban development and the formalisation of official policing (Storch, 1977). Whilst the high level of vagrancy prosecutions can be partially attributed to the new police’s drive towards ‘the maintenance of order and decorum in public spaces’ (Davis, 1984: 321), the ‘catch all’ remit of the Act and the introduction of remittances for prosecutors and witnesses it would be incorrect to assert that magistrates and the police utilised the Act to assert excessive authority over the working class (Davis, 1984). Magistrates were free to utilise broad discretion when considering the necessity of legal intervention. They could dismiss the case, apply a range of punitive sanctions or refer the accused to the higher courts. Given the options available and the recognition of both the courts and the police that working class cooperation required recognition of working class concerns within the justice system, magistrates, on the whole, sought to win lower class acceptance of the law by reflecting, where possible, the opinions of their working class clientele (Davis, 1984, Walkowitz, 1992).<sup>74</sup>

A review of press reporting of cross-dressing cases brought before the lower courts during the nineteenth century reveals that this discretion and recognition of community opinion extended to the treatment of male cross-

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<sup>74</sup> For example, the official responses to prostitution, or lack thereof, highlights the widespread acceptance of the profession amongst the working class for whom, according to one estimate, it formed the fourth largest female occupational group. Before the 1880s the state, in spite of mounting pressure from the social purity movement, displayed no desire to regulate street prostitution or to unduly interfere in the lives of working class women (Walkowitz, 1992, Weeks, 1989).

dressers, the vast majority of whom were detained under the Vagrancy Act and in practice occupied little judicial time, with the majority of cases having been dealt with in a single sitting of the courts. In such cases if cross-dressing could be attributed to excessive drinking or youthful foolishness and, provided it was demonstrated to be liminal in duration, carnivalesque in its motivation, witnessed by a knowing or complicit audience and occurred exclusively in the heterotopic spaces of the public sphere the defendant would typically be dismissed with a warning and on occasion a small fine.

| Year | Defendant/s                       | Age       | Charge                    |
|------|-----------------------------------|-----------|---------------------------|
| 1827 | John Thompson & Joseph Winton     | n/a       | Theft – Burglary          |
| 1833 | Henry Johnson & Charles Southgate | Young man | Robbery                   |
| 1833 | n/a                               | Young man | Female attire             |
| 1837 | James Goldem                      | n/a       | Vagrancy                  |
| 1838 | Richard Frost                     | Young man | Female attire             |
| 1838 | Jean Matre Matris                 | n/a       | Female attire             |
| 1838 | William Robson                    | n/a       | Female attire             |
| 1840 | James Tibenham                    | 28        | Female attire             |
| 1841 | Lewis Hillingsworth               | Young man | Female attire             |
| 1845 | Robert Preston                    | Young man | Theft                     |
| 1846 | John Anderson & Edward Sullivan   | 21        | Theft                     |
| 1846 | John Travers                      | n/a       | Loitering                 |
| 1846 | James Blundell                    | Young man | Smuggling                 |
| 1847 | Jenkin Hawks                      | n/a       | Theft/ female attire      |
| 1847 | James Bird                        | Young man | Meeting together          |
| 1849 | Beasley                           | Young man | Female attire             |
| 1850 | Elijah Scott                      | 20        | Disorderly conduct        |
| 1854 | Edward Holmes & John Challis      | 35        | Incitement                |
| 1855 | Thomas Brown                      | n/a       | Theft/ female attire      |
| 1855 | Thomas Francis Druce              | Young man | Female attire             |
| 1857 | Martin Haley                      | Young man | Female attire             |
| 1859 | Horace Jones                      | Young man | Drunkenness/female attire |
| 1863 | George Paddon                     | Young man | Female attire             |
| 1863 | Richard Crane                     | 33        | Disorderly conduct        |
| 1864 | Edward Rose                       | 25        | Theft - Burglary          |
| 1869 | Henry James Smith                 | 16        | Female attire             |
| 1870 | Walter Thurston                   | n/a       | Female attire             |

Figure 7: Cases involving Male Cross-dressing reported by the Victorian press: 1800-1870

The verdicts in the majority of prosecutions suggest that the majority of cross-dressers posed little threat to the social order, with prosecutors, typically police constables, and the wider public, either attending the court sessions or reading about them in the press, willing to accept the magistrate's classification of unsanctioned public cross-dressers as problematic but ultimately benign public nuisances.

The defendants in such cases were predominantly young men like Richard Crane who, in 1863, appeared before the Clerkenwell Court magistrate having been arrested for 'dancing in the street dressed in female attire, having a bonnet, shawl, dress, a large crinoline<sup>75</sup> and a parasol'. Crane's defence that he had 'dressed himself up for a joke' being the 'worse for liquor' was credible enough for the magistrate to dismiss him with a fine (*The Times*, 13<sup>th</sup> July 1863).

Dressing for a lark or bet was the most common explanation offered by defendants - it was as an act of 'extravagance and folly' (KB 6/3), for example, that Boulton and Park's lawyers would seek to frame their client's public cross-dressing - and although in each instance the presiding magistrate was clear in his condemnation of public cross-dressing, the spectators within the court and, judging by the tone of the press articles produced, a wider section of Victorian society often regarded such cases as amusing oddities. In the same year as the Crane case the *Birmingham Daily Post* reported the prosecution of George Paddon and recorded that when Constable Carney deposed that he had only suspected Paddon was a man because his crinoline was of 'very extensive dimensions' the court was gripped with uncontrollable laughter (*Birmingham Daily Post*, 9<sup>th</sup> July 1863).

If the targets of such larks were unsuspecting dupes or if the location of the offence fell beyond the heterotrophic spaces of leisure or commerce magistrates tended to take a dimmer view. In 1869, for example, Henry James Smith appeared at the Lambeth Street court having been apprehended at three in the morning for engaging a gentleman in conversation whilst dressed in a 'handsome black silk skirt, black velvet jacket and a black straw hat

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<sup>75</sup> Originally a term for a horsehair fabric by the 1850s the term was applied to any stiffened skirt or petticoat.

ornamented with a green feather'. The presiding magistrate, upon stating that he was minded to remand the prisoner, was interrupted by a spectator who exclaimed 'speak the truth Henry, they are my clothes your Worship'. Once it transpired that Henry's cross-dressing was enacted within a community of in-crowd spectators the proceedings, like many before them took a humorous turn and the case was ultimately dismissed (*Lloyds Weekly Newspaper*, 18<sup>th</sup> April 1869). Likewise, when bets involved risqué locations, the most common of which seems to have been graveyards, magistrates were more inclined to impose a fine in addition to a stern reprimand, though again the press reporting in such cases remained somewhat light-hearted. Richard Frost for example, who was apprehended in St. Phillip's church yard by relatives of a recently deceased woman fearing him to be a 'resurrection man,' was described by the *Bristol Mercury* as an 'adventurous' and 'daring young man' (*Bristol Mercury*, 3<sup>rd</sup> March 1838).

The increasing popularity of both private theatricals and costumed balls from the late 1840s onwards, a manifestation of the positive craze for impersonation that still gripped mid-Victorian England at the time of Boulton and Park's arrest in the 1870s, also resulted in a number of cross-dressers appearing before the courts. In the majority of cases cross-dressers were apprehended on route to or from an event in the early hours of the morning having been unable to hail a cab. Jenkin Hawks, arrested in 1847, is a typical case having been apprehended on his way to a ball at the Star Coffee House. Hawks' costume was sufficiently convincing that he was detained on suspicion of stealing a bundle of male clothing. Only when he reached the station was his true gender discovered. Once before the magistrate Hawks successfully proved that the bundle of clothes was, in fact his own, and upon producing the advertising card for the Star ball the case was dismissed. The unfamiliarity with this novel form of entertainment amongst beat officers during the 1840s resulted in increasing numbers of arrests as both police and magistrates sought to interpret the actions of the increasingly visible urban cross-dresser.<sup>76</sup> Most arrests, as in the case of Jenkin Hawks, occurred on the public

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<sup>76</sup> In 1846, for example, the Bow Street magistrate remarked that his current case of cross-dressing was the third of its kind to progress through the court in recent weeks (*The Era*, 22<sup>nd</sup> March 1846).

thoroughfare but on occasion the police would infiltrate the balls themselves as they did in 1854. As a result Edward Holmes, dressed in contemporary female costume, and John Challis, who wore the 'pastoral garb of a shepherdess of the golden age', found themselves before the Guildhall Court to answer charges of incitement. The arresting and prosecuting officer, Inspector Teague, deposed that information relating to 'immoral practices' had motivated his intervention. Witnesses for the defence, however, ultimately failed to corroborate the Inspector's account of impropriety. Although the magistrate was at pains to demonstrate his displeasure at the practice of cross-dressing he was far more critical of the police for allowing the ball to take place in unlicensed premises (*Daily News*, 1<sup>st</sup> August 1854). Having assured himself of the defendants' good character and upon their assurances that they would never engage in their 'extraordinary freaks' again, the magistrate dismissed the charges having deemed that the exposure the case had generated was sufficient punishment (*Daily News*, 2<sup>nd</sup> August 1854).<sup>77</sup>

The combination of the legitimising mechanisms of liminal performance, carnivalesque deviance and complicit in-crowds are common features of cases of cross-dressing in which the charges were dismissed or in which the defendant received the minimum sanction mandated by the Vagrancy Act. Although occurring in unsanctioned public spaces, the fact that such spaces were typically heterotrophic in character and the cross-dressing performances of defendants contained the same elements that afforded professional cross-dressing, its legitimacy was clearly instrumental in shaping magistrates' categorisations of cross-dressers whose sporadic instances of cross-dressing could be constructed as neither a serious challenge to public order nor a threat to established hegemonies.

In the public sphere unsanctioned cross-dressing was considered to be problematic, the implementation of formal mechanisms of control

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<sup>77</sup> Although the metropolitan police were employed to regulate unlicensed dances Teague's raid on the Druids Hall ball appears to have been the exception rather than the rule. In the decades following the raid on the White Swan Molly House in 1810 no instances of a coordinated crackdown on cross-dressing within private clubs or balls is recorded in the press. The legal discussions surrounding Boulton and Park's attendance at the costumed ball at the Royal Exeter Hotel in 1870 did not frame such events as sites of legal concern, with the exception of the Druid Hall raid no attempt seems to have been made to regulate cross-dressing within commercial venues before the 1880s.

demonstrating that the disruptive potential of cross-dressing was clearly recognised. That the majority of such disruption was conceived, via the Vagrancy Act, as a public order offence, however, suggests that representations of the cross-dresser centred on the carnivalesque dominated legal and public conceptions of the practice. Carnivalesque deviance, as Chapter Three demonstrated, was liminal, defined by the borders of established event spaces or by the borders revealed by the heterotrophic arrangements between spaces. Bakhtin (1984) noted that deviance within such borders was denied political agency, its ability to destabilise was therefore reduced or negated. As a result the transgressions of public cross-dressers like Richard Crane, George Paddon and Henry James Smith were perceived as occurring 'exclusively under the camouflage of laughter', a form of permissive deviance which ultimately elicited 'nothing but laughter' (Bakhtin, 1984: 90).

### **Legal Narratives: the Cross-dressed Criminal Class**

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In instances where the cross-dressing could not readily be attributed to drunken behaviour or harmless folly it was viewed as a precursor to a more serious offence. In such cases magistrates rationalised that female attire must have been 'assumed for the worst purposes' (*The Morning Chronicle*, 24<sup>th</sup> September 1850). Central to the classification of cross-dressing within more serious offences was the function of the impersonation. If it could be demonstrated that female attire had been employed to simply disguise an individual's features, usually in cases of theft, it was viewed as indicative of dishonesty rather than a manifestation of sexual deviancy.

Theft was by far the broadest category of criminal offence during the nineteenth century and it was also the one that occupied much of the higher and lower courts' time (Emsley, 2005).<sup>78</sup> As with vagrancy the vast majority of offences were petty, involving relatively small sums of money or items of low

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<sup>78</sup> Across the century a number of statutes were enacted that enforced specific punishments for specific categories with animal theft, burglary, embezzlement, extortion and blackmail, Game Law offences, housebreaking, larceny, pickpocketing, receiving stolen goods, shoplifting, stealing from master, theft from Post, theft from a specified place all falling under the heading of theft (Emsley, Hitchcock and Shoemaker, 2008).



monetary worth but the sheer quantity and consistency of indictments for theft across the nineteenth century resulted in the perception of theft as 'the' crime problem of the Victorian city. The fact that theft was perceived as endemic amongst the lower classes provided impetus for magistrates to take a hard line, particularly in cases of burglary where the police courts formed a 'resolute bastion against the inroads of the propertyless' (Davis, 1984: 318). Edward Rose may have 'enjoyed the allusion to his being in female attire' when it was made during his committal for theft in 1864; the magistrate however was less than amused and passed the case to the Old Bailey which handed down a sentence of seven years penal servitude (*The Standard*, 7<sup>th</sup> December 1864: 7, Old Bailey Proceedings, 11<sup>th</sup> January 1865).

In cases of suspected theft magistrates were far less likely to accept the standard excuse of 'doing it for a lark'. In 1827, for example, John Thompson and Joseph Winton's argument that they had disguised themselves in dress and veil to frighten a female servant under the employ of Robert Gibson because she had 'given a sharp reply in answer to some gallant speech' was dismissed on account that they were also apprehended with house breaking equipment concealed in their frocks (*The Morning Chronicle*, 6<sup>th</sup> June 1827).

The suspicion of cross-dressing could also prove damaging to defendants' credibility. When Henry Johnson and Charles Southgate appeared before the Marlborough Street court in 1883 on charges of theft of furnishings from a number of lodging houses the evidence that the pair cross-dressed, although unrelated to the charges they faced, confirmed their guilt in the eyes of the magistrate who wondered how young men 'with no visible means of sustenance found 'the funds for 'trinkets of female finery' (*The Morning Chronicle*, 7<sup>th</sup> March 1833).

When cross-dressing occurred in tandem with acquisitive crime it was considered to facilitate criminal activity rather than constituting an offence in its own right. In such cases cross-dressing did not represent, and was not perceived as representing, a form of gender inversion or imposture. Rather, it was viewed as part of the *modus operandi* of the habitual criminal. In the case of burglary it was seen as facilitating the penetration into the private sphere, a representation of actual rather than carnivalesque deviance and therefore far

more problematic than acts of unsanctioned public cross-dressing. The press reporting of such cases, which reflected and constructed the popular consensus regarding the impact of offending, also reinforced the seriousness of such offences (Rowbotham and Stevenson, 2005). Whereas cases of public cross-dressing appeared under headings such as 'Extraordinary Freaks', 'Getting into Trouble through Crinoline' and 'The Male Milkwoman', those that trespassed into the private sphere (and were categorised as theft) were described as 'Singular Female Robberies', 'Outrages in the Isle of Man' and 'A Desperate Attempt to Murder and Rob'. Such distinctions demonstrate that the court, public and press were invested in the establishment of clearly defined boundaries that distinguished between socially unacceptable and socially harmful behaviour as well as between public and private space.

#### **Legal Narratives: the Degenerate Cross-dresser**

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Of all the unsanctioned public cross-dressers to come before the courts the most problematic were individuals whose cross-dressing lacked both legibility and liminality. If cross-dressing was demonstrated to be a regular feature of a defendant's behaviour and if the validity of their impersonation suggested that they had successfully passed amongst duped audiences, cross-dressing was assumed to serve as a 'cloak to conceal crime of the foulest character' (*The Era*, 22<sup>nd</sup> March 1846). Such a cloak allowed the cross-dresser to entrap the duped spectators of the public sphere and corrupt of the private sphere by destabilising the ideological constructs of sex, gender and social class. Such cases are a rarity within the existing records. Between 1800 and the arrest of Boulton and Park in 1870 only one case was documented in the law sections of the Victorian press.

In 1850 Bennet Martin, a 'respectable merchants clerk', initiated assault proceedings against Elijah Scott at the Mansion-House courts. Martin had encountered Elijah in the early morning of the 20<sup>th</sup> September and had taken him for one of 'the wretched class of women who live by prostitution' (*The Morning Chronicle*, 24<sup>th</sup> September 1850). When the pair had adjourned to 'a more retired place' Martin found himself confronted by a 'person of colour' with

clearly visible facial hair. Scott's case illustrates the problem that ambiguous forms of female impersonation posed to officers charged with regulating public spaces in working class areas of the city. During the arraignment hearing it emerged that a number of officers had seen Elijah in the districts around the Thames Tunnel for over six months but always considered him to be a woman as he lived amongst the female prostitutes of the area and was often seen in the company of the various sailors who formed their clientele. The inaction of the police demonstrates that their regulation of common prostitutes was predominantly concerned with minimising public disorder. Solicitation was therefore tolerated providing it occurred within prescribed areas and was undertaken with some measure of decorum (Walkowitz, 1992). As the vagaries of dress and demeanour by which the prostitute could be distinguished from other working-class women could result in a wrongful arrest which in turn could damage an officer's reputation and impede his ability to gain the cooperation of the communities he patrolled (Petrow, 1994), public immorality in working class areas seem to be overlooked by officers provided that no private prosecution was instigated. Had Elijah remained in the confines of Wapping his behaviour may well have continued to be tolerated, his unsanctioned cross-dressing would therefore have remained undetected. By the September of 1850 however his nocturnal wanderings had taken him to the more respectable streets of The Minnories<sup>79</sup> where the public disturbance caused by his encounter with Bennet Martin ultimately necessitated police involvement.

Press coverage of the case suggested that the prostitutes of Wapping were, like Martin, duped spectators, but given the extent of Elijah's integration within the immigrant community that surrounded the docks the assertion that 'not one of the women of colour who infest the streets was aware of the fact that he was a man' is questionable (*The Morning Chronicle*, 24<sup>th</sup> September 1850). The fact that press and court wished to distance Elijah's cross-dressing solicitations from that of 'legitimate' prostitutes again points to both the tension between the concepts of reputable and disreputable poor and between natural

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<sup>79</sup> The Minnories, taking their name from the church that served the Liberties of the Tower of London, were the group of neighbourhoods between Aldgate and Tower Hill (Walter, 1878).

and unnatural vice within Victorian regulatory discourse. Given the seriousness of the charge levelled against Elijah, that of attempted sodomy, such distance was necessary, particularly for Martin, whom the press repeatedly stressed was both employed and of good character, and the numerous officers who appeared somewhat complicit in Elijah's activities, but were excused because they 'always took him for a woman' (*Lloyds Weekly Newspaper*, 29<sup>th</sup> September 1850).

Unlike the coverage of cross-dressing cases categorised as vagrancy or theft, the issue of degeneracy features prominently in the prosecution of Elijah Scott. His cross-dressing was presented as a perfect and impenetrable impersonation that only the court could remove and interpret. Elijah and other working-class defendants whose actions created a direct link between public cross-dressing and solicitation were clearly identified as degenerate, with press reports focusing not on the female attire they appropriated, as was frequently the case in vagrancy prosecutions, but upon their innate female characteristics. The description of Thomas Brown, another ambiguous cross-dresser arrested in 1885, given by the *Caledonian Mercury* for example, drew the reader's attention to 'his feminine tone and gestures...his glances from full soft eyes...his full cheeks...his womanly smile' before clarifying reassuringly that 'this strange creature' was not in fact English as he had maintained at his arraignment but Irish and therefore thankfully distant from the civilised Victorian public (*Caledonian Mercury*, 3<sup>rd</sup> September 1885). In Elijah Scott's case, his race and status as 'an immigrant American slave' was repeatedly reinforced, serving to distance him from the bulk of the English poor. This process of distance allowed for the categorisation of particularly problematic cross-dressers from lower social positions within the criminal class, 'the marginal people among the urban poor' (Bailey, 1993: 232-233), that by the mid-Victorian period were increasingly being portrayed in both legal and medical discourses as a species set apart from the modern civilised Victorian.

The cases discussed above highlight the multiple meanings that could be attributed to unsanctioned public cross-dressing by the courts during the nineteenth century. Although older associations that characterised the sodomite as an effeminate figure who was compelled to exist in the public

sphere but could do so only via deception and impersonation (Cocks, 2003) clearly remain, such assertions cannot be considered to be widely influential before the prosecution of Boulton and Park in 1871 and the passing of the Criminal Law Amendment Act in 1885. Rather the perceptual change in the meaning of impersonation stemming from the legitimisation of theatrical performance (Baker, 1978), the construction within discourse of the city as a site of concealment and imposture (Senelick, 1993) and the fragile relationship between the justice system and the working class can be seen to have shaped institutional responses to the urban cross-dresser.

For the vast majority of cases discussed in this Chapter cross-dressing was conceptualised as a public phenomenon with the act of cross-dressing itself inferring no insight into the private nature of a defendant's sexuality. The impression that can be drawn from the surviving records of cross-dressing cases is that a strong consensus existed between the legal establishment and the popular press to classify the cross-dresser as an isolated and liminal figure, one who emerged periodically from the mass of urban oddities but posed no real challenge to the established order and one that required no more regulation than a few choice words from magistrates condemning his unmanly conduct.

Unsanctioned cross-dressing performances that infringed upon the private sphere, either directly in cases of burglary and robbery or indirectly in cases of solicitation, were viewed as far more problematic. In cases of acquisitive crime defendants were incorporated within existing discourses of criminal degeneracy amongst the urban poor. In cases in which a defendant's motivations were associated with street prostitution or sexual vice, as in the case of Elijah Scott and Boulton and Park, magistrates and justices were still capable of classifying cross-dressing within existing legal categories of deviance but the discourses generated by such prosecutions were increasingly attuned to the pathological representations of deviance.

### 4.3 Medical Narratives

In England and continental Europe access to the extra-legal discourses of pathological deviance was facilitated by the continuing professionalisation of the legal and medical disciplines during the nineteenth century. By the 1850s this professionalisation had partially reconciled the competing knowledge systems of church, state and science (Rimke and Hunt, 2002).<sup>80</sup> As the nineteenth century progressed existing concepts of moral degeneracy were incorporated within emerging medical constructions of pathological degeneracy. Although the penetration of medical thought into the arena of personal deviance, traditionally the preserve of legal and moral regulation, was uneven, by the century's end medical knowledge and the medical experts that generated it were increasingly familiar features of legal proceedings (Foucault, 1978). The cross-dresser, previously categorised by legal and moral definitions, would ultimately be incorporated within the medicalisation of deviance but in England his incorporation would lag behind that of his continental counterpart. The prosecution of Boulton and Park represents an important milestone on this road to medicalisation. Before their trial in 1871, however, the direct influence of medical discourse on the routine classifications of unsanctioned public cross-dressers by Victorian magistrates was negligible.

Although medical discourse would feature prominently in the trial of 1871, pointing to at least a willingness on behalf of legal practitioners to classify the cross-dresser in such terms, to argue that the extensive medical discourses that characterised continental sexology were readily accessible or indeed compatible with British medical and legal systems at the time of Boulton and Park's prosecution overplays the influence of the medical model of sexuality in relation to the male cross-dresser.

In a number of works written between 1973 and 1980 Foucault charts the development of what has become commonly termed 'the medical model of deviance'. In his analysis Foucault explores the increasing prominence of

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<sup>80</sup> For example, the emergence of the concept of criminal degeneracy in response to Darwin's work on evolutionary mechanisms, the medical justifications for the moral prohibition on masturbation or the medical evidence used by both proponents and objectors to the contentious Contagious Diseases Acts of 1864-1869.

medical discourses during the nineteenth century and in particular the influence of such discourses on the classification of othered individuals (Mason and Mercer, 1999). Although the convergence of medical and legal discourses was not unique to the 1800s, during the early years of the nineteenth century a shift in discursive arrangements across Europe created the conditions required for a large scale penetration of punitive discourses by medical and psychiatric thought (Foucault, 1976, 1978). The consequence of this penetration was twofold. Firstly, a shift away from enlightenment conceptions of the criminal resulted in an increasing focus on the private motivations of the offender rather than the public consequence of their offence. Secondly, new forms of expert knowledge centred on scientific methodology gained privilege within legal discourses (Foucault, 1978). As the century progressed Foucault argued that forensic psychiatry's initially limited focus on the lunatic broadened to incorporate multi-level deviance within the social body at large. By the 1880s this trend had allowed the psychiatric gaze to penetrate a wide range of social transgressions, cross-dressing amongst them, formulating new knowledge systems that allowed for a number of disparate and socially problematic behaviours to be categorised under broad headings of medical deviance (ibid, 1978).

Although the medical model of deviance is viewed by constructionist scholars (cf. Foucault, 1973, Greenberg, 1988, Weeks, 1989) as integral to twentieth century conceptions of sexuality and sexual identity, its influence during the nineteenth century with regards to the conceptualisation of deviance is less distinct, with clear variations existing between continental Europe and Victorian England. The term medical model is itself unhelpful, suggesting a unified and collective attempt to redefine deviance in pathological terms. In practice there existed a number of independent discourses that, although broadly complementary, had their own procedures and terms of classification (Crozier, 2001). Likewise, the penetration of medical discourses into the legal arena was also far from uniform with the fields of venereology and forensic medicine, which were largely directed towards advancing diagnostics, given wider credence than sexology which proposed psychological classifications of

behaviour that were inherently oppositional to legal definitions of deviance (ibid, 2001).

Whilst it is important to acknowledge that the presentation of the medical model within the more orthodox social histories of the nineteenth century is one that has imposed an artificial uniformity. This fact does not negate the importance of medical opinion with regard to redefining or classifying deviancy, for although legal and medical discourse may have been oppositional with regard to certain classifications of offences, there were sustained efforts to establish a communal approach to the presentation and usage of medical evidence in the courtroom and an increasing desire to locate deviance within the medical narratives of miasma and contagion.

During the trial of Boulton and Park it became clear that, despite protestations to the contrary, the medical constructions of the pathological cross-dresser proposed by continental physicians had begun to penetrate and influence British medical categorisations. Although continental constructions of the cross-dresser underpin portions of the medical evidence presented at the 1871 trial the asserted and largely successful attempts by English medical and legal experts to downplay or discredit such constructions demonstrates the limits of the grand narratives of Foucault's medical model when applied to historic micro medico-legal events. It is not possible to qualify the extent to which the continental construction of the pathological male cross-dresser influenced the medical and legal discourses during the Boulton and Park trial but by reviewing such continental discourses, and their English equivalents, it is possible to reconstruct aspects of the medical narratives of cross-dressed degeneracy that would ultimately intersect with the wider constructions of physical, social and moral decline that typified the cross-dressed narratives of 1871.

### **Cross-dressing: Continental Narratives**

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The beginnings of the medicalisation of sex and gender deviance in Europe have been traced to a minor article published in a French medical journal in 1843 which outlined the mental characteristics rather than the sexual acts of a



number of men charged with sexual offences (Hekma, 1989). From this humble wellhead sprang a diverse number of discourses that had, by the 1900s, categorised and rationalised a dizzying array of aberrant behaviours. In France, Ambroise Tardieu sought to provide a comprehensive forensic analysis of sexual offenders in his 1857 work *Etude Médico-Légale sur les Attentats aux Mœurs*. In Germany Karl Ulrichs (1864) argued that a number of fetishisms could be attributed to innate gender misalignment. Three years later Carl Westphal, credited mischievously by Foucault (1976) with the invention of homosexuality, had identified 'contrary sexual feelings' as a course of psychic disturbance amongst his patients and in 1887 Richard von Krafft-Ebing completed the magnum opus of nineteenth century medico-legal texts, his *Psychopathia Sexualis* (Bullough and Bullough, 1993). Whilst the individual motivations behind such research may have differed,<sup>81</sup> their cumulative result was to provide continental doctors, judges, politicians and social reformers with a wealth of definitions and explanations with which to classify and, where necessary, find justification for the regulation of hitherto ambiguous behaviours.

Despite the complexity and scope of the medical investigations of the nineteenth century the picture that emerges in relation to cross-dressing remains muddled and indistinct. As the prevailing opinion with regards to same-sex contact between men was that such contact must in some way effeminise the passive participant, cross-dressing was frequently interpreted as an outward sign of sodomitical practice (Bullough and Bullough, 1993). Although the majority of medical experts agreed that cross-dressing and sodomy were related many of the texts of the period are unclear if cross-dressing is causal or symptomatic of sodomitical practice. Tardieu, for example, was clear that sodomy should be established via the presence of clear physiological deformities of the anus and penis yet felt the need to supplement his anatomical observations with generalised descriptions of the materialistic and aesthetic tastes of sodomites that, he asserted, could also be

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<sup>81</sup> Tardieu, for example, was concerned with refining investigatory techniques within existing legal frameworks whereas Hirschfeld utilised his research as a homophilic platform for law reform (Robb, 2003).

identified via their 'curled hair, painted face, open collar, waist tightly corseted so as to accentuate the figure, fingers, ears and breast loaded with jewels... a handkerchief, flowers or some needlework in the hand' (Tardieu, 1857 cited in Robb, 2003: 46 - 47). Tardieu's conflation of innate physiology and acquired habits highlights that much of the medical literature simply reflected dominant gender formations. Far from a confident manifestation of scientific rationale, many of the accounts of sexual or gender deviance are more akin to mythological descriptions of folk devils than serious scientific investigations. Havelock Ellis, for example, argued that inverters were unable to whistle, whilst the German physician, Magnus Hirschfeld, asserted in all seriousness that an individual's sexual orientation could be ascertained by a gold ring, tied by a length of thread around their index finger, and then suspended above a silver spoon<sup>82</sup> (ibid, 2004). Had the doctors not been convinced that sodomites invariably coiffed their facial hair it is likely that they would have concluded that their eyebrows met in the middle.

Although many of the early medico-legal texts of continental physicians included reference to cases of cross-dressing the majority of authors did not consider the behaviour to constitute a new category of deviant behaviour. The adoption of existing gender formations and pre-established cultural and medical stereotypes was reflected in the literature; if cross-dressing was discussed it was within the eclectic category of the sodomite, a category well established in legal and moral discourse if one whose constituent parts remained ill defined (Weeks, 1989). Hirschfeld and Krafft-Ebing's work on cross-dressing can be distinguished from the main body of this sexological research for, whilst not fully challenging the prevailing view that cross-dressing represented a psychic manifestation of innate homosexual desire, both authors did devote time to the consideration of cross-dressing as a distinct phenomenon.

Although Krafft-Ebing, writing in 1887, remained adamant that cross-dressing represented a 'perversion of the sexual instinct' he stopped short of

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<sup>82</sup> Hirschfeld's 'sidereal pendulum', a dousing rod for sexual preference, established the sexuality of the subject by the direction of its swing, longitudinally for heterosexuals and oblique for homosexual (Robb, 2003).

fundamentally linking the behaviour with sodomitical practice by allowing for both a heterosexual and homosexual categorisation of male cross-dressing, although in practice he devotes far more time to discussing the latter categorisation. The cross-dresser is first encountered within the *Psychopathia Sexualis* during Krafft-Ebing's discussion of fetishism in which he outlines the 'lust with the idea of certain portions of the female person, or with certain articles of female attire' (Krafft-Ebing, 1909: 218). Two case studies included in Krafft-Ebing's discussion of fetishism are noteworthy. The first case involved the arrest for theft of a forty-five year old cobbler who was in possession of three hundred articles of women's underwear, and the second case of a young butcher who since the age of eleven had legally purchased a large wardrobe of female attire and was eventually arrested for publically wearing a bodice, corset, vest, jacket, collar, jersey, chemise, fine stockings, and garters. In both cases, Krafft-Ebing attributed the behaviour to individual pathology, highlighting that the behaviour was ultimately self-destructive leading to criminal prosecution and, in the case of the butcher, financial ruin (ibid, 1909).

More troubling than individual pathology was the possibility that such 'unnatural practices' could be both innate and acquired. The cross-dresser, Krafft-Ebing warned, was a threat to the social body at large as his behaviour, although pathological, was also infectious. The cross-dresser posed a significant risk to the young and the nervous who 'had less power of resisting exterior influences' and were therefore more susceptible to 'licentiousness and depravity' (Fere, 1904: 185 cited in Cook 2003: 75). Cross-dressing could not therefore be considered benign, for on the one hand it was directly harmful to the practitioner leading to serious neurosis, deepening perversion and, if exposed, criminal prosecution<sup>83</sup> and on the other it represented a wider social harm, for it manifested at times of moral decay, lewdness and luxury and, if left unchecked, would 'undermine the very foundations of society, and the morality and purity of family life' (Krafft-Ebing, 1909: 6). It was the possibility of social harm that Krafft-Ebing viewed as most problematic in terms of establishing legal or medical jurisdiction over the behaviour. Although fetishism and

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<sup>83</sup> Krafft-Ebing lists robbery, theft and improper sexual gratification as the criminal aspects of the behaviour when considering heterosexual cross-dressing fetishism.

sodomy are not overtly linked it is clear from the text that Krafft-Ebing viewed the acquired aspects of cross-dressing behaviour to lie within the same continuum of 'licentiousness and depravity' as acquired sodomitical practice. The question, Krafft-Ebing argues, becomes one of motivation. Was cross-dressing a manifestation of immorality or abnormality? Was it an innate pathology or an acquired behaviour (ibid, 1909)?

The distinction between immorality and abnormality, Krafft-Ebing acknowledged, was often difficult to discern particularly in cases where cross-dressing was associated with prostitution. He therefore urges his reader that in such cases it is imperative to 'avoid the danger of covering simple immorality with the cloak of disease' (ibid, 1909: 502) and, by extension, the chance of conflating the categories of criminal and patient, the former of which Krafft-Ebing, Taylor and Tardieu were united in asserting was already well catered for. By way of illustrating the problems faced by those charged with establishing legal or medical jurisdiction over the cross-dresser, Krafft-Ebing cites an 1884 newspaper exposé of the Berlin drag scene. Reminiscent of the English press coverage of the drag balls attended by Boulton and Park in the 1870s and Ward's accounts of the eighteenth century Molly houses, the article describes in detail how masked men in black dress coats danced and flirted with 'groups of décolleté ladies' who, on the closer inspection, are revealed to be female impersonators.<sup>84</sup> For Krafft-Ebing the clientele of 'the Woman-Haters' Ball' illustrated two further categories of cross-dressing deviance. Whilst he argues that all in attendance engaged in sodomitical practice he distinguishes between those naturally inclined towards same-sex attraction, a group he terms uranians,<sup>85</sup> and those pederasts who had been cultivated or who engaged in relations with men for financial gain as prostitutes, 'wives' or

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<sup>84</sup> Many of the attendees would have given Boulton a run for his money, upon encountering 'Lottie' the articles author exclaimed to his guide that she must be a woman 'that waist, that bust, those classic arms, the whole air and person are markedly feminine' (unknown, 1884 cited in Krafft-Ebing, 1909: 592).

<sup>85</sup> Krafft-Ebing utilised uranian to describe an individual of 'the third sex', a female psyche in a male body or vice versa. The term itself alludes to an account of the 'femaleless' birth of Aphrodite in Plato's symposium (Matzner, 2010).

blackmailers (ibid, 1909).<sup>86</sup> Both innate uranian and the cultivated pederast, the product of 'degenerative and anthropological factors' should not, Krafft-Ebing argued, fall within the remit of the criminal law until public decency was endangered (ibid, 1909: 590). Active pederasts, however, being 'prostitutes – who though normal sexually, are morally depraved and practise only for gain or for the purpose of blackmail' (ibid, 1909: 589) and whose responsibility 'cannot, generally speaking, be questioned' should be regulated and controlled via established criminal codes governing public order and indecency (ibid, 1909: 593).

The categories of sexual perversion established over the course of the twelve editions of the *Psychopathia Sexualis* proved to be both popular and hugely influential with Krafft-Ebing's work widely acknowledged as the leading medico-legal text of the period (Kennedy, 2001). Although the taxonomy of cross-dressing it proposed was far from novel, being for the most part little more than the medical codification of popular belief and existing legal arrangements, its representation of cross-dressing as a marker of innate perversion or one of adopted vice, of private fetish or public immorality, would set the tone for expert discussion of the phenomenon well into the twentieth century.

So pervasive was the presentation of cross-dressing as abnormal or immoral that Magnus Hirschfeld, who devoted far more time to the study of cross-dressing than Krafft-Ebing, was forced to concede that by the end of the nineteenth century the prevailing medical opinion was that the male cross-dresser was invariably a practising sodomite (Wolff, 1986). Although Hirschfeld's work, culminating in the publication of his extended study of cross-dressing *Das Transvestit*, did not gain prominence until the twentieth century, his collection of work drawn from case studies of cross-dressers, newspaper reports of the policing of the practice and academic reviews of professional female personators is evidence of a parallel discourse of cross-dressing within the nineteenth century medical model.

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<sup>86</sup> As the cases discussed in the previous section have highlighted this was not an opinion that would have been automatically reached by English magistrates as late as the 1870s.

Hirschfeld rejected the notion that cross-dressing was a symptom of the newly categorised homosexual. Instead, he argued that the behaviour was more prevalent in heterosexual males. Its root cause was not the exposure of the nervous to predatory perverts but early childhood experience (Bullough and Bullough, 1997). Central to Hirschfeld's conception of cross-dressers was his theory of intermediaries in which he postulated that, far from a binary division between masculine and feminine, there existed a continuum of gender characteristics that allowed for considerable crossover between gendered and sexual behaviour. Within this continuum Hirschfeld argued that in addition to individuals who were sexually attracted to their own sex there were individuals who, though attracted to the opposite sex, adopted behaviours counter to their biological gender (Ibid, 1997). Hirschfeld's transvestites differed from Krafft-Ebing's degenerates for they were neither necessarily fetishists nor homosexuals. They were predominantly heterosexual males whose sexual focus was directed towards clothing rather than the sex of their partner. If homosexuals cross-dressed it was to attract a mate rather than for the sexual stimulus that the adoption of female clothing could provide (Bullough and Bullough, 1993).

The direction and political implications of Hirschfeld's conception of cross-dressing also sets it apart for, unlike Krafft-Ebing who called for law reform in relation to innate homosexuality but continued to view it as a perversion, Hirschfeld argued that cross-dressing was a natural feature of divergent human sexuality requiring neither legal regulation nor clinical intervention. Cross-dressing in his view was not pathological; it was society's responses that required treatment (Wolff, 1986).<sup>87</sup>

The continental medical model of deviance emerged from vigorous and prolific discourse that penetrated not only medical and legal institutions but wider social and political ideologies of public and private responsibility. The work of forensic scientists such as Tardieu and medico-legal experts like Krafft-Ebing can be seen as having a tangible impact on continental conceptions of deviance by the end of the nineteenth century (Cook 2003). Beyond the

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<sup>87</sup> In this respect Hirschfeld's views are similar to that expressed by magistrates during the hearings of cross-dressers discussed in the previous section.

confines of the court and asylum the new categories of sexual deviance proposed by sexologists and forensic physicians would gradually influence both political and popular discourse. In Germany Magnus Hirschfeld was confident enough in changing public and political opinion to openly declare his homosexuality and, in 1897, founded the Scientific Humanitarian Committee with the explicit agenda of effecting legislative reform of the German penal code. Meanwhile, Richard von Krafft-Ebing's *Psychopathia Sexualis* and Ambroise Tardieu's *Etude Médico-Légale sur les Attentats aux Mœurs*, although intended for a professional audience, had become best sellers causing detractors to claim that the texts were as popular as pornography amongst the morbid lower classes (Robb, 2003).

Unlike the homosexual who, Foucault (1973) argued, emerged from the continental medico-legal discourses of the nineteenth century as a distinct species, the status of the male cross-dresser remained indistinct occupying a newly established no-man's-land between medical and legal authority. Whilst the sexological movement had failed to establish full jurisdiction over cross-dressers it had, by the end of the century, nonetheless expanded the scope of the framework through which the actions of the male cross-dresser could be interpreted. It is clear that by the 1890s magistrates and justices were at the very least receptive to medical categorisations of the behaviour. Hirschfeld for example reported providing testimonials and, on occasion, accompanying cross-dressers to police stations and court hearings to both vouch for his patients' characters and explain their behaviour (Bullough and Bullough, 1993) and twenty years earlier still Justice Flowers, the magistrate at the committal hearings of Boulton and Park, proved to be receptive of the police surgeons conflation of external characteristics with internal proclivities. In spite of the interventions of Hirschfeld and likeminded experts the continental cross-dresser would remain, just like his English counterpart, an ambiguous and possibly dangerous figure, one whose actions seemed to conflate the categories of public and private. Unlike the English cross-dresser however the voluminous medico-legal discourses of continental experts had succeeded, not in defining the species, but in expanding the possible categories into which the cross-dresser could be placed with invert, fetishist and degenerate joining

the legal categories of vagrant, common criminal and sodomite. In England by contrast there was, for the most part, only silence on the subject.

### Cross-dressing: English Narratives

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In May 1871 Sir Henry Lewis, appearing for the defence in the trial of Boulton and Park, addressed the jury after the lengthy testimony of a number of medical experts stating that 'the medical men here cannot give you as the result of their experiences what perhaps medical practitioners in other and less happy countries in that respect could give' (DPP 4/6). Although referring to the appearance of Boulton and Park's backsides, Lewis could equally have been talking about the state of British sexology. The presence of medical experts within criminal prosecutions was not unusual by the 1870s. In this regard the English medical model had developed in much the same way as its continental counterpart. What is clear however is that whilst the discussion of sexual pathologies had formed a core part of continental categorisations of deviance, it was to a large extent marginal to Victorian medico-legal discourse and, until the prosecution of Boulton and Park, unheard-of in relation to the regulation of male cross-dressing (Mason, 1995). Although English medical discourses on male sexuality and gender performance were still in their infancy when Boulton and Park stood trial in 1870 reviewing the discourses generated in both pre- and post-trial periods reveals a framework for interpreting male cross-dressing that in many respects mirrored continental sexology.

Preceding the emergence of continental sexology by a little under a decade the first discernible strands of English sexological discourse were prudish in the extreme. The *Lancet*, for example, reported unusual instances of 'adhesiveness' amongst men in 1836 and two years later Morison's *Physiognomy of Mental Diseases* briefly discusses 'monomania' in relation to unnatural offences but for the sake of his readership's sensibilities Morison followed convention and describes the specifics of the offences under discussion in Latin (Robb, 2003, Morison, 1838: 274). Until the closing years of the century the only other work of note on the subject of cross-dressing to emerge from an English practitioner was Alfred Taylor's *The Principles and*



*Practice of Medical Jurisprudence*. Taylor, much like his French counterpart Tardieu, was concerned with formalising the practices of forensic science and consolidating the importance of the discipline within legal and medical frameworks.

The first edition of Taylor's text published in 1865 devotes some time to discussing the physiological symptoms of unnatural offences though he resists the urge, unlike Tardieu, to comment more broadly on the behavioural or emotional characteristics of sodomites (Taylor, 1865). In the 1873 edition, however, Taylor supplements his anatomical observations with two case studies, both of which concerned cross-dressing. The first case cited was that of Eliza Edwards who, upon her death in 1833, was discovered to be a man. The case was notable, Taylor argued, because upon post-mortem examination it was clear that 'he had been addicted to unnatural practices for a number of years' the result of which, in Taylor's opinion, was that the physiology of his sex organs and anus was more akin to the female sex, whose clothing he had adopted (Taylor, 1873: 473). The second case study is that of Boulton and Park. Although Taylor stressed that ultimately no physical evidence of sodomitical practices could be discerned from the physical examination of the defendants, he nevertheless devoted the remainder of his discussion on unnatural crime to recounting what he considered to be the evidence of Boulton and Park's cross-dressing solicitations. Taylor's reference to the transformative properties of cross-dressing, Eliza's feminised anus and Boulton and Park's transformation into female prostitutes, demonstrates the continuance of the pre-modern narrative albeit in a form that had replaced mystic with medical explanations for the effeminising potential of gender performance.

Unlike Krafft-Ebing, Taylor affirmed that it was the role of the English medico-legal expert to 'aid the law in fixing upon the perpetrator' rather than the creation of novel categories of deviance (ibid, 1873: 3), the inclusion of cross-dressing within Taylor's forensic manual did not mark the beginning of a sustained interest in the practice or any serious attempt to appropriate jurisdiction over the male cross-dresser from the courts. Little else was said on the subject within English medico-legal literature until Havelock Ellis' *Sexual*

*Inversion* made its ill-fated debut in 1897. Ellis, along with his collaborator the poet John Symonds, following the lead of a number of continental authors, sought to present same sex relationships as an integral part of an expanded definition of human sexuality and although the text does not directly address the issue of cross-dressing the 'female nature of the invert' and his 'effeminacy of soul' could, they argued, account for the practice within a number of the case histories they present (Ellis, 1901: 188). Ellis' arguments towards large-scale legal and social reform in relation not only to human sexuality but also gender and class division marked his work as dangerously revisionist and it faced clear hostility from both the political and legal establishments.<sup>88</sup> The first print run of *Sexual Inversion* was purchased by Symonds' heirs who destroyed the texts fearing the scandal that its dissemination would produce (Robb, 2003). Two years later, in 1898, the text was effectively banned after it was declared a scandalous libel and a threat to English morality during the prosecution of George Bedborough for the distribution of obscene material (Weeks, 1979).

Although the English legal establishment was clearly resistant to reformist medico-legal discourses and the discussion of sexual and gender deviance was unquestionably muted in comparison to continental discourse it is possible to detect the influence of such discourse on Victorian perception of cross-dressing by the late 1860s. The medical examination performed by the police surgeon after the arrest of Boulton and Park in 1870 for example, was informed by Tardieu's writings, whilst Taylor, despite his protestations to the contrary when called as an expert witness to the Queen's Bench in 1871, was also clearly familiar with the continental texts and the relationship established within them between external characteristics and internal desire. It is also evident that translations and imported copies of continental work were available to those with a mind to seek it out, though access to such material seems to have been restricted to interested professionals and London's radical intelligentsia. Even 'non-professionals', on whose behalf such measures had been taken to suppress sexological work in England, were, by

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<sup>88</sup> Ellis was associated with Fabian socialism and the Legitimation League and was strongly suspected of having 'anarchist leanings' (Cook, 2003: 76).

the late-Victorian period, couching cross-dressing in quasi-medical terminology. As one commentator on the subject of public cross-dressing succinctly put 'neither sex do anyone harm...except to make themselves ridiculous in the eyes of sane people; so why punish either of the harmless lunatics' (*Society*, 1894: 742 cited in Farrer, 1987).

The institutional hostility to the sexological movement that led to the Bedborough trial highlights a clear schism between legal and medical interpretations of deviance with regards to sexual practice during the nineteenth century. It would be simplistic to assert however that the Victorian establishment was averse to discourses of sexual deviance as a whole. Its hostility can more accurately be viewed as a directed opposition to humanist or revisionist discourses (Weeks, 1979). Whilst calls for the deregulation of sexuality largely fell on deaf ears in Victorian England another aspect of the medical model would find resonance with legal and moral interpretations of cross-dressing that emerged during the trial of Boulton and Park, namely the association drawn by a number of medical men between degeneracy and the city.

#### **4.4 Summary**

In this Chapter's discussion of the rationalisation of transgressive cross-dressing within legal, medical and popular narratives the cross-dresser whilst remaining to some extent a contradictory figure, in the sense that he occupied the ill-defined space between legal and medical jurisdiction, was nonetheless a figure whose otherness could be contained within a number of narrative formations.

In England it was through legal mechanisms that the behaviour of public cross-dressers was chiefly interpreted but, in the absence of any specific legislation governing public dress or gender codes, such interpretations were driven by the pragmatic concerns of magistrates charged with regulating public order rather than a unified institutional response to a clearly defined phenomenon. Before the 1870s, and the trial of Boulton and Park, the act of public cross-dressing does not appear to have been viewed as indicative of a

particular type of individual. When cross-dressers faced prosecution, establishing a narrative capable of contextualising their performance was the central feature of legal proceedings and any associated press coverage. Legibility, liminality and carnivalesque deviance, the markers of legitimate performance discussed in the previous Chapter, have been demonstrated to feature prominently in the considerations of magistrates charged with interpreting and classifying transgressive cross-dressing with the presence or absence of these performative norms dictating the available legal outcomes.

In the vast majority of cases before the police courts cross-dressing was classified as a public nuisance, detrimental to public order and therefore problematic, but ultimately a low level offence and one that was easily incorporated within the remit of the Vagrancy Act. Defendants like Richard Crane and George Paddon could be classified as disorderly rather than disordered as unconvincing apparel, complicit audiences and liminal performances contained within or near to the entertainment districts of the city negated heterophobia. Public cross-dressing was emblematic of the moral and social disorganisation, but its location within the ideologically defined public sphere enabled magistrates and the public to access a range of established schema through which the cross-dresser could be interpreted. The deviance of the public cross-dresser was therefore, like the deviance of the carnival, quantifiable within existing frameworks. The presence of cross-dressing practices in cases of theft, street robbery and burglary was also categorised in relation to existing schematic frameworks of deviance. Cross-dressing in such cases was interpreted as an attempt to conceal a defendant's identity rather than as a marker for internal abnormality of a novel category of deviant identity.

In cases of public disorder and acquisitive crime the costume of the cross-dresser remained just that, a prop that, that once removed, left the wearer unchanged by his temporary metamorphosis. The ability to incorporate the cross-dresser within existing deviant frameworks in part accounts for the marginalisation of medical conceptions of gender deviance within English legal and popular discourses concerning the practice. Beyond the institutional resistance to the reformist ideologies of continental sexology, the lack of a

significant penetration of English punitive discourse by the sexological movement in relation to pathological representations of cross-dressing suggests that, as the cross-dresser could be successfully incorporated into existing legal classifications, for the majority of defendants extra-legal discourses were not therefore required to resolve the definitional crisis of unsanctioned public cross-dressing.

Although the link between cross-dressing and sexual deviance established in continental writing failed to gain widespread acknowledgement in legal discourse before the 1890s, the medical model of deviance can be seen as influential with regards to the construction of the city as the locus of degeneracy. The concept of degeneracy is evident in legal, moral and medical discourse throughout the nineteenth century and with varying intensity can be seen to shape official and popular conceptions of urban deviance. For most defendants brought before the lower courts as a result of unsanctioned cross-dressing degeneracy was constructed as an issue of morality, with magistrates and the press emphasising the unmanliness of such forms of public disorder but tacitly accepting that cross-dressing, like drunkenness and prostitution was an inevitable product of the social disorganised arrangement of the city. Individuals who engaged in prolonged periods of cross-dressing, cross-dressing that was revealed to have penetrated the borders between the public and private sphere, were, however, viewed as far more problematic.

Both the construction within discourse and the formal and informal responses to the cross-dresser who infringed upon the private sphere again demonstrates the ability of gender performance to destabilise the ideological foundations of Victorian social arrangements. Cross-dressers who appeared to profane the sanctity of the domestic enlisted nothing short of heterophobic revulsion. In such cases cross-dressers like Elijah Scott, Ernest Boulton and William Park were constructed as objectively harmful, representing an external and alien threat to established norms (Bauman, 1989). Although continental representations of cross-dressing failed to gain widespread support in England, Victorian notions of degeneracy did resonate when the courts, press and public were confronted with gender performances that blurred the line between public and private space and between 'natural' and 'unnatural' vice.

The enactment of legal sanctions against all the cross-dressers discussed in this Chapter demonstrates the failure of individual gender passes. Some individuals found themselves in the dock as a result of unconvincing female attire or as a result of inconsistencies between their gendered behaviour and their gendered apparel. Others had been arrested for drunkenness, violence or as a result of a failed burglary or street robbery, their cross-dressing only discovered after their arrest. Although contextual circumstances and offender motivations differ it is clear that cross-dressing could only become the subject of formal and informal control once it had been recognised. Cross-dressing, therefore, was not representative of a distinct form of deviance, nor was the cross-dresser indicative of a specific type of offender. Only once the performance had been revealed could narrative categorisation occur, and as this and previous Chapters have demonstrated, such categorisation was dependent upon the performative components of the gender pass.

In most cases discovery, categorisation and repudiation was a relatively simple process. In 1870, however, the Victorians would be confronted with a pair of cross-dressers who threatened to defy the very nature of categorisation. Two female prostitutes may have entered Officer Chamberlain's cab but it would be two male cross-dressers who exited it. Although the legal proceedings that followed the arrest of Boulton and Park would not therefore be concerned with the regulation of female prostitution, the classifications and representations attributed to Boulton and Park's virtual identities of Stella and Fanny continued to shape the representations of their actual identity. The legal proceedings would ultimately be directed towards the resolution of the sodomy charge levelled against Boulton, Park and their co-defendants, but the ideology that underpinned the legal and press narratives can be seen to represent the anxieties that had defined masculine and feminine deviance across the nineteenth century. The prosecution of Boulton and Park provided a site through which disparate social representations of the cross-dresser discussed in previous Chapters could be expressed for, unlike the other cross-dressers of the period whose performances had allowed for their classification within relatively simplistic legal narratives, Boulton and Park had provided their audience with a multitude of possible scripts. Ultimately, by

interpreting the symbolic interactions that governed legitimate and transgressive representations of male cross-dressing, both court and press would conclude that Boulton and Park's gender performances were symbolic of unnatural desire but this 'unnaturalness' was not singularly equitable with sodomitical practices; it represented an amalgamation of social and sexual transgressions that, like the cross-dressers themselves, transcended the boundaries of gender.

## Chapter V: Boulton and Park: 'Lais and Antinous in One'

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The detective, Chamberlain by name, Upon these two sham ladies came, And said what is your little game? (The Funny He-She Ladies cited in Hindley, 1871: 157).

### 5 Introduction

The answer to William Chamberlain's question had come on the cab-ride to Bow Street when the women arrested outside the Strand Theatre revealed that 'they were men and were very sorry for what they had done' (KB 6/3). Chamberlain was not convinced. Even when the female searchers at Bow Street had freed Boulton and Park from layers of crinoline, the detective seemed unable to reconcile the increasingly apparent gap between the virtual identity he had attributed to his prisoners and the actual identity that their bodies revealed. Chamberlain's expectations were confounded, and he was not unique in this regard, for in the years preceding their arrest in 1870 Boulton and Park's cross-dressing had for the most part gone unnoticed. On the occasion when their public performances drew attention, the male gaze had constructed their 'little game' as that of the Demi-monde, the high-class female prostitutes that plied their trade in the theatres and pleasure gardens of the metropolis. Before their cab-ride confession Chamberlain could be confident in the validity of this categorisation; the Metropolitan police after all had plenty of experience recognising and regulating prostitution in the public spaces of the capital (Petrow, 1994, Howell, 2009, Weeks, 1989). A public hearing at Bow Street would have assured that the informal borderlines that contained female prostitution within the West End were reinforced, or rather it would have, had his prisoners not turned out to be men.

The disparity between Boulton and Park's virtual and actual identities, whilst no doubt unsettling to the arresting officers, was not initially constructed as a serious breach of social and sexual codes because in the initial stages of the prosecution Boulton and Park's cross-dressing appeared to have been contained to carnivalesque acts of gender deviance within clearly heterotopic



spaces. As a result, their early magistrates court appearances shared many of the features of the nuisance cross-dressing prosecutions discussed in the previous Chapter. At the outset both the court and the evidence presented therein epitomised the carnivalesque. The reconstruction of Boulton and Park's public performances by the befuddled Hugh Mundell and the apoplectic Francis Cox, was greeted by 'indecent manifestation[s] of applause' and much stomping and cheering' from the packed public gallery (*The Times* 23<sup>rd</sup> May 1870: 13). The prosecutor's repeated requests that 'such unseemly demonstrations might be checked' gained little traction as, during the initial hearings, *The Times* reported that 'the audience in the body of the court appeared to be exceedingly amused' by the accounts of Boulton and Park's cross-dressing (*The Times*, 30<sup>th</sup> May 1870: 13). The jovial atmosphere of the early hearings was sustained by evidence that recounted the carnivalesque qualities of Boulton and Park's gender performances, evidence that located such performances exclusively within the public sphere. That Mundell's accounts of his funny he-she ladies, like Bakhtin's (1984) carnivals, were greeted with 'nothing but laughter', demonstrates that Boulton and Park's public cross-dressing was initially interpreted within symbolic frameworks centred on the carnivalesque potential of male cross-dressing.

The court, like the theatre, provided a stage capable of framing the cross-dresser. The performance that Boulton and Park enacted in the early arraignment hearings mirrored the defence of cross-dressing mounted by their legal team. Cross-dressing, argued the defence, was an act of 'folly', a joke and nothing more. The press noted that the defendants constantly exchanged remarks 'in a laughing tone', smiled during witness depositions recounting their cross-dressing and, at the conclusion to each sitting, would remove their hats and bow to the crowds that had gathered to cheer them on their way to the police van (*Reynolds* 22<sup>nd</sup> May 1870: 5, *The Times* 23<sup>rd</sup> May 1870).

If the dock at Bow Street was a stage on which the cross-dressed narratives could be performed, then the public, who attended in person or experienced the proceeding vicariously through press reports, were the audience, an audience that believed, for a time at least, to be in on the joke. The creation of an in-crowd, as Chapter Three outlined, was depended upon the legibility of

the cross-dressed performance. For a 'sense of select inclusion' (Bailey, 1994: 145) to be fostered the audience must at all times be aware of the illusionary nature of the performance. It is little wonder, therefore, that the Bow Street audience, faced with two unambiguously dressed middle-class men, greeted Hugh Mundell's accounts of seamless female impersonation with derisory laughter.

The audience's favourable response to Boulton and Park's cross-dressing was clearly influenced by the legible, liminal and carnivalesque qualities evident in witness descriptions of their public gender performances. As Chapters Three and Four demonstrated such components facilitated the legitimisation of distinct forms of their sanctioned cross-dressing, those that took place upon the theatrical stage, and defined the categories into which their off-stage unsanctioned performances could be placed. The audience of the legal play may not have given full moral sanction to the 'extraordinary freaks' of the cross-dressed performers but their ambivalent reactions suggest that Boulton and Park were initially containable within narratives that limited the processes of heterophobic isolation. They were not instantly recognisable as the enemy within (Bauman, 1989).

Whilst the performance space of the court and those of the stage and street are similar in many respects, the adversarial nature of legal litigation and its place within the civilising process as a mechanism of objective ordering facilitated the deconstruction of Boulton and Park's chosen performative narrative, the selective realignment of performative elements and ultimately the reconstruction of a new cross-dressed narrative. Once confined to the dock, Boulton and Park were forced to share the stage with other performers, performers far more capable of directing the show than the now muted he-she ladies.<sup>89</sup> Litigation, unlike a managed stage performance or a successful pass, revealed the panorama of performance encompassing both the 'front-stage', the stage on which Boulton and Park could manipulate the presentation of 'facts' relating to their cross-dressed performance, and the 'back-stage', the stage that could discredit and disrupt (Goffman, 1956).

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<sup>89</sup> Appearing as co-defendants Boulton and Park were prevented from addressing the Police Court directly, the charge of conspiracy lodged before the Queen's Bench in 1871 ensured that their silence continued throughout the legal proceedings (Cohen, 1996).

From the moment of their arrest counter-narratives began to emerge that challenged representations of Boulton and Park's cross-dressing centred on 'nuisance' or 'legitimate theatrical' presentations of male cross-dressing. Whereas the audience at the outset of the criminal proceedings had access to a limited amount of information concerning Boulton and Park's public cross-dressing, information that did not directly discredit the presentation of cross-dressing as a problem of public order, the police and public prosecutor had access to the back-stages of Boulton and Park's performances, their correspondents, domestic arrangements and the intimate secrets of their bodies. This back-stage evidence suggested that Boulton and Park's cross-dressing was neither liminal, as it continued beyond heterotopic public space into the ideologically defined arena of the private sphere, legible, for they had successfully passed as women for a prolonged period, nor carnivalesque for their gendered performances, both masculine and feminine, seemed closely attuned to established representations of sexual deviance.

With the close of the arraignment hearings in the June of 1870 much of this back-stage performance had been revealed in court and publicised in the press. The crowds that had once responded to accounts of Boulton and Park's public cross-dressing with cheers and laughter had begun to 'hoot' and 'hiss' as the evidence of their private performances relentlessly emerged (*Reynolds*, May 29<sup>th</sup> 1870: 5). This shift in public reaction demonstrated not only the hostility of the duped spectator but also the recognition that Boulton and Park's gender performances could threaten the dominant hegemonies of gender, class and sexual conduct that defined Victorian social relationships and underpinned the ideology of the separate spheres around which bourgeoisie masculinity had been constructed. By the June of 1870 the interpretive frameworks established to make sense of Boulton and Park's non-theatrical gender performances were clearly attuned to symbolic representations of sexual and moral transgression, albeit transgressions that, unlike Elizabethan responses to public cross-dressing, were not fully codified in the legal categorisations of the period. Although the male cross-dresser occupied the hinterlands between Victorian legal, moral and medical regulation, as Chapters Two, Three and Four have demonstrated the cross-dresser was not

a figure that defied categorisation. Gender performance whilst clearly challenging to established categories was nonetheless ultimately subject to the processes of objective ordering mandated by the civilising process (Bullough and Bullough, 1993).

As Chapters Three and Four have shown, by the 1870s male cross-dressing was attuned to a number of interpretive possibilities that ranged from culturally sanctioned theatrical performances to officially prohibited social disorder. Dependent upon the symbolic interactions of performer and audience and the internal and external arrangements and expectations of space Boulton and Park's cross-dressing had been subjected to individual and group classifications on the theatrical stage and in the stall and streets of the capital. When they took centre stage at Bow Street such arrangements continued to influence the categorisations of their legal audience who ultimately judged their cross-dressing to be representative of the ultimate breach of masculinity.

That Boulton and Park were ultimately acquitted of the charge of conspiracy to commit sodomy did not amount to, as the current literature has suggested, the deliberate dismissal of evidence pointing to sexual deviancy amongst the middle-class (cf. Upchurch, 2000) or the inability of legal and lay participants to recognise the sexually deviant elements of male cross-dressings (cf. Weeks, 1981). Boulton and Park's trial was directed towards the resolution of existing legally defined categories of deviance. The concern of all involved in the legal process was therefore establishing if sodomitical practice had occurred between the defendants. As evidence of such practice was ultimately found wanting, an acquittal was the most likely outcome. By asking why 'Fanny and Stella and their friends [were] not demonized, victimized, punished?' (Sinfield, 1994: 7) commentators have dually failed to acknowledge the constructive nature of criminal litigation and the distinction between legal and morally sanctioned outcomes (Edmond, 2002).

This Chapter will demonstrate that, whilst Boulton and Park were legally acquitted, because cross-dressing was unsatisfactory proof of sodomy, they were not morally exonerated, for the symbolic representations of transgressive masculinity that defined images of the sodomite extended beyond the physical act of sodomy itself. As a clear association between Boulton and Park's

gender performance and the stigmatised markers of both masculine and feminine sexual deviancy had been established by the close of the criminal proceedings, it is not credible to suggest that their acquittal represented institutionalised resistance towards, or endemic ignorance of, the legal categorisations of male sexual deviance. What the prosecution, and its outcome, reveals is the gulf between the moral and legal definitions of sexual transgression in a period in which hegemonic representations of masculinity were increasingly undermined and the rhetoric of social purity outpaced the impetus for legal reform.

The prosecution of Boulton and Park was undertaken within a system bound by gendered constructions of sexual deviance. Had William Chamberlain's suspicions been proven true and two female prostitutes had faced Justice Flowers on the morning of the 29<sup>th</sup> April 1870 it is unlikely that any aspect of the case would have been considered noteworthy enough to have warranted press comment or the preservation of court documentation. The regulation of female sexual transgression via the formal and informal management of female prostitution was, by the 1870s, an established feature of Victorian criminal justice. Prostitution narratives remained a feature of the moral ideologies that underpinned the social purity movement but individual prosecutions rarely received detailed coverage in the metropolitan press.

Once the police surgeon had confirmed that Chamberlain's gay ladies possessed penises and scrotums of 'inordinate length' (DPP 4/6), however, the police, court, press and public were confronted with two middle-class men who had not only cross-dressed but had chosen to pass themselves off as the most 'wretched class of women' (*The Morning Chronicle*, 24<sup>th</sup> September 1850). That men could prostitute themselves, although unpalatable, was not inconceivable. Before Cleveland Street and Dublin Castle, the economics of sex between men had been recognised by the criminal justice system if not by the letter of the law itself (Cocks, 2003). Popular representations of the 'professional sodomite,' as evidenced in the press descriptions of Jack Saul in the wake of the Cleveland Street scandal discussed in Chapter One were, however, informed by dominant class-defined representations of masculinity and morality. The male prostitute was bestial and unwholesome, emerging

from the detritus of London's East End. Such figures were the marginal amongst the marginalised; manifestations of social, moral and physical degeneracy removed even from the idle and undeserving poor. Ernest Boulton and William Park were no 'Piccadilly vultures'; they were scions of the middle-class, educated, respectable and connected. Although the matter of their biological sex had been quickly established, the discourses that emerged during the prosecution of 1871 reveal that the masculine gaze that had shaped the cross-dressed narratives in the public event spaces of London continued to dictate the representations of the cross-dresser within the event space of the court, with both prosecution and defence formulating gendered narratives in which the masculinity of Boulton and Park and the femininity of Stella and Fanny were constructed and contested.

From the outset of the legal proceedings the court grappled with the myriad representations of the cross-dresser. Witnesses were called, private letters scrutinised and the frocks, petticoats and the bodies they had concealed were examined before an audience that looked on with morbid fascination. Hugh Mundell recalled his dalliances with Stella and Fanny in the April of 1870. Landladies and housemaids testified to their former lodgers' living arrangements and beadles, theatre managers and cabbies related encounters with costumed men or costumed women or possibly both. The seemingly schizophrenic responses to Boulton and Park's gender performances demonstrate the spaces of possibility within the constructed image of the cross-dresser.

Following on from Chapter Two's analysis of the symbolic interactions that categorised Boulton and Park's unsanctioned gender performances via the schema of commoditised female sexuality, this Chapter completes the reconstruction of Victorian conceptions of the transgressive cross-dresser by exploring the interpretive shifts that occurred in the wake of Boulton and Park's arrest and subsequent exposure as male cross-dressers. Such shifts, occurring during the arraignment hearings of 1870 and the prosecution of 1871, will be shown to intersect with the wider discourses of sex and gender that governed Victorian social relationships resulting in the construction of

Boulton and Park as avatars for a profaned form of urban degeneracy that transected the borders of sex and gender.

The Chapter begins by exploring the gendered narratives of profaned sexuality that typified Victorian representations of gender deviance that are most clearly evident in the constructed image of the male sodomite and the female prostitute. Within the narratives of profaned sexuality the female prostitute and male sodomite will be shown to represent the summation of Victorian images of sexual transgression, with the prostitute and sodomite respectively constructed as the profaned opposite of the idealised representations of the 'angel in the house' and the 'muscular Christian' male. Whilst Boulton and Park's anatomical sex had dictated the legal framework through which the meaning of their unsanctioned cross-dressing would ultimately be established, that of sodomy, the discourses that their prosecution revealed can be seen to extend beyond legal conceptions of sodomy to encompass the totality of Victorian sexual transgressions, with the 'meanings' of cross-dressing constructed via established representations of sexual transgression.

Within the legal and extra-legal discourses generated by the prosecution of Boulton and Park can be seen the advancement of two co-dependent narratives, one that sought to relate the private actions of Boulton and Park to the legally defined category of sodomite and the other that related the public behaviour of Fanny and Stella to the morally defined category of prostitute. By arguing that the cross-dresser could represent 'Lais and Antinous in one' (DPP 4/6), both female prostitute and male sodomite, the prosecution demonstrated that the cross-dressed body, and the meanings that could be attached to it, represented more than the fear of unnatural male sexuality. By their ambiguity and the spaces of category possibility their performances embodied Boulton and Park were ultimately interpreted via a cross-dressed narrative that reflected the summation of middle-class social fear. They became gendered folk devils, constructed within discourse to serve as a 'visible reminders of what [the bourgeois] should not be' (Cohen 2002:2).

### 5.3 Victorian Narratives of Transgressive Sexuality

In 1870 William Acton enquired 'who are those fair creatures... who elbow our wives and daughters in the parks and promenades and rendezvous of fashion? Who are those painted, dressy women, flaunting along the streets and boldly accosting the passers-by?' (Acton, 1870: viii). It is possible to entertain the notion that the eminent Victorian physician and moralist was adding his voice to the growing debate surrounding male cross-dressing in the capital. After all, descriptions of 'dressy women' 'boldly accosting passers-by' had dominated the law sections of the major papers for much of the spring of 1870, albeit 'dressy women' called Ernest and William. The male cross-dresser was not however the focus of Acton's enquiry but rather it was the female prostitute, the 'great social evil' of the mid to late-Victorian period. The second edition of Acton's *Prostitution Considered*, published in 1870, represented one of the key texts in mid-Victorian prostitution narratives. Whilst Acton challenged aspects of the established narrative of the fallen woman, specifically the notion of 'the downward trajectory', his definitions of female prostitution and his causal taxonomies to a large extent represented the dominant discourses of female sexual deviance (Walkowitz, 1980, Nead, 1988).

Before the nineteenth century little synthesis between the discourses of female and male sexual deviance is apparent. Female prostitution had, since the middle-ages, been regarded as a sinful but unavoidable facet of public life, with prostitution conceived within discourse as a safety valve, taking the pressure off male sexuality that, if left unchecked, would find more problematic sources of relief (Berkowitz, 2013).<sup>90</sup> By contrast the act of sodomy, denounced by the Judeo-Christian traditions as an abominable sin and criminalised during the Henretical reformation of the sixteenth century represented a secret and fundamentally private vice, an offence 'not fit to be named among Christians'. Framed by legal and moral discourses the prostitute and the sodomite occupied different strata of deviance. Although both were united by sexual stigma, the prostitute remained within the social

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<sup>90</sup> Aquinas, for example, likened the prostitute to the cesspool, the removal of which would leave 'an unclean and evil smelling place' (Aquinas, n.d. cited in Berkowitz, 2013: 368).



body whereas the sodomite faced total exclusion from cultural and social arrangements (Bray, 1995).

The differing regulatory responses to sodomy and female prostitution would endure beyond the nineteenth century but by the 1840s shifts in the narratives of deviant sexuality combined with the wider ideological arrangements that defined Victorian conceptions of individual and social responsibility saw a convergence in the representations of sexual deviancy and importantly sexual deviants (Nead, 1988, Bell, 1994, Bray, 1995). As Chapter One demonstrated, although the legal categories of male sexual deviance were long established at the time of Boulton and Park's arrest in 1870, the line between sexual act and sexualised actor had not yet been rendered impermeable. In relation to male same-sex sexual practice no unified image of the sodomite existed in discourse before the beginning of the twentieth century. Representations were fragmentary and at times contradictory. The sodomite could be brutish and monstrous yet effeminate and clandestine. He was the product of a physical degeneracy that was dually innate and dangerously contagious; causal factors ranged from cross-dressing to the excessive drinking of tea (Anon, 1749).

Likewise, the female prostitute was a figure much discussed but poorly defined during the course of the nineteenth century. The corpus of work of early Victorian investigators amassed during the 1840s and built upon by Acton and his contemporaries had sought to quantify and qualify female prostitution but in reality achieved neither. The prostitute took many forms from the streetwalker, the 'white-washed sepulcher...full of inner rottenness' that festered on every corner (Acton, 1870: 30) to the 'sly prostitutes' (Tait, 1840: 15), the widows, kept women and servant girls who 'the most vigilant of constables could have no pretense for claiming to be officially aware of' (Acton, 1870: 5). Like the sodomite, the confusion concerning the outward appearance of the prostitute was mirrored in the causal factors attributed to her behaviour. Immorality, economic deprivation, unsavory reading material, sexual propensity and theatre-going were all suggested to be the leading cause of the ruination of the female character (Bell, 1994).

The amorphous characteristics attributed to both prostitutes and sodomites and the accompanying narratives of plague that framed much of the discourse

surrounding the social evils of the mid to late nineteenth century demonstrates sexuality's symbolic importance to bourgeois' hegemonic representations of gender, class and nationhood, representations that, as the nineteenth century progressed, were increasingly defined by their antitheses (Foucault, 1976). Images of the prostitute, although multifaceted, emphasised economic considerations thereby locating the fallen woman amongst the working classes. Likewise, images of the sodomite were attuned to the stigmatised masculinities of the aristocracy or to the brutishness of the undeserving poor (Nead, 1988, McLaren, 1997). This process of externalising representations of transgressive sexuality that culminated in the social purity movements of the mid to late Victorian period necessitated the rigorous assertion of bourgeois morality. Through a combination of social, moral and medical evangelical campaigning and an increasing willingness to support the formal control of public deviance the bourgeoisie sought to reinforce the hegemonic definitions required for the maintenance of social hierarchies.

Central to the cultural capital of the middle-class was the ideology of the separate spheres through which the social arrangements of Victorian society were defined and maintained (Armstrong, 1987). Commensurate with the binary gender system the spheres of public work and private domesticity defined hegemonic notions of sexuality, with the legitimate sexuality of the private sphere forming a central pillar of Victorian notions of family and domestic stability in which the home formed a bulwark against the chaotic arrangements and permissive materialism of the public sphere (Weeks, 1989). The idealised representations of masculinity and femininity that underpinned the domestic ideology of the period necessitated both rigid gender boundaries and the confinement, in principle if not in practice, of the sexual urge. Whilst official control of the private sphere was fiercely resisted, moral and medical discourses were increasingly directed towards the regulation of the 'sexual instinct' and the stigmatisation of gender nonconformity (Foucault, 1976).

The spectres of female hysteria and male effeminacy haunted the bourgeoisie whose social identity had been constructed in response to the immorality of the working and idle classes (ibid, 1976). For some commentators, Acton included, female chastity and male abstinence were the only methods through

which the sexual instinct could be checked. Such views were extreme and by no means universally accepted but they resonated nevertheless amongst a middle-class painfully aware of the perilous tightrope they walked between social respectability and ignominious immorality (Porter and Hall, 1995).

The policing of masculinity discussed in Chapter One was one response to this bourgeois gendered anxiety. From the 1830s onwards the concept of the 'new man' that permeated medical, educational and popular discourses emphasised the importance of manliness and self-sufficiency (Tosh, 2005, 2007). Although male sexuality was not problematised to the same degree as female sexuality, abandoning oneself to the sexual instinct was to undermine the foundations of the sacramental home (Weeks, 1989). As the division between public and private spheres was not absolute, with the stability of the private dependent upon success in the public sphere, at the core of the ideology of the new man was the directive that self-sufficiency equated to the economic independence and security of the family unit (Hobsbawn, 2004). Because the prevailing medical opinion was that hedonism weakened the male constitution, excessive male sexuality and the enfeeblement or effeminacy that followed was constructed as both a moral and economic problem.

Equivalent to the ideology of the new man was the mystification of womanhood in which female sexuality was defined by virtuous modesty and sexual innocence. Such notions, again reinforced by moral, medical and educational discourses, culminated in the construction of the bourgeois women as the 'in the house' (McDowell, 2004). Acton was one of the leading proponents of such representations. Women, he argued, should know 'little or nothing of sexual indulgences'; for Acton 'the best mothers, wives and managers of households' should be passionless save for the 'love of home, of children, and of domestic duties' (Acton, 1867: 145). Just as the new man was representative of forceful industriousness, his sexual urges directed towards procreation, his female counterpart was envisioned as passive and compliant, her hedonistic impulses denied.

The ideological constructions of the private sphere, reflecting the hegemonic representations of sex and gender roles, portrayed the domestic space as

sacramental, an essential insulation from the forces that threatened to enflame the sexual instincts. The bourgeois woman was isolated from the public world, a world that commentators like Acton asserted could destabilise the delicate female constitution resulting in hysteria or, worse still, the degradation of moral fortitude. For bourgeois men, who were compelled to brave the hazards of the public sphere, the private provided a site of decontamination, with the sanctity of the feminine morality that infused the domestic boosting the masculine moral immune system (Mason, 1995).

As central as the ideology of the private sphere was to bourgeois social arrangements it was a fragile and tenuous construction constantly assaulted by the aggressive immorality and materialism of the public sphere. The prostitute and sodomite were two such assailants; each the embodiment of Victorian social and sexual anxiety (Marcus, 2008). Such anxieties, like the representations of sodomites and prostitutes themselves, were wide-ranging encompassing the fear of moral, political and social upheaval, economic inefficiency and labour movement agitation and the apparent stalling of imperial expansion with the corresponding decline in national prestige (Nead, 1988). Across the nineteenth century this amorphous anxiety was most frequently expressed via motifs of contagion and disease with the notion of 'contagion' becoming the dominant representational schema for the consequences of rapid urbanisation and the rise of economic capitalism and 'disease', both physical and social, emerging as an issue of public and political agitation (Baldwin, 1999, Hobsbawm, 1975). By the 1870s the pestilent schema had diverged into the interconnected concepts of contagion and miasma. Each motif, with contagion conceived as the visible manifestation of pestilence and miasma<sup>91</sup> as the invisible consequences of infection, became central to the conceptualisations of deviancy with the fear of both physical and social corruption driving the legislative and social purity responses to both female and male deviancy (Nead, 1988).

As immutable gender and sex divisions underpinned bourgeois ideologies of moral and social dominance, the medical, moral and legal regulation of sex

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<sup>91</sup> The concept of miasma or 'bad air' that had emerged from Greek antiquity remained a prominent causal explanation for communicable disease during the nineteenth century. The major epidemics of the period, cholera and syphilis were therefore frequently conceived in such terms.

would become increasingly intertwined with individual and social definitions as the nineteenth century progressed (Laqueur, 1992, Foucault, 1976, Hobsbawn, 1975). The ultimate outcome of the bourgeois civilizing project was the construction of individual sexual transgression as indicative of wider social decline. Via the narratives of contagion and miasma commentators like Acton, Nordau and Kraft-Ebing sought to define the danger of sex/gender transgression, transgression embodied by representations of the prostitute, sodomite and ultimately the cross-dresser, as both a physical threat to the individual and a moral threat to the body social, sexual transgression they claimed 'tarnished bodies and polluted minds' (Acton, 1870: 35).

That the motif of miasma came to dominate mid to late-Victorian moral, medical and regulatory discourses reveals a deep anxiety that deviance could 'evade regulation' remaining unseen and thereby threatening 'the very structures of categorization and control' (Nead, 1988: 120). It is no coincidence therefore, that representations of the prostitute and sodomite oscillated between the known and the unknowable, being at once tangible and miasmatic. Although the etiology and physical characteristics of both the prostitute and sodomite remained ambiguous, the deviance their representations embodied was clearly defined within a gendered bourgeois ideology, with the prostitute embodying the summation of female sexual and moral transgression and the sodomite the totality of male sexual and social deviance.

With the arrest of Boulton and Park in April 1870 an unexpected and entirely unwelcome nexus between the gendered poles of sexual deviance was revealed. What emerged from the legal and extra-legal discourses that accompanied the reconstruction of Boulton and Park's public and private gender performances was an image of the male cross-dresser as an avatar of sexual deviance, both masculine and feminine. As the case progressed through the lower and higher courts the narratives that had come to define representations of the prostitute and sodomite were accessed in order to categorise the various crises of sex, gender and status that Boulton and Park's cross-dressing precipitated.

Within the narratives of female prostitution the threat of Stella and Fanny was expressed in the ideologies of Acton and his contemporaries. The cross-dresser represented the physical taint of venereal disease, the social threat of unregulated femininity and the moral taint of commoditised sexuality. The pestilent potential of Stella and Fanny's public promenades and dalliances was repeatedly emphasised by both court and press, only the arrest of Boulton and Park had prevented cross-dressing from becoming 'an institution' (*The Times*, 31<sup>st</sup> May 1870). The single status of Stella and Fanny's male admirers seemed to demonstrate the devastating allure of the demimonde who could divert the Englishman from the stability of marriage and family, draining both the economic and procreative potential of the bourgeois. Worse yet, the cross-dresser performed an insidious femininity that endangered the angel in the home, who could be corrupted by both the knowledge of the visible cross-dresser and encounters with yet undiscovered impersonators (cf. Anon, 1870, *The Pall Mall Gazette*, 31<sup>st</sup> May, 1870).

Although problematic, the public visibility of the prostitute was not the primary concern of the moralising press narratives that accompanied the prosecution of Boulton and Park. The streetwalker narrative that had constructed representations of the prostitute as a 'white-washed sepulcher' (Acton, 1870: 30) and underpinned the regulatory ideology behind the Contagious Diseases Acts was well established by the 1870s leading to the expectation within both regulatory and popular discourse that the degeneracy of the public prostitute was likely to be expressed via clearly visible stigmata (Nead, 1988). The street-walker was, although unwholesome, a socially recognisable type being both identifiable and containable via the Vagrancy and Contagious Diseases Acts (ibid, 1988). By contrast the demimonde represented a miasmatic threat to bourgeois domestic stability. Whilst the threat of venereal disease remained an area of concern it was the demimonde 'impurity and licentiousness' (Tait, 1840: 2) that posed the greatest danger to bourgeois social arrangements. The availability and allure of the demimonde could cause middle-class men to seek out the comfort of economically available companions (Attwood, 2011). Likewise the status of the demimonde as aesthetic and cultural trendsetters led many commentators to fear that the publicity afforded to the cross-

dressers would result in 'the respectable' woman aspiring towards the immoral aesthetic of the demimonde, thereby rendering herself indistinguishable from the fallen woman (cf. Linton, 1868).

Within the narratives of the male sodomite the danger of the cross-dresser was likewise presented as an issue of miasmic contagion. It was the 'influence' of the cross-dresser on 'other young gentlemen of similar tastes' (*The Times*, 31<sup>st</sup> May 1870) and the assumed inevitability of biological degeneration that dominated the interpretation of Boulton and Park's actual identities. The connection between the constructed image of the sodomite and that of the cross-dresser was not confined to the categorisation of natural and unnatural sexual activity. The charge that Boulton and Park would ultimately face was not one of sodomy, but one of conspiracy. Beyond the individual legal considerations that had led to the abandonment of the sodomy charge lodged before magistrate Flowers in 1870<sup>92</sup>, the adoption of the charge of conspiracy recognised the inherent uncertainty of the illicit cross-dresser whose appropriated apparel could not only constitute an offence in its own right but also potentially served to mask threats as yet undiscovered.

Both press and court presented the body 'as the *meaning* of the crime' (Cohen, 1993: 207 emphasis added). Within the legal, medical and popular narratives the issue of sodomitic practice, although ostensibly the focus of the legal investigation was subsumed within a broader exploration of the 'meanings' of the sodomite, his impact and influence on normative masculinity. Equivalent to the prostitution narratives of the period that extended beyond the commodification of sex to encompass the moral and social meanings of female prostitution, the sodomite narrative extended beyond the anatomy of sexual contact to encompass the totality of stigmatised masculinity. Just as commentators on female prostitution would argue that 'prostitute' was a 'designation of character (Wardlaw, 1842: 14 cited in Attwood, 2011: 3) the fact that the focus of popular discourse was primarily directed towards the unmanly conduct of Boulton and Park rather than their private sexual encounters demonstrates that morally, if not legally, it was possible to sustain

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<sup>92</sup> For example, the charge of conspiracy allowed the prosecution to shift focus from the physical proofs of unnatural sexual practice mandated by the Offences against the Person Act 1861 to the more subjective arena of criminal intent.

stigmatised representations of the sodomite without direct consideration of the practice of sodomy.

Within Victorian discourses of profaned sexuality, the prostitute and sodomite can be seen as both physical and figurative representations of gender and sexual deviance (Cohen, 1993, Nead, 1988). That Boulton and Park ultimately found themselves facing charges that their cross-dressing had sought to 'conspire confederate combine... to solicit induce incite procure and endeavor to persuade' (IND 1/6687/1) demonstrates that the *meaning* of the cross-dresser could be established by accessing the figurative elements of the stigmatised aspects of Victorian gender constructs. Through such constructs the cross-dresser, a figure of possibility and ambiguity, would be categorised via the established narratives of sex and gender deviance emerging as neither a prostitute nor sodomite but as an amalgamation of the social anxieties that they had come to represent.

### **Cross-dressed Narratives: Profaned Bodies**

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The resolution of the conflict between Boulton and Park's publically performed gender and their anatomical sex, although occurring within the private spaces of the Bow Street cells, was fundamentally a public affair. The prosecution of Boulton and Park, and the public commentary it generated, was dependent upon a clear distinction between actual and virtual identity and between constructions of public and private. Boulton and Park's biological sex, established by the police surgeon's discovery of their male genitalia on the morning of the 29<sup>th</sup> April 1870, was central to their categorisation as cross-dressers. Dr Paul's confirmation that Detective Chamberlain's prisoners were anatomically male unequivocally identified the public transgression of the cross-dresser, a transgression that stemmed from the disjuncture between biological sex and gendered apparel, with the penises of the defendants testifying towards their public deviance, the phallus being inherently social (Sedgwick, 1994).

Paul had justified his examination of Boulton and Park's genitals 'for the purpose of ascertaining their sex' (DPP 4/6) but, in extending his anatomical



examination to the anus of the cross-dresser, he demonstrated the mutability of the virtual and actual identities of Boulton and Park with the body of the cross-dresser revealed to be a site of multiple category possibilities (Garber, 1992). For Paul, a former student of Alfred Taylor and an advocate of the writings of Tardieu, Park's 'elongated' penis confirmed 'him to be a man', his gaudy green satin dress and 'very much dilated, and dilatable' anus seemed to confirm just what type of man he was (DPP 4/6).

As Chapter One demonstrated the deviance of the sodomite, the deviance that the prosecution ultimately sought to attach to Boulton and Park's actual identities, was attuned to representations of both privacy and imposture. The sodomite, although compelled to exist in the public sphere was, nonetheless, inclined to the shadows, at once recognisable and unknowable (Cocks, 2003). The practice of sodomy was 'a secret' hidden from 'the sight of men' (DPP 4/6), a threat to the social body but one that was conceived within formal and popular discourse as inherently private. As the secrecy that surrounded the sodomite extended beyond the clandestine behaviour of offenders to the anatomical characteristics of the offence itself, a court charged with the categorisation of the public cross-dresser was ironically compelled to scrutinise his anus, the fundamental expression of individual privacy (Sedgwick, 1994).

The legal narratives of 1870-1 presented the bodies of Boulton and Park as objective evidence capable of attesting to the defendant's personal identities. Both prosecution and defence accessed expert medical knowledge and whilst each understandably preferenced aspects favourable to their intended categorisations both legal and medical practitioners were united in their belief that the act of sodomy would result in physically detectable abnormalities. The body of the sodomite, much like the prostitute would reveal the stigma of degenerate sexuality.

Although English sexological discourse lagged behind its continental counterpart with respects to male sexual deviance, the medical categorisation of female sexuality had increased in prominence as the century progressed and, with the passing of the first of the Contagious Diseases Act in 1864, had secured a position within the mechanisms of formal control (Walkowitz, 1980).

The Contagious Diseases Acts, mirroring the representations of prostitution and its consequences proposed by Acton and his contemporaries, were underpinned by the assumptions that the spread of venereal disease was rooted in the pathological femininity of the prostitute and that such disease, along with the stigmata of moral degeneracy, could be detected by medical examination (Spongberg, 1997).

In contrast to the voluminous literature on female sexual degeneracy that existed by the time Acton published his *Prostitution Considered*, English sources on the subject of sodomy were few and far between when Dr Paul undertook his initial examination of Boulton and Park in the spring of 1870. The expert medical witnesses employed by both prosecution and defence to testify as to the accuracy of Paul's account of the appearance of Boulton and Park's anuses, and the meanings that he derived therefrom, were therefore united by an almost universal lack of professional experience in the subject of sodomy and its consequences. Of the eight medical experts called, Paul included, only Alfred Taylor could attest to direct contact with a suspected sodomite and this had occurred in a postmortem examination undertaken in 1833 (DPP 4/6).<sup>93</sup>

The expert witnesses involved in the case argued that the absence of direct observational knowledge of the symptomatology of sodomy did not impede the diagnostic validity of forensic medicine. Mirroring the assumptions that underscored the medical and regulatory responses to female prostitution all of the medical witnesses expressed the belief that excessive sexual contact would result in physiological changes. Based on their collective experiences of both mundane medical practice and the symptomatology of the female prostitutes who attended the lock hospitals the doctors argued that 'speaking physiologically, and from the knowledge of anatomy of the parts' (DPP 4/6) the practice of sodomy would result in 'dilation or distention of the muscles round the anus' (DPP 4/6), although it was accepted that such characteristics would 'depend a great deal upon the frequency of the commission of the crime' (DPP 4/6).

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<sup>93</sup> Alfred Taylor, James Paul, Gibson and Richard Barwell appeared for the prosecution; Hughes, Frederick Le Gros Clark, Henry Johnston and Harvey for the defence.

Medical evidence within the trial was employed to construct the body of the cross-dresser as an objective site clearly distinguishable from the subjectivity of his public performances. The lack of professional experience, or indeed professional interest however - Frederick Le Gros Clark, for example, had 'abstained from studying the subject' as it was 'repulsive' and of no use 'professionally' (DPP 4/6) - resulted in interpretive conflicts that would ultimately necessitate the subjective positioning of the sexed bodies of Boulton and Park in relation to the virtual gender of Stella and Fanny.

Counter to Paul's initial observations the other expert witnesses could find no evidence to support a suspicion that Boulton and Park 'had been guilty of anything like an unnatural offence' (DPP 4/6). Nor did they support the observations of Richard Barwell who had argued that Park displayed signs of treatment of a syphilitic infection. Given that all of the witnesses had testified to a lack of professional interest in the subject, the evidential disagreements of the witnesses was understandable but beyond this construction of expert probity the conclusions of the medical experts can be seen to further the construction of the subjective body of the cross-dresser as the antithesis of the bourgeois male.

Both the image of the body of the cross-dresser and the accessibility of this image to expert scrutiny were strategically positioned to emphasise the otherness of the cross-dressed male in relation to normative masculinity. Although the majority of the expert witnesses could find no trace of sodomitic practice, the very fact that such investigations had occurred was presented as discrediting. Paul emphasised that Boulton and Park had submitted to his investigation without resistance 'I took a desk stool and said to the prisoner, "Put yourself over that stool." Without saying a word he did so' (KB 6/3). Moreover, although the Lord Chief Justice was deeply critical of the procedural impropriety of Paul's investigation, he concluded that such an investigation was only possible because Paul had been faced with 'two effeminate young men' and not 'the man in the street' who, Justice Cockburn was certain, 'having the strength and energy to do it' would have exacted 'summary punishment' on Paul 'for proposing so revolting a thing' (DPP 4/6).

That the cross-dresser lacked the strength and energy of the man in the street was further reinforced by evidence that the effeminacy of their dress and demeanour was the public manifestation of an intrinsic femininity. Henry Johnson's testimony provides the clearest example of the conflation of the virtual and actual identities of the cross-dresser whose virtual femininity was constructed within medical discourse as to preclude the criminal propensity of actual biological sex. Boulton and Park's anuses were not only 'delicate and small' but unusually so, they were 'more like that of a female than a male' (ibid). For Johnson, Boulton's female anus precluded the possibility of sodomitic practice but was nevertheless indicative of a degenerate and othered masculinity.

That Boulton was distinguishable from 'a healthy subject of his age' (ibid) demonstrates that the feminine appearance of the defendant's anuses was supportive of normative sexuality but was incompatible with the natural robustness of the idealised Victorian male. The presentation of the cross-dresser as sickly was facilitated not through reference to unnatural sexual intercourse but through established representations of miasmatic degeneration. Just as the narratives of female prostitution extended beyond the physical infirmities of the prostitute to consider her impact upon the social fabric, expert evidence that had purported to attest to individual pathology was constructed for popular consumption, as an issue of public health not private sexual proclivity.

Within legal discourse, the themes of plague and miasmatic contagion associated with the established prostitution narrative were repeatedly accessed to explore the meaning of the cross-dressed body. Such narratives, whilst quasi-medical in nature, had little to do with the private act of sodomy, but rather sought to establish the otherness of the cross-dresser in relation to 'the man in the street', the eponymous public that both legal and press narratives supposedly embodied (Shattock and Wolff, 1982, Maza, 1993). Through the cross-dresser the social health of the nation could be explored and reinforced with the miasmatic narratives closely attuned to the ideologies of class, nationhood and gender that defined the English bourgeoisie.

In his opening address in 1871 the Attorney General likened cross-dressing to 'a plague' that 'might lead to a serious contamination' of the nation's morals (DPP 4/6). The defense was no less patriotic warning that the conviction of their clients would see Englishness and English masculinity 'treated with some criticism and reproach'. The images of plague that typified the narratives of sexual deviance suggested that the bulwarks established by the bourgeoisie to separate their masculinity from that of the disreputable and idle classes could be undermined, creating 'a stain... inflicted upon the honour of [the] country' (ibid). As the established narratives of sodomy and prostitution demonstrated, bourgeois ideology was dependent upon the externalisation of social and sexual deviance; that the prostitute and sodomite existed was distasteful to middle-class sentiments but their existence was tolerable provided they were demonstrably distant from the bourgeoisie.

This distance had resulted in the systematic presentation of the deviant masculinity of the sodomite as that of the disreputable poor, 'the lowest, the most ignorant, and the most degraded' within the Victorian social structure (*The Times*, 31<sup>st</sup> May 1870). Whilst the feminisation of their anuses insulated Boulton and Park from the brutish masculinities of the poor it harmonised with notions of indolence and excess that had seen portions of the aristocracy equated to 'the sensuous civilization of antiquity' (ibid, 31<sup>st</sup> May 1870). In this way the effeminised body of the cross-dresser was incorporated within the wider narratives of sodomy despite expert testimony that seemed to preclude the possibility of prohibited sexual acts.

As the case progressed, the sexual transgressions of the body were gradually subsumed by attempts to understand the meaning of the cross-dressed and effeminised body within the gendered narratives of the bourgeoisie. The notion of effeminacy was most obviously locatable in relation to Boulton and Park's female apparel and effeminised anuses but, as Chapters One and Four have demonstrated, the concept of effeminacy was also a strategic element in the construction of hegemonic representations of masculinity. It was this connection that facilitated the extension of the cross-dressed narrative beyond the profaned sexuality of the cross-dresser as both court and press sought to locate the meaning of the cross-dressed body in relation to pre-existing

categories of gender deviance, with the concept of effeminacy being employed to counteract the ambiguities of unnatural sexual practices with the defined characteristics of manly character.

The anxiety surrounding male effeminacy revealed by the prosecution of Boulton and Park, whilst tacitly associated with the perceived consequences of passive sodomy, was therefore representative of wider fears that cross-dressing was indicative of a decline in masculine virtue. As mid-Victorian conceptions of masculinity were increasingly structured around emotional and fiscal frugality it was the social and economic relationships of the defendants, not their sexual proclivities, which came to define legal and popular conceptions of the male cross-dresser.

### **Cross-dressed Narratives: Unmanly Sentiments**

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In the opening years of the nineteenth century emotional tenderness and sentimentality in men, provided it occurred in moderation, remained broadly conducive to hegemonic representations of masculinity. By the 1860s, however, such characteristics were increasingly stigmatised by a process of 'obsessive moral masculinization' that would culminate, in the latter half of the nineteenth century, in the cult of the new man (Gilmore, 1990: 18). The new man ideology was comprised of a series of masculine ideals: athleticism, stoicism, imperialism, self-sufficiency, gentlemanly conduct and economic competence, which directly related manliness to economic and domestic capital (Mosse, 1996, Mangan and Walvin, 1987).

The new man took central place within the domestic imagery that defined the ideology of the separate spheres, manliness existed according to Acton 'to give a man that consciousness of his dignity' it was 'absolutely essential to the well-being of the family, and through it, of society itself' (Acton, 1867: 74). Although Victorian manliness was largely presented as a 'self made' category it was dependent upon the embodiment of the femininity that it had so purposefully rejected, ultimately the Victorian male's gender identity was dependent upon his ideological counterpart. 'Only marriage could yield the full

privileges of masculinity' (Tosh, 2007: 108) and only through the opportunities and responsibilities that marriage provided could masculinity be assured.

This link between marriage and masculinity and between economic independence and the eligibility to 'exercise authority over dependents, and to shoulder the responsibility of maintaining and protecting them' (Ibid, 2007: 108) would problematise those men whose prospects for marriage were limited by age, choice or economic circumstances (Weeks, 1989). The bachelor, both literal and figurative, had long been the source of social anxiety but for the Victorian bourgeoisie he represented a dangerously liminal figure. By confounding the 'ordering binarisms of masculinity and domestic life' (Snyder, 1999: 54), the bachelor seemed to exist within Victorian social arrangements but was worryingly free of their restraining mechanisms.

In his earlier incarnations of Rake, Fop and Dandy, the unmatched male had maintained access to the feminine and it was through his sexual interaction with women that the nature of his effeminacy was constructed. Although during the nineteenth century, in ideology if not in practice, sexual access between the unwed bourgeoisie had been greatly curtailed the belief of the effeminising potential of social and emotional interaction with women remained the source of continuing anxiety (Sinfield, 1994). The 'angel in the house', the idealised representation of middle-class womanhood, could be angelic only if she remained contained within the domestic sphere. Without the regulatory mechanisms of motherhood and domestic management, femininity and female sexuality was both infectious and debilitating (Foucault, 1976, Weeks, 1989). For the unmarried young gentleman, free from the tyrannical masculinity of the public school system but as yet denied 'the consciousness of his dignity' (Acton, 1867: 74), the infectious femininity of the public woman and the sensuality and commercialism of the public sphere posed a threat to both physical and moral health (Snyder, 1999).

Unregulated access to the vices of the public sphere - the aggressive sexuality of the public woman, the immorality and effeminacy of the theatre and the brutishness and base criminality of the saloons – could weaken the fortitude and character of the bourgeois bachelor. Worse still, as the bachelor haunts of the West End 'existed on the fragile borderline' that separated 'manly

misogyny from disgusting homoeroticism' (Showalter, 1990: 13), homosocial relationships were increasingly viewed as a possible source of personal and social corruption.

By the 1870s the crisis of masculinity evident within bourgeois social commentaries had given rise to an aggressively independent masculinity. This 'new man ideology, typified by representations of muscular Christian youths within the works of Charles Kingsley and Thomas Hughes,<sup>94</sup> classified male intimacy as a manifestation of debilitating effeminacy (Showalter, 1990, Hall, 2006, Mosse, 1996). The homosocial relationships of the mid to late Victorian period were, therefore, increasingly conceptualised via narratives of physical fitness, emotional stoicism and Imperial patriotism that attempted to clearly distinguish between 'being a man's man' and being a man 'interested in men' (Sedgwick, 1985: 89).

Proponents of the athletic and industrious conceptions of masculinity increasingly relied on the concept of effeminacy to frame their objections to aspects of male homosociality. Male sentimentality and a pursuit of dubious scholastic learning would inevitably lead to personal and national decline, with the bachelors of England becoming 'too refined to be manly', measuring 'their grace by their effeminacy' (Kingsley, 1848: 82 cited in Dowling, 1994: 45). With the arrest of Boulton and Park in 1870 the precarious status of bachelor relationships was exposed via the publication of the voluminous correspondence that had passed between the urban cross-dressers and their extended circle of male acquaintances, correspondence that demonstrated not only the miasmatic potential of effeminacy but also raised the possibility of the sodomitical corruption of the classical literature upon which the nation's youth were schooled.

Between the 18<sup>th</sup> and 20<sup>th</sup> April 1870, John Fiske, the American Consul in Leith, wrote a series of letters to Ernest Boulton. Fiske had first met Boulton in the latter part of 1869 having been introduced by their mutual acquaintance Louis Hurt. Boulton met Fiske in the April of 1870 and although, according to his landlady, Fiske's 'intimacy with Boulton was very slight' the contents of

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<sup>94</sup> See, for example, Hughes' construction of Christian masculinity within *Tom Brown's School Days*.



Fiske's correspondence revealed a 'very intimate relation' (DPP 4/6) between the American diplomat and the young English cross-dresser.

I have three minds to come to London and see your magnificence with my own eyes. Would you welcome me? Probably it is better I should stay at home and dream of you. But the thought of you – Lais and Antinous in one – is ravishing (KB 6/3, part 1).

Fiske's letters to Boulton represented both the threat of effeminised male relationships in which the purity of Christian camaraderie was subverted by 'gross sensuality and self-abasement' (ibid) and unnatural sexual desire through Fiske's linkage of the cross-dressed Boulton to the 'monsters of antiquity' (*The Pall Mall Gazette*, May 30<sup>th</sup> 1870). Preceding the literary contests that emerged from the Wilde trials, Fiske's reference to Lais, the famed female Corinthian courtesan, and Antinous, the male lover of the Emperor Hadrian, connected male effeminacy with Greek homoeroticism. Although the prosecution asserted that the meaning of the reference was self-evident 'Lais and Antinous in one! Does not that give some key to the dressing up in women's clothes: sometimes a male prostitute, sometimes a female?' (DPP 4/6) the discourses that emerged during the trial revealed the complexities in negotiating the classical tradition's relationship with Victorian masculinity.

By the 1860s, the Hellenistic movement had firmly established itself with the University of Oxford and it was from this movement that the aesthetic and decadent movements of the 1880s would spring. Whilst Hellenistic Oxford was a hothouse for intellectual radicalism and secular humanism it was also associated with romanticised and intensely intimate male homosocial relationships (Dellamora, 1990). This combination of male cross-generational intimacy, aesthetic ideology and Greek romanticism had, by the time of Boulton and Park's arrest in 1870, become a source of anxiety for although aspects of Hellenistic culture and governance were compatible with Victorian constructions of self and empire homoeroticism lurked beneath the surface of classical philosophical and poetic tracts (Dowling, 1994).

Moderation and stoicism, the watchwords of the Victorian bourgeois, were necessary to mediate the perceived excesses of the Hellenistic aesthetic. As an editorial in *The Pall Mall Gazette* asserted, Lais and Antinous had 'no business anywhere but in the classical dictionary', as long as they remained there they were no more than 'phantoms, with very little power for evil' (*The Pall Mall Gazette*, May 30<sup>th</sup> 1870). Whilst Wilde's attempts to justify his friendship with Lord Alfred Douglas by referencing the Hellenistic tradition only served to further condemn the playwright in the eyes of his detractors in 1895 (Cohen, 1993), reference to the classics was not in and of itself discrediting to the defendant's masculinity in 1871.

In the wake of Wilde's conviction 'Hellenism' tended to be pronounced with 'an insinuating leer' (Dowling, 1994: 35) but in the 1860s and 1870s the centrality of the classics, particularly within institution of higher learning, made a direct assault upon Greek homoeroticism problematic. Fiske's classical references, and the subsequent press speculation as to their significance, generated a flurry of concerned 'letters to the editor' in which the fear of the miasmatic contagion of the nation's youth is clearly expressed: 'the danger' of effeminacy was 'at once the darkest, the most insidious, and the most universal' danger to be encountered in the public schooling system (*The Times*, 2<sup>nd</sup> June 1870: 8). Such letters, by conflating the influence of classical literature with the institutional endorsement of amateur theatrical cross-dressing within the University system, expressed a broader anxiety that the Hellenistic revival was symbolic of a general decline in natural masculinity.

The image of manliness that emerges from the discourse surrounding the private correspondences of Boulton and Park is inherently unstable for Lewis Hurt, Boulton's childhood friend, could be condemned for discussing his sadness at Boulton's departure from Edinburgh whilst simultaneously praised for the 'gentle tenderness' he displayed during Boulton's convalescence from a 'consumptive' cough (DPP 4/6).<sup>95</sup> Likewise Fiske's references to Greek

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<sup>95</sup> That the Attorney General assumed that male sentiment could discredit the defendants 'Gentlemen, what is this? A man crying at parting for a few weeks with another man... Is it the language of friendship or is it the language of love?' (DPP 4/6) whilst the defence actively endorsed the tender and natural feelings between young males demonstrates the fluidity of Victorian concepts of masculinity.

homosocial relationships provided both the possibility of exoneration for, as Justice Cockburn argued, the relations between Socrates and 'the youths with whom he delighted to associate' were of 'spiritual and ethereal character', and condemnation for the 'strange language' of the defendants once freed from the pages of history was 'calculated to excite odium and detestation' in all but those seeking 'unnatural sensuality' (ibid). This duality typified Victorian anxiety towards homosocial relationships, both classical and contemporary, in which the borders between 'spiritual' and 'unnatural' masculine friendship remained ill-defined. Neither press nor court could be entirely certain which aspects of 'Greek significance' (Cohen, 1996: 116) or male sentimentality was being condemned in relation to the male cross-dresser, deepening the perception of a miasmatic threat to natural masculinity, a threat that extended beyond homosocial effeminacy to endanger the wider economic and social fabric.

#### **Cross-dressed Narratives: Brainless Spendthrifts**

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In early March 1870, Louis Hurt expressed his growing disapproval of his friend's unmanly behaviour and effeminate appearance.

I am rather sorry to hear of your going about in drag... I know the moustache has no chance while this sort of thing goes on... I hope that you will do your best to appear as manly as you can' (DPP 4/6).

Hurt's letter reveals much about mid to late-Victorian conceptions of manhood. Boulton's effeminacy required more redress than the unassailable security of facial hair; drag may have been a contentious issue between the two men but the underlying problem was Boulton's flippant approach to his finances. 'What bills have you left in Edinburgh? I wish you would make an attempt to pay some... I should like you to have a little more principle than I fear you do as to paying debts' (ibid).

Hurt would not be alone in considering the financial implications of Boulton's cross-dressing; as the criminal proceedings progressed, wanton expenditure and conspicuous consumption were increasing linked within legal and popular discourses to both the cross-dresser and the urban crowd of 'brainless

spendthrifts' in which he moved (*Reynolds*, June 5<sup>th</sup> 1870: 5). That the habits of Boulton, Park and their friends 'were not economical' (*ibid*, May 8<sup>th</sup> 1870: 5) was central to the presentation of the cross-dresser as a figure of urban degeneration and unproductive effeminacy. Although the references to 'the sensuous civilization of antiquity' (*The Times*, 31<sup>st</sup> May 1870: 9) within press commentaries points to a tacit recognition of the possible links between male cross-dressing and homoeroticism (Brady, 2009), their inclusion also served to position the cross-dresser within the wider debates surrounding the impact of metropolitan life in which the fear of effeminacy and the possibility of national and imperial decline were interwoven (Weeks, 1989).

For radical papers like *Reynolds*, the middle-class cross-dresser was representative of the vices of 'sloth, and lust, and wantonness, and gluttonous excess' that multiplied within the 'pampered cities' of the period (*Reynolds*, June 5<sup>th</sup> 1870: 5). Boulton's 'silver-mounted gentleman's dressing case... elegantly fitted photograph album... rich silk and other dresses... large ermine cloak... Balmoral walking boots... and necklaces of a better class' (*Reynolds* May 8<sup>th</sup> 1870: 5) were not simply the props of the gender performer, they were indicative of the indulgences of 'certain "fast" people in high life' (*Reynolds*, June 5<sup>th</sup> 1870: 5). Whilst conservative publications like *The Times* largely resisted framing the cross-dresser as indicative of national decline they nevertheless concluded that the effeminate spendthrifts who populated London's bachelor scene were 'a social misfortune' (*The Times*, 31<sup>st</sup> May 1870: 9) representative of the commodification of social relationships.

In the December of 1869, Ernest Boulton would write a number of letters to his friend Lord Arthur Clinton 'I am just off to Chelmsford with Fanny... Not sent me any money, wretch!' followed a few days later by another plea 'write at once, and if you have any coin, I could do with a little' (DPP 4/6). Within the narratives of profaned masculinity Boulton's correspondence with Clinton represented both the possibility of unnatural sexual desire, with the commodification of sex equivocal to a female prostitute's relationship with her client, and the transgression of the class-defined boundaries of propriety, with the court and press expressing their displeasure at inter-class relationships

that seemed 'familiar and indelicate beyond expression (*The Times*, 31<sup>st</sup> May 1870: 9).

Foreshadowing the class driven anxieties revealed during the sex scandals of the late nineteenth century,<sup>96</sup> the inter-class relations of the urban cross-dressing scene were presented as a challenge to established economic hegemonies. The condemnation of Wilde's 'feasting with panthers' in 1895 - a reference to his entertaining of lower-class youths in questionable West End establishments - and the 'Gibblingses'<sup>97</sup> - the term coined by *Reynolds* to describe the financially independent bachelors that frequented London's drag balls in the 1870s - were underpinned by a common anxiety that economic inequality within social relationships was detrimental to all concerned (Whelan, 2010).

For the middle-classes, whose social respectability was inherently connected to both productive labour and productive expenditure, Boulton and Park's rejection of the traditional vocational professions of the bourgeoisie in pursuit of theatrical athletics was evidence of their effeminacy. Although the Attorney General would assert that cross-dressing was a legitimate theatrical device when confined to the stage, both press and court wasted little time in recycling the threadbare anti-theatrical rhetoric discussed in Chapter Three. Boulton and Park were equitable with 'a certain class' of people, a class prone to 'overfamiliarity', 'foolish extravagance' and a 'necessary tendency towards immorality' (DPP 4/6). The Actor, in or out of costume, clearly remained a figure of suspicion and, although the professionalisation of the performing arts had continued to gain pace during the nineteenth century, performers like Boulton and Park were stigmatised by the bourgeois who, whilst content to attend their theatrical performances, were resistant to the mingling of the industrious and theatrical classes (Baker, 1978).

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<sup>96</sup> As highlighted by Chapter One's discussion of the inter-class elements of the Cleveland Street and Wilde prosecutions for example.

<sup>97</sup> A reference to Amos Gibbings, the 'decidedly effeminate youth' who strongly defended the 'modern pastime of going about in drag' at Boulton and Park's arraignment hearing in 1870 (*The Times*, 30<sup>th</sup> May 1870: 13).

Coupled with the anxiety surrounding the cross-dressers' rejection of the sumptuary ethic that underpinned middle-class masculinity was the concern that the indolence and unproductivity of the urban male could ultimately destabilise the sacrosanctity of the bourgeois family. Fiske's letters to Boulton contained more than classical effeminacy; whilst references to Lais and Antinous were universally condemned the correspondence that passed between the diplomat and the cross-dresser revealed an effeminate materialism that was equally greeted with both 'surprise and disgust' (*Reynolds*, 22<sup>nd</sup> May 1870: 5).

Let me ask your advice. A young lady, whose family are friends of mine, is coming here. She is a charmingly dressed beautiful fool with £30,000 a year. I have reason to believe that if I go in for her, I can marry her... Of course, after we were married I should do pretty much as I pleased. People don't mind what one does on £30,000 a year, and the lady wouldn't mind, as she hasn't brains enough to trouble herself (*The Times*, 16<sup>th</sup> May 1870: 13).

Although masculinity could only be assured through marriage, within the ideology of the bourgeoisie such marriages remained fundamentally a matter of the heart. The matches of aristocracy could be condemned for their mercenary nature only if the matches of the middle-classes could be demonstrably distinguishable by their romantic purity (Thompson, 2013, Lystra 1989). As the concept of the 'love match' remained a fundamental component of Victorian social narratives (Weeks, 1989), Fiske's discussion with Boulton concerning his 'beautiful fool' was constructed as a further example of urban male effeminacy.

That John Fiske and Louis Hurt ultimately found themselves on trial for conspiracy alongside Boulton and Park demonstrates the miasmic potential of male gender performance. Fiske and Hurt were not cross-dressers yet the content of their correspondence, revealing both unmanly sentimentality and fiscal indolence, was perceived as symptomatic of the effeminacy of the male cross-dresser. The effeminacy that profaned the actual masculinity of Boulton, Park, Hurt and Fiske, whilst constructed via the markers of hegemonic masculinity encoded within the domestic ideology of the bourgeoisie was,

however, inseparable within discourse from representations of the virtual identities of the cross-dresser. The stigmatised aspects of masculinity that linked Boulton and Park to the sodomite, their 'lust, and wantonness, and gluttonous excess' (*Reynolds*, 5<sup>th</sup> June 1870: 5), equally linked Stella and Fanny to the profaned femininity of prostitute, whose 'idleness... self indulgence... love of drink, love of dress [and] love of amusements' (Acton, 1870: 164-5) condemned both herself and her clientele to moral and physical ruin. Although the arrest and subsequent medical examination of Boulton and Park had both confirmed their biological sex and dictated the charges levelled against them their cross-dressing resulted in the conflation of virtual and actual identities within both court and press narratives in which the transgressions of Stella and Fanny were inseparable from the transgressions of Ernest and William.

#### **Cross-dressed Narratives: Girls of the Period**

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Just as Boulton and Park's actual identity generated contests of natural and unnatural masculinity within legal and medical discourse, their virtual female identity was contested in popular discourse with the images of Stella and Fanny's gross immorality contrasted with the bourgeois respectability of the Victorian wife and mother. Although the legal narratives that sought objective connections between biological sex and sexual offence ultimately deemed Boulton and Park's bodies free from the taint of sexual transgression, the appropriated femininity of the cross-dresser that emerged within discourse was, by contrast, a femininity inseparable from the sexual immorality of the streets.

As Chapter Two demonstrated, in the public places of the city Boulton and Park's cross-dressing had facilitated the construction of virtual identities that reflected femininity that was both sexualised and commoditised. During their trial the prosecution emphasised the connections between the city and the commodification of sex leading to representations of the cross-dresser closely attuned to that of the prostitute. Given that the issue of solicitation was central to the conspiracy to commit sodomy charge that asserted that the defendants

had agreed 'together to solicit induce incite procure and endeavour to persuade' (IND 1/6687/1), a discussion of sexual commodification was understandable. It is significant, however, that this discussion was located, not within the discourses of profaned masculinity, but within the narratives of female sexual transgression. Within the cross-dressed narratives of 1870-1, the private cross-dresser was constructed as a threat to hegemonic representations of masculinity, his otherness first juxtaposed with the muscular and vital 'the man in the street' and ultimately the upright men of the Queen's Bench. The public cross-dresser, by contrast, was constructed as a miasmic threat to feminine virtue.

Although the fear of contagion underpinned the construction of the profaned cross-dresser, within both legal and popular cross-dressed narratives the representations of the innocent public, upon whose behalf the prosecution of Boulton and Park had been instigated, diverged. Within legal representations the innocent public was attuned to masculine representations with the entrapment of men and the endangerment of natural masculinity central to the conceptions of the danger posed by the profaned cross-dresser. Within popular discourse however the danger of the cross-dresser was contextualised via feminised representations of the public (Cohen, 1993).

One of the longstanding objections to male cross-dressing identified in Chapter Three was the possibility of clandestine male access to feminine spaces, with such access interpreted as a sexual or heretical transgression (Bullough, Shelton and Slavin, 2006). The fear of the cross-dressed Lothario clearly remained. For the Victorians, whose concept of femininity was directly related to fidelity, his existence posed a threat to both female virtue and the economic underpinnings of the middle-classes. By asking 'what protection have those who are dearest to our hearts and hearths' (Anon, 1870: 2) the authors of *The Lives of Boulton and Park*, a penny pamphlet published in the wake of the arraignment hearings 1870, made reference to the unpalatable reality of bourgeois domesticity in which the ideological representations of heart were secondary to the economic considerations of home and hearth (Hobsbawm, 1975).



The alignment of femininity and fidelity was central to the preservation of the economic capital of the bourgeoisie who, in lacking the primogeniture privileges of the aristocracy, were dependent upon a system of partible inheritance that required the faithfulness of women to ensure the legitimacy of succession. Feminine virtue was, therefore, deeply embedded in the economic ideology of the middle-class who sought to avoid the 'ultimate catastrophe' of female adultery by the imposition of 'an inviolable rule of chastity' (Finer, 1974: 117 cited in Weeks, 1989: 30). Although Boulton and Park's intrusion into feminine spaces, most notably the women's retiring room in the Strand Theatre, was presented as the source of their 'outrages upon decency', the lexicon utilised to condemn the 'unblushing impudence' of the cross-dresser resonated with sexual anxiety, the cross-dresser was a 'debauched roué', he had 'enforce[d] his way with impunity' and as a result 'sacred privacy' had been 'ruthlessly violated' (Anon, 1870: 2). Such was the investment in the purity of bourgeois femininity that the prospect of the violation of Victorian womanhood could be contemplated in relation to a case that was nominally constructed around a conspiracy to commit sodomy.

The intrusion of male cross-dressers within public spaces set aside for respectable women was compounded by their intrusion, all be it vicariously, into the sanctity of the domestic sphere. In cautioning that 'the heading "Men in Women's Clothes" need not in the first instance have served as an adequate warning of what was to follow; and a lady may have been left to make out the underlying filth for herself' (*The Pall Mall Gazette*, 31<sup>st</sup> May 1870), the Gazette attested to the contagious potential of public immorality. Such anxiety extended beyond the prospect of the respectable women's physical interaction with illicit cross-dressers on the streets and in the theatres of the capital to encompass the fear that the virtue of the domestic woman was vulnerable to the corrupting sensualism and materialism of the public sphere and the public woman. The imagined debaucheries of the male cross-dresser therefore underscored his true offence, for feminine virtue and chastity were largely dependent upon a woman's ignorance of vice. The 'filth' that the Gazette feared was not revelations concerning the state of Boulton and Park's backsides or the offence with which they were charged, for both had been

excluded from press coverage. If a lady was to be endangered it was therefore not by reports of male sodomites but of female prostitutes. Once again the private correspondences and intimate relationships of the defendants proved deeply problematic but, detached from the direct association with unnatural sexual practices, it was the angel in the home, the mothers, sisters and wives of the bourgeoisie not the urban bachelor that faced moral and social ruin (cf. Anon, 1870).

The relationship between the imagined Stella [Boulton] and Lord Arthur Clinton was the clearest source of danger to the imagined feminine public. Stella, it was reported, had been instructing the housemaids to refer to her as 'Lady Clinton, Lord Arthur's wife' (*The Times*, 30<sup>th</sup> May 1870). The 'marriage' was, however, not a happy one as the correspondences of the defendants revealed.

My dearest Arthur, You must really excuse me from interfering in matrimonial squabbles, for I am sure the present is no more than that; and though I am, as you say, Stella's confidante in most things, that which you wish to know she keeps locked up in her own breast... I really cannot form an opinion on the subject. As to all the things she said to you the other night, she may have been tight, and did not know all she was saying (KB 6/3, part 1).

Fanny's [Park's] letter revealed Stella to be both a nag and a drunk; worse still, as Lord Arthur's status as a less than eligible bachelor had been the source of London gossip since the spring of 1869, Stella's claims of marriage and title resonated with the presumptions of the demimonde.<sup>98</sup>

The connections between Stella and the 'kept woman' of Acton's prostitution narratives was strengthened by the suggestion of infidelity, with the correspondence that had deeply discredited Boulton's actual identity proving

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<sup>98</sup> Clinton's fall from grace was widely documented in the press before his connection with Boulton had seen his name entangled in the legal proceedings of 1870-1. During 1869 Clinton found himself repeatedly summoned before the London Bankruptcy Court as he attempted to placate an increasingly unsympathetic collection of creditors to whom he had become indebted since losing his seat in the Commons in 1867 and failing to secure his engagement to 'a lady of large fortune'. By the end of June 1869 Lord Arthur's liabilities for unsecured credit and for goods and accommodation had reached £34,134 a state of affairs largely attributed to Clinton's bachelorhood (cf. *Glasgow Herald*, 1<sup>st</sup> July 1869).

equally damaging to the virtual Stella. During the same period of Stella's faux marriage to Arthur Clinton she was also in contact with an extended circle of male admirers like Willy Somerville, who confessed 'Dearest Stella, You imagine I do not love you. I wish to God it was so: but tell me how I can prove it, and I will willingly do so' (KB 6/3, part 1), and John Fiske who corresponded with both Ernest and Stella of whom he beseeched 'to write a dozen lines of four words each to say that all the world is over head and ears in love with you, and that you are so tired of adoration and compliments that you turn to your humdrum friend as a relief' (*The Times*, 16<sup>th</sup> May 1870).

When faced with the interpretation of the complex adoption of feminine signifiers by Boulton, Park and their associates, signifiers that extended beyond the female attire of the cross-dressers to encompass an imagined feminine identity, the press sought to impose order by referencing the established schema of sexual transgression. The difficult task of establishing what kind of men Boulton and Park represented was left to the courts, the categorisation of Stella and Fanny by contrast, whose transgressions were far more locatable within popular narratives, was claimed by the press.

Stella and Fanny's dress and demeanour in the public spaces of the capital, their improper loitering late into the night around the Holborn casinos and their tendency to be found 'falling in the gutters' being 'worse for drink' (DPP 4/6) confirmed their status as prostitutes and initially allowed for their construction as 'white-washed sepulcher[s]', the popular image of the prostitute street-walker whose 'inner rottenness' and inherent immorality located her within the ranks of the disreputable poor, safely isolated from the respectable femininity of middle-class (Acton, 1870: 30, Nead, 1988). The profaned femininity of Stella and Fanny was, however, more closely attuned to a more problematic representation of female prostitution for their apparent financial independence, highlighted by reports that they maintained private boxes at the Strand, Surrey, Haymarket and Alhambra theatres (cf. *Reynolds*, 8<sup>th</sup> May 1870), their shopping trips to Holborn and the Burlington Arcade, their ability to 'purchase any number of silks' (DPP 4/6), and their association with 'gentlemen of independent fortune' (*Reynolds*, 8<sup>th</sup> May 1870: 5) was attuned to representations of the demimonde, 'a creature who dyes her hair and paints

her face as the first articles of her personal religion... whose sole aim is unbounded luxury; and whose dress is the chief object of such thought and intellect as she possesses' (Linton, 1883: 2-3).

As an amalgamation of male desire and anxiety the demimonde, equal parts literary imagining and personality of the Imperial French court, came to represent the perceived hedonism and commercialism of the mid to late Victorian Period (Apter, 1999). Beyond sexual promiscuity and commodification, the profaned femininity of the demimonde was one that threatened to undermine the fundamental imagery of the separate spheres. Unlike the street prostitute, who threatened social arrangements through the spread of venereal disease, the character of the demimonde, her 'bold talk and general fastness' her 'love of pleasure and indifference to duty', her 'uselessness at home' and her 'dissatisfaction with the monotony of ordinary life' (Linton, 1883: 5) represented a dangerous alternative to hegemonic representations of femininity, an alternative that was as infectious as syphilis.

The distinction between the representations of public and private women was central to the ideological construction of Victorian femininity in which representations of the prostitute and her idealised antithesis can be seen to permeate medical, moral and political discourse (Nead, 1988). By the 1870s, however, hegemonic representations of femininity, like masculinity, were increasingly threatened with the mythology of the demimonde indicative of an increasing anxiety that the borders between public and private and between moral and immoral were becoming dangerously indistinct (Walkowitz, 1980). Whereas commentators of the early nineteenth century had been at pains to establish a clear divide between the moral and immoral woman, the prostitution narratives of the mid to late Victorian period had begun to construct the prostitute as the product of both economic inequality and innate immorality.<sup>99</sup>

Although the economic aspects of prostitution allowed for the possible social and moral rehabilitation of the prostitute, it equally suggested the possibility of

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<sup>99</sup> William Acton, for example, asserted that the majority of 'women who have resorted to prostitution for a livelihood, return sooner or later to a more or less regular course of life' (Acton, 1870: 39).

the bourgeois woman's singular fall from grace (Valverde, 1989). The image of the demimonde was constructed within the public sphere with her fall representative of her expulsion from the domestic, much as the Biblical Eve's transgressions had seen her expelled from paradise. The device of the fallen demimonde within Victorian narratives of profaned femininity was therefore repeatedly employed as a memento mori of both idealised domesticity and the feminine chastity upon which it depended (Auerbach, 1980). Behind the image of the demimonde lurked the spectre of the adulterous wife whose profanity of both natural femininity and sanctified domesticity represented the fundamental breach of bourgeois moral arrangements (Nochlin, 1978).

Anxiety surrounding the contagious potential of the demimonde was clearly expressed in the literature of the period<sup>100</sup> but, unlike the contagious potential of the streetwalker, whose inner rottenness was a threat to masculine vitality, the demimonde threatened the corruption of bourgeois femininity. It was the 'envy of the pleasure and indifference to the sins' (Linton, 1883: 5) of the demimonde that endanger English femininity for 'what the *demimonde* [did] in its frantic efforts to excite attention' the girl of the period did 'in imitation' (ibid, 1883: 4). The recognition of the miasmic potential of the cross-dresser, expressed via reference to the mythology of the demimonde, is clearly detectable within press narratives generated by the prosecution of Boulton and Park that expressed a persistent tension between the desire to shield the imagined feminine public from exposure to dangerous knowledge whilst simultaneously actively advocating the exposure of public vice (cf. *The Saturday Review*, 28<sup>th</sup> May 1870, *Reynolds*, 5<sup>th</sup> June 1870, *The Telegraph*, 30<sup>th</sup> May 1870 and *The Pall Mall Gazette*, 31<sup>st</sup> May 1870). Such tension ultimately saw editorials defer responsibility. The *Gazette*, for example, suggested that fathers should be 'obliged to keep their morning paper under lock and key' to avoid the possibility that 'the innocent should be exposed to the chance of having their minds polluted' (*The Pall Mall Gazette*, 8<sup>th</sup> June 1870). The *Review* went a stage further and argued that the Victorian

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<sup>100</sup> Beyond the prostitution literature produced by Acton and his contemporaries the threat of the demimonde was most clearly expressed in Eliza Linton's essay 'The Girl of the Period' that generated public outcry following its publication in the *Saturday Review* in 1868.

patriarch's only option was to 'burn the newspaper every morning after breakfast' (*The Saturday Review*, 28<sup>th</sup> May 1870).

The prostitute was not however the only public woman to be constructed as a challenge to bourgeois representations of natural femininity, nor was she the only public woman to which the performed femininity of Stella and Fanny would be equated. The 'girl of the period', the image of profaned femininity reflected in Linton's social commentaries, could equally be condemned for extending her influence beyond private feminine domesticity to the masculine public sphere. For Linton and other self appointed defenders of orthodoxy, it was not merely the 'innate purity and dignity' that defined the 'fair young English girl,' but her subservience to men. Femininity, therefore, depended upon the married woman's status as 'her husband's friend and companion, but never his rival' (Linton, 1883: 1). The profaned femininity of Stella and Fanny could be representative of more than the sexual commodification of the prostitute for the public woman could also be 'mannish' with the female agitator and political activist representing a challenge to hegemonic representations of femininity equivocal to that posed by the fallen prostitute. Within the constructed images of Stella and Fanny, the poles of deviant femininity can be seen with both the image of the prostitute and the women who advocated her cause by public opposition to the Contagious Diseases Acts collapsing into the image of the female personator. The 'shamelessness' of the male cross-dresser was equal to that of the 'unsexed females' who had founded the Ladies National Association for the Repeal of the Contagious Diseases Acts for each, albeit with differing intents, caused the publication of 'social scandals of the most revolting type' (*The Pall Mall Gazette*, 3<sup>rd</sup> June 1870). Just as the actual masculinity of Boulton and Park was contrasted with the natural masculinity of the jury so too was the performed femininity of the cross-dresser, a femininity expressed within the public sphere, contrasted with the natural femininity of an imagined feminine public with the images of the prostitute, suffragette and actress facilitating the presentation of the scandal of Stella and Fanny's visibility as a cautionary tale of feminine fall from grace.

## 5.4 Summary

By late May 1871, the ambiguities that had characterised the public and private gender performances of Boulton and Park had, with varying degrees of success, been rationalised within legal and popular discourse yet the crises of masculinity that they revealed remained. Both press and court universally condemned the 'outrages upon decency' (Anon, 1870: 1) that Boulton and Park's cross-dressing had precipitated, yet for the court, charged as it was with the resolution of the conspiracy indictment, establishing the indecency of the male cross-dresser was secondary to establishing if such indecency amounted to a conspiracy to commit an unnatural offence. By the time the jury retired to consider the key question on which the prosecution hinged, that is, did the defendants' letters and public performances indicate a conspiracy to commit sodomy, it was clear to all concerned that Boulton and Park were guilty of the gross transgression of social norms but, as the Lord Chief Justice remarked, the punishment of such transgressions was beyond the remit of the court. The court, he asserted, 'must not allow any indignation' towards 'such unmanly and disorderly proceedings to warp [its] judgment or bias [its] mind in trying the far more serious accusations against the defendants' (DPP 4/6). It was advice that jury clearly took to heart; they returned a verdict of not guilty on the 15<sup>th</sup> May 1871 after less than an hour of deliberation (Anon, 1871).

By associating sodomy with the private arrangements of Boulton and Park's bodies the anxiety caused by the infectious potential of the unnatural offender could be mitigated, for in the event that the defendants were found guilty then the 'plague' that threatened the 'serious contamination' of national morals (DPP 4/6) would be averted, and if they were innocent then London could not be 'cursed with the sins of Sodom, or Westminster tainted with the vices of Gomorrah' (DPP 4/6). The acquittal of Boulton and Park did not, however, render the cross-dresser free from 'sin' for the Lord Chief Justice asserted that the behaviour of the defendants 'irrespective of the suggestion of any ulterior sinister or odious purpose' was 'a thing which would offend every right-minded person of either sex' (DPP 4/6).

Freed from the taint of sodomy, Boulton and Park's behaviour remained deeply problematic, for their cross-dressing had placed them at the nexus of

Victorian gendered anxiety. Following their arrest the publicity generated by their lengthy prosecution had equated the transgressions of a small number of urban cross-dressers with the wider social and economic concerns of the bourgeoisie constructing the male cross-dresser as a profaned other whose actions highlighted the 'thing[s] which ought not to be tolerated' (DPP 4/6) and ultimately would not be tolerated.

Three weeks after their acquittal, Boulton and Park again appeared before Justice Cockburn to answer the indictment that they had 'disguised themselves as women...and thereby openly and scandalously did outrage public decency and offend against public morals' (KB12/99). It was an offence against public decency that had necessitated Stella and Fanny's arrest in April 1870 and, following the very public exposure of unmanly and unwomanly conduct during the felony prosecution, it was an offence that Boulton and Park could hardly deny. They pleaded guilty and were bound over for two years good behaviour (*The Times*, 7<sup>th</sup> June 1871).

For the press, the conclusion of the legal proceedings was a moment of conflicting emotion. They bemoaned the creation of a 'crying and entirely unnecessary scandal' whilst simultaneously asserting that the 'offenders' had escaped with impunity' (*The Pall Mall Gazette*, 24<sup>th</sup> July 1871). Although radical papers like the *Gazette* regarded the acquittal of the defendants as indicative of institutional incompetence and class-driven corruption, the majority of papers took a more practical view, a view that acknowledged the realities of the case. The 'real punishment' of the male cross-dresser was 'not their arrest, their examinations before a police magistrate, their trial at the Court of Queen's Bench', it was the fact that 'the follies they committed, the letters they wrote, the equivocal positions in which they voluntarily placed themselves, [had] been made public' (*The Telegraph*, 16<sup>th</sup> May 1871). It was publicity or rather visibility that had underscored Boulton and Park's immorality. Stella and Fanny had made the demimonde visible to respectable women and Boulton and Park, albeit unwillingly, had publicised the effeminacy and indolence of the urban bourgeois bachelor.

The visibility of the cross-dresser, therefore, was indicative of both transgression and punishment with the legal proceedings and press coverage



serving to reaffirm the boundaries between permissible and impermissible conduct. The outcome of the cross-dressed narratives of 1871 was, therefore, the construction of Boulton and Park as legally innocent but morally guilty, with the gender deviance inherent to their cross-dressed performances clearly interpreted as an amalgamation of the moral failings that underpinned female and male sexual transgression. The close of the legal proceedings of 1871 removed the direct taint of sodomy from the male cross-dresser but indirectly the culmination of both the legal and popular discourse was the construction of a stigmatised and profaned representation of the male cross-dresser. Boulton and Park, in the words of the Attorney General, had indeed come to represent 'Lais and Antinous in one' (DPP 4/6), the female prostitute and the effeminised male, sexualised folk devils (Cohen, 2002) for a beleaguered bourgeois masculinity.

## Conclusions

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Modesty of appearance and virtue in deed ought to be inseparable; and that no good girl can afford to appear bad under pain of receiving the contempt awarded to the bad (Linton, 1883: 4).

It is fitting that the press' accounts of the case of the he-she ladies that began in the theatre should end in one, or at least on the street outside one. In early July of 1872, just over a year after his acquittal for conspiracy to commit sodomy, Ernest Boulton had travelled to Aldershot to perform a series of evening entertainments. It must have seemed to Boulton the perfect comeback, a stage before a middle-class audience on which to relive the successes of his tour with Charles Pavitt in 1869. Times, however, had changed; Boulton's trial had, in part, seen to that. It was not the crowds of admirers who had showered Boulton with roses in response to his performance as Ernestine Edwards that waited at the entrance but a hostile crowd of townsfolk. According to *The Pall Mall Gazette* 'a regular row ensued' and Boulton made 'his escape as best he could' (*The Pall Mall Gazette*, 16<sup>th</sup> July 1872).

Boulton's performance had not changed but, through the public discourses generated by his prosecution, the symbolic meaning afforded to the male cross-dresser by his audience had shifted dramatically. Boulton, like Linton's 'girl of the period', had made the mistake of appearing bad and by connecting gender performance not to carnivalesque representations of deviance but to social transgressions that were intolerable to the bourgeoisie he now received 'the contempt awarded to the bad' (Linton, 1883: 4).

For many of the authors who have commentated on the case of Ernest Boulton and William Park in the years since the conclusion of their trial, the story of the he-she ladies is one that resonates with elements both comedic and triadic, a melodrama worthy of any Victorian stage and, like all good melodramas, it is underpinned by a moral message. For the majority of the existing historiography this message is inseparable from the melancholy fable

of Oscar Wilde's fall from grace. Viewed from the vantage point of the twenty-first century it is perhaps understandable that the stories of the patrons of the White Swan, of Jack Saul and the Cleveland Street boys and of Boulton and Park themselves have come to be seen as preludes to the final act of Victorian homophobia, Wilde's punishment 'the end towards which they had been heading all along' (Kaplan, 2005: 225). For authors like Bartlett (1988), Upchurch (2000) and McKenna (2013), Boulton and Park represent homosexual trailblazers whose vibrant expression of proto-queer culture was cruelly and predictably smothered beneath a shroud of Victorian hypocrisy, their acquittal understood in terms of repression and taboo. For others, like Weeks (1981) and Sinfield (1994), the story of the he-she ladies was staged before its time, its plot unintelligible before the passing of the Criminal Law Amendment Act that facilitated Wilde's disgrace and imprisonment. Regardless of the individual interpretations given to the legal and cultural responses to Boulton and Park's cross-dressing, the significance of the case within the nineteenth century histories of sexuality has ensured that theirs is a moral fable, like Wilde's own, that is inseparable from the discourses surrounding the emergence and regulation of homosexuality.

The intent of this Thesis was not to argue that Boulton and Park's inclusion within the history of homosexuality is misjudged, nor indeed to challenge their story's place amongst the other 'Victorian "tales of the city"' (Kaplan, 2005: 26). Rather it has been argued that the social and institutional responses to Boulton and Park's gender performances attest to more than nineteenth century constructions of sexuality. As this Thesis has demonstrated, the case serves as a lens through which the normative arrangements and formal regulation of gender, class, self and sexuality during the mid-nineteenth century can be brought into focus.

The social landscape that is revealed by the case is one riven by gender and class anxieties in which the cross-dresser occupied a unique position of both cultural possibility and crisis (Garber, 1992). It is this recognition of the cross-dresser as a figure capable of highlighting the myriad social anxieties of the period that marks this Thesis's contribution to the criminological and historical literature. Boulton and Park rightly occupy a place within the narrative histories

of the nineteenth century but as this Thesis has demonstrated the 'moral' of their remarkable story has largely gone unrecognised, obscured by the long shadows of Foucault and Wilde.

Linton's warning to 'the girls of the period' that opened this Chapter, although characteristic of her insufferable prudishness, is a far more apt moral summation for the case of Boulton and Park for theirs is a story that highlights above all else the importance of appearances. Harry Cocks (2003) has argued that by the end of the legal processes brought against Boulton and Park they appeared as 'figures of unnatural desire' (Cocks, 2003: 114). Whilst accepting Cocks' assertions that the links between sodomy and cross-dressing had been strengthened by the legal and popular discourses of 1870-1, as Chapter Five demonstrated, the 'unnaturalness' of Boulton and Park extended beyond the confines of male sexual deviancy to encompass the totality of bourgeois gendered anxieties.

One of the criticisms leveled against the existing historiography of Boulton and Park throughout this Thesis has been that the exclusive focus on male sexuality within the existing literature amounts to a selective myopia with regards to sexuality's place within the wider shifts of gendered constructs that occurred across the nineteenth century. This myopia is not limited to the histories of sexuality. Despite recent developments within the field the gendered histories of the nineteenth century remain fragmented, with scholars tending to focus on individual facets of gender formation such as the role of family (cf. Tosh, 2007), commerce (cf. Davidoff and Hall, 2002) or imperialism (cf. Hobsbawm, 1975). Whilst not seeking to underplay the significance of such approaches this Thesis, by employing a micro case study approach within a wider analysis of macro cultural developments across the eighteenth and nineteenth centuries, has demonstrated the utility of approaches to social history that recognise both the significance of the sequential analysis of broad cultural themes across historic periods and the symbolic interaction of specific moments in time (Corfield, 2006). This Thesis has drawn attention to the importance of an analysis of both the cultural norms that underpin the symbols of performance and the symbolic interactions of actor and audience. In doing so it has advanced the historiography in two significant areas by deepening

the analysis of male cross-dressing as a cultural form during the nineteenth century and by drawing attention to mid-Victorian gendered narratives and the anxieties that an exploration of such narratives reveal.

### **The Victorian Cross-dresser Reconsidered**

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The first area that distinguishes this Thesis' contribution to that of the existing literature on the Victorian cross-dresser is the emphasis placed in Chapters Two and Three on both the macro and micro significance afforded to gender performance during the mid-Victorian period. By adopting an approach that has considered both the wider cultural significance afforded to gender performance and the interpersonal dynamics of individual cross-dressed performances, as illustrated via Chapter Two's analysis of Boulton and Park's public cross-dressing, this Thesis has demonstrated the utility of an integrative approach to the study of conceptual and regulatory frameworks during a given historic period.

Far from a universal figure of sodomitic desire, the cross-dresser that has emerged from this Thesis's analysis of gender performance is revealed as a figure onto which could be written a myriad of interpretive scripts. Through an exploration of Boulton and Park's performances on the stage and in the stalls the complex symbolic arrangements of performance, space and interaction that governed the social and formal responses to the performance of gender during the nineteenth century has been revealed. Chapter Three's analysis of the cultural significance of cross-dressing demonstrated that the male cross-dresser, from the late medieval through to the late Victorian, continued to feature within a range of cultural contexts from his presence upon the theatrical stage to his adoption of female attire within the playful deviance of the carnival. Whilst the cross-dresser clearly maintained the potential to disrupt established hegemonies of gender, class and sexuality, through the exploration of the symbolic interactions of performer and audience, this Thesis has highlighted that male cross-dressing was both interpretable and permissible during the nineteenth century provided it conformed to an established set of performative rules. Such rules centered on the concepts of

the legible (Bailey, 1994), liminal (Turner, 1969) and carnivalesque (Bakhtin, 1984) have been demonstrated to establish a 'knowing' relationship between actor and audience in which the illusionary and temporary nature of the transgression of gender binaries was shown to neutralise the disruptive potential of the male cross-dresser.

The exploration of the symbolic interactions of legitimated gender performance also revealed the importance of space and spatial arrangements to the analysis of the Victorian cross-dresser. In Chapter Two, locating Boulton and Park's gender performances within the landscape of the mid-Victorian city highlighted the significance of the gendered myths of place that governed social categorisation and interaction within the metropolis. By acknowledging the ideological masculinity that permeated the public sphere this Thesis' reconstruction of Boulton and Park's public cross-dressing has highlighted the clear gaps in the current historiography of the case, demonstrating that within the public sphere, representations of female prostitution not male sodomy defined the constructed image of the cross-dresser.

By locating Boulton and Park within the social and spatial arrangements of the mid-Victorian period the failure of the existing literature to engage with the wider discourses of performance and gender has been brought into sharp relief. Before their arrest and prosecution in 1870 it cannot be credibly asserted that Boulton and Park and the other male cross-dressers of the period were clearly recognisable as figures of unnatural desire. Indeed, as Chapter Two demonstrated, if Boulton and Park were noticed they were constructed via the male gaze to occupy a social position attuned to the gendered place myths of the metropolis, a position occupied exclusively by the female prostitute.

The analysis of symbolic arrangements of gender performance that has been central to this Thesis' approach has also facilitated a more nuanced consideration of the mechanisms and significance of the regulation of transgressive cross-dressing that marks the second area in which this Thesis has expanded the current historiography of the nineteenth century cross-dresser. Chapter Four's review of the legal regulation of male cross-dressers during the nineteenth century reveals the range of legal classification into

which the transgressive cross-dresser could be placed. That Boulton and Park were not the first male cross-dressers to come before courts is significant for, as Chapter Four demonstrates, by the 1870s the consensus between press and magistrates was for the male cross-dresser to be constructed primarily as a problem of public order not private sexual predilection.

The picture that emerges is one that suggests that for press, court and the wider public the act of cross-dressing was not immediately relatable to images of male sexual deviance. Representations of imposture and carnivalesque deviance dominate the commentaries of the majority of cross-dressing prosecutions, a fact supported by the overwhelming employment of the Vagrancy Act for the resolution of such cases. As the place myths of the city were attuned to both imposture and the carnivalesque, the cross-dresser has been shown to have been readily relatable to a broad range of urban deviants that included, but were not limited to, the urban sodomite (Gunn, 2000, Cocks, 2003).

The Victorians' relationship with both cross-dressing and the male cross-dresser revealed by this Thesis is one of contradiction and continuity, conformity and deviance, enthusiasm and anxiety. Before the prosecution of Boulton and Park the cross-dresser was not relatable to a particular type of individual with the performance of gender firmly entrenched within both the stage and folk cultures of the nineteenth century (Ackroyd, 1979, Senelick, 1993, Baker, 1994, Suthrell, 2004). Whilst the cross-dressed performer retained his ability to disrupt established social hegemonies, marking him as a potential figure of deviancy and cultural crisis (Garber, 1992), as Chapter Two demonstrated, the presence of established normalising elements within the performative and spatial arrangements of the period suggest that the crisis and conflict were not the inevitable outcome.

As both a legitimated theatrical trope and an embodiment of the Victorian obsession with masquerade and social passing (Gunn, 2000, Sweet, 2002), cross-dressing's place within both Victorian culture and the culture of the Victorian city is one that suggests a degree of normative centrality that has been significantly underplayed in the existing literature. The tendency to locate cross-dressing within the marginal, as Chapter One demonstrated, again

stems from the prevailing assumption that the conception and control of male gender performance is inseparable from the conception and control of male homosexuality. As Garber (1992) has correctly noted Homosexuality has been 'the repressed that always returns' (Garber, 1992: 5) to the established analyses of male gender performance during the nineteenth century. By adopting a multidisciplinary approach this Thesis has broken with this tradition and as a result has demonstrated the significance of the interactionist approach to the reconstruction of Victorian conceptions of the male cross-dresser. In establishing an interactionist framework through which the formal and informal responses to gender performance can be interpreted the groundwork has been laid for the re-evaluation of the male cross-dresser's place within the social histories of the nineteenth century.

#### **Gendered Anxiety and the Profaned Cross-dresser**

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This Thesis has demonstrated that the social reactions to the body of the male cross-dresser can only be usefully understood in relation to the wider social and institutional ideologies of the period. Whilst the lay and expert discourses of sodomy that accompanied the prosecution of Boulton and Park in 1871 clearly resonate with some of the established tropes of effeminacy discussed in Chapter One, Chapter Five's exploration of such discourses has revealed that the transgressions of the cross-dresser intersected with a cluster of masculine anxieties thereby demonstrating the significance of the case to the analysis of the regulation of bourgeois gender ideologies.

Through the evaluation of the cultural and symbolic significance attached to Boulton and Park, sexuality has been demonstrated to be one of many themes that can be seen to have shaped bourgeois conceptions of society and self during the mid-nineteenth century. The trial of Boulton and Park has been shown to provide a site through which many of the fundamental certainties on which the bourgeoisie had constructed their social arrangements could be challenged and undermined. It has been argued that the cross-dresser is a figure of inherent possibility and crisis (Garber, 1992), one whose performance of gender could destabilise individual categories or the notion of category



itself. With the prosecution of Boulton and Park in 1870-71 this ability, although not overtly discussed within discourse, clearly underpinned the formal and social construction of the middle-class cross-dresser as a profaned other.

That the trial of Boulton and Park reveals many of the crises of masculinity that have been attributed to the late 1880s and 1890s (cf. Showalter, 1990) is significant, demonstrating that the attention paid to the scandal ridden close of the nineteenth century has to some extent eclipsed earlier legal and social commentaries that can add greatly to the understanding of the development of normative masculinity during the period. Whilst the concept of effeminacy, which has been afforded much significance within the histories of homosexuality discussed in Chapter One, emerged as the central construct through which the transgressions of Boulton and Park were interpreted its presentation within the current literature as a ubiquitous marker of homosexual desire has been shown to underplay the complex relationship between the concept and wider hegemonic representations of masculinity. By placing the analysis of the legal discourses that emerged during the prosecution of Boulton and Park within the broader context of Victorian cultural arrangements and gender relationships, this Thesis has advanced contemporary understandings of nineteenth century discourses of gender, masculinity and effeminacy.

Beginning with the construction of the body of the cross-dresser within discourse, whilst the majority of the testimony recorded at trial directly related to the physiological signs of sodomy, and as such can be seen to synthesise with the established discourses of the medical model identified by Foucault (1976), the positioning of effeminacy in relation to the cross-dressed body by expert witnesses reveals a tension between pre-existing assumptions, that tacitly linked femininity to the act of passive sodomy, and the increasing presentation of idealised representations of femininity and the female form within wider discourse (Nead, 1988, Bullough, Shelton and Slavin, 2006). In this regard it is significant that much of the discussion of the cross-dressed body was informed by reference to the profaned body of the female prostitute.

The notions of miasma and plague that underscored much of the pathological constructions of the male cross-dresser, whilst to some degree harmonising with established notions of the infectious potential of the sodomite within discourses (Kraft-Ebing, 1909, Cook, 2003, Robb, 2003), revealed that the trope of effeminacy when applied to the cross-dressed male was more closely attuned to the feminisation of the body than to the effeminising of male sexual character. The bodies of both Boulton and Park were juxtaposed with the constructed image of both the vital Victorian male and the profaned female prostitute resulting in a constructed effeminacy that encompassed both the narratives of disease and infection that defined expert conceptions of the female prostitute and older associations in which the act of cross-dressing was afforded quasi transformative potential (Bullough and Bullough, 1993, Senelick, 2000).

The medical discourses revealed during the trial of 1871 demonstrate the significance placed upon the body and the body's place within the wider social structure. The profanity of the cross-dressed body was ultimately constructed not in relation to effeminate sexual practices but rather in response to the perceived feminisation of the cross-dressed body. In this way Boulton's 'feminine' anus could dually insulate him from the accusations of unnatural sexual practice, by alienating his biology with representations of the female form that were incompatible with the image of sodomy, whilst simultaneously highlighting the unnaturalness of the feminised male body (Cohen, 1996).

Within both legal and popular narratives can be seen the construction of pathological representations of the cross-dressed body with the concept of effeminacy closely attuned to the ideologies of degeneracy and miasma. It is clear that much of this pathological discourse followed established constructions of the profaned sodomite but as Chapter Five demonstrated the cross-dressed body formed a gender nexus through which stigmatised aspects of both masculinity and femininity were manifested. It was the combination of representations of the male sodomite and female prostitute within the cross-dressed discourses of 1870-1 that facilitated the shift in focus from the body of the cross-dresser to the impact of cross-dressing upon the

body social, elevating the gendered crises of Boulton and Park's performances from the individual to the national.

As Chapters Three and Five demonstrated, by the mid-Victorian period the shift from a one to a two sex/gender model was firmly established resulting in the clear delineation between both reproductive and social roles along supposedly impermeable gender lines (Laqueur, 1992). For the bourgeoisie this gender division was manifest in a constructed masculinity that emphasised the importance of both economic and domestic capital and the clear division between public and private spheres (Weeks, 1989). Despite this binary separation it is clear that for the Victorians success in one sphere was dependent upon success in the other. Economic independence, frugality and stoicism in men were the necessary prerequisites of domestic stability that in turn provided access to a femininity that served as the moral and emotional bedrock of bourgeois social relationships.

The discourses surrounding the prosecution of Boulton and Park discussed in Chapter Five reveal a clear anxiety that the fundamental character of Victorian manliness had been eroded by a combination of reckless materialism and indolence. Such anxiety, which has more traditionally been ascribed to the closing decades of the nineteenth century (cf. Showalter, 1990; Mosse, 1996; Smith, 2004), saw the act of cross-dressing juxtaposed with the hegemonic representations of vital masculine traits. The correspondence of the defendants were located within the wider discourses of urban masculinities revealing concerns that both the economic and 'muscular Christian' ethos of the bourgeois was increasingly undermined by an emergent form of counter-masculinity embodied by the urban cross-dresser.

Within such discourses the act of cross-dressing, far from an expression of unnatural sexual desire, was constructed as the undesirable consequence of the libertinism of the urban bachelor whose rejection of the natural femininity of domestic relationships had ironically resulted in personal and social effeminacy. The emphasis placed upon effeminacy's connections with both economic irresponsibility and unmanly social relationships during the prosecution of Boulton and Park demonstrates that as late as the 1870s the

concept, although linked with sodomy, was not exclusively employed to denote male sexual deviancy.

The ideological complexities of mid-Victorian conceptions of both effeminacy and normative masculinity revealed by Chapter Five's analysis of legal and popular discourses again demonstrates the significance of the case to the current historiography of Victorian masculinity. As both the source of new social anxiety and a node around which existing anxiety could manifest, the male cross-dresser that emerges from this Thesis' analysis has been shown as the focal point for a sense of gender crisis that has previously been primarily attributed to the literary works of the *Fin de Siècle* (cf. Cohen, 1993; Smith, 2004) but is clearly manifest in the formal and popular discourses of 1870-1.

One of the most striking aspects revealed by Chapter Five's discourse analysis was the ideological deployment of images of femininity, both profaned and idealised, within both popular and legal narratives. The strategic use of the image of the prostitute and her antithesis, the angel of the home, to explore the meaning and consequence of the cross-dressed body provides further support for this Thesis' assertion that the systematic construction of a cross-dressed folk devil was one of the clearest examples of the policing of masculinity that underpinned formal and popular reactions to Boulton and Park's gender performances. The strategic use of an imagined femininity, both in the form of the imagined female prostitute and the imagined female public, again emphasises the sense of an embattled bourgeois masculinity for, as Mosse (1996: 53) correctly observes, Victorian 'men cannot be seen in isolation; women are always present in men's own self-image'.

The ideological barriers of the separate spheres that had been raised to support the binary two-sex model had necessitated bourgeois woman's exclusion from the public sphere largely as a result of the supposed fragility of the female psyche (Laqueur, 1992). The cross-dresser, through his direct intrusion into the private spaces allocated for women in the public sphere and his vicarious intrusion into the private sphere via the publicity afforded to his public performances, was perceived as a direct threat to bourgeois femininity

but crucially this femininity was constructed in line with existing patriarchal arrangements.

Filtered through the male gaze, anxiety surrounding the effeminate cross-dresser harmonised with the wider challenges posed to masculine hegemony by advances in feminine privilege (Weeks, 1989). Such challenges expressed via the 'girl of the period', Linton's prudish caricature of the public woman, represent bourgeois fear of the sexual vulnerability of the private woman whose potential to fall from grace posed a significant risk to bourgeois economic and social capital. By combining the image of the female prostitute and the female political activist with that of the male cross-dresser the cross-dressed narratives of 1870-1 can be seen to be underscored by the fear of the miasmatic corruption of bourgeois gender ideologies.

The prominence of such gendered narratives marks the trial of Boulton and Park as a significant milestone on the road towards modern conceptions of masculinity. Irrespective of legal outcome the construction of the profaned cross-dresser is clearly indicative of the policing of masculinity that began in the eighteenth century. Within the current historiography of nineteenth century masculinity two aspects of this policing have been focused upon: the increasing punitive regulation of homosexuality (cf. Dynes and Donaldson, 1992; Cook, 2007; Berkowitz, 2013) and the growing intolerance of male interpersonal violence (cf. Archer, 2000; Wiener, 2004; Wood, 2004; Godfrey, Farrall and Karstedt, 2005). That both areas are significant is not in question but, as this Thesis has demonstrated, the analysis of the policing of gender transgression and its conceptualisation via the discourses of effeminacy offers further opportunity to unpick the complex social and ideological formations integral to the evolution of modern bourgeois masculinity.

### **Final Thoughts: The Importance of Being Ernest**

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By late 1873, faced with increasing hostility, it seems that even the irrepressible Boulton had realised that, for him at least, cross-dressing was no

longer socially or economically viable.<sup>101</sup> In the spring of 1874 he boarded a steamer for America where, free from the hostile atmosphere of late Victorian England, he again donned corset and crinoline and forged a relatively successful vaudeville career under the stage name of Ernest Byne (Senelick, 2000, McKenna, 2013). To what extent did he leave an England that had been altered by the unprecedented publicity of his trial? As the regulation of male cross-dressers between 1871 and the passing of the Criminal Law Amendment Act 1885 or the conviction of Wilde in 1895 was beyond the remit of this Thesis all that can be offered here is speculation. Articles in the theatrical press would seem to suggest that the public had lost its taste for theatrical cross-dressing post 1871 but such assertions do not seem to have impacted upon cross-dressing within the context of the ever popular pantomime or in the more working class orientated music halls (Senelick, 2000). That the publicity surrounding the case will have impacted the practice of non-theatrical gender performance seems likely but again establishing if, as the Victorian press asserted, this impact was manifest in a decrease in public cross-dressing or, following Foucault's (1976) thesis, an increase in self-identified cross-dressers is the subject for future research.

The significance of the case of the He-She Ladies in terms of its impact upon cross-dressing as both a legitimate and illegitimate social practice therefore remains open for question. What is clear is that the prosecution and its associated publicity did attest to the increasing reactionary policing of bourgeois conceptions of masculinity during the mid to late nineteenth century. The anxieties that underpinned the prosecution pre-dated the 1870s and as such it has not been argued here that cross-dressing instigated novel forms of cultural crises. Rather the unprecedented publicity that accompanied the Boulton and Park case combined with the cross-dresser's ability to unite previously disparate strands of deviant discourses, like those of the female prostitute and male sodomite, represented a rare moment in which the totality of bourgeois anxiety was manifest.

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<sup>101</sup> Press reports of Boulton's theatrical performances from 1871 onwards were universally negative (cf. *Hampshire Telegraph*, 5<sup>th</sup> June 1872, *Hampshire Advertiser*, 15<sup>th</sup> June 1872; *Birmingham Daily Post*, 17<sup>th</sup> June 1872; *The Pall Mall Gazette*, 18<sup>th</sup> October 1873).

As Chapter Five argued the acquittal verdict is largely incidental when considering the broader significance of the case. That the construction of the profaned cross-dresser endured and was sustained beyond the connections between effeminacy, cross-dressing and sodomy reinforces the significance of the prosecution of Boulton and Park within the wider evolution of culturally constructed concepts of masculinity during the nineteenth century. Whilst it would be unwise to overstate the significance of a single historic event in the shaping of social and ideological arrangements of the nineteenth century<sup>102</sup> it is clear that Victorian legal processes operated as one of the key sites through which normative consensus was achieved (Davis, 1984, McLaren, 1997).

Occurring during a period of heightened social, moral and gendered anxiety in which the final configurations of the two-sex model stigmatised male emotional tenderness and materialism and preferenced emotional stoicism, vocational vigor and muscular morality the trial of Boulton and Park was one such site through which hegemonic representations of normative gender identity and the consequences of nonconformity were asserted. The moral of the story of the He-She ladies, for the Victorians at least, was not expressed solely in terms of male sexual deviancy. The ideological and discursive arrangements apparent in 1870-1 demonstrate that, above all else, the urban cross-dresser was condemned for failing to realise the importance that was placed on being earnest.

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<sup>102</sup> For example of this critique see Paglia's (1994) assessment of Foucault's approach to history.

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