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LITERATURE, LAW AND PSYCHOANALYSIS

The Transference and the Case of Sacco and Vanzetti

Michael Mayo

Worcester College, University of Oxford, UK

Michael.mayo@worc.ox.ac.uk

The 1927 trial and execution of the anarchist immigrants Sacco and Vanzetti in Massachusetts offered a complex and conflicted template through which contestations of the moment—between the working classes and capitalists, certainly, but also between traditional versions of whiteness and mass immigration from southern Europe; between Boston Brahmin women and men; between the competing visions of America as a project of constitutional democracy and as a white, Protestant nation—were projected onto the global stage, leading to protests and riots around the world. This piece uses the psychoanalytic concept of the transference to explicate the ways in which these legal contestations turn into libidinal investments in literary form—with all the phantastic satisfactions and resistances such textual investments entail. It uses focused close readings of four texts responding to Sacco and Vanzetti: Upton Sinclair's *Boston: A Documentary Novel* (1928), Edna St. Vincent Millay's 'Justice Denied in Massachusetts' (1927), William Carlos Williams's 'Impromptu: The Suckers' (1941) and John Dos Passos's *USA Trilogy* (1938) to trace how the psychoanalytic transference operates to create meaningful, if ultimately unsatisfying, political and juridical positions. It concludes by proposing, briefly, that this literature of the Sacco and Vanzetti case offers a model for thinking about how the literary transference might be effective in bringing about political change.

Introduction

In his analysis of Virginia Woolf's *Mrs Dalloway*, J. Hillis Miller writes that '[t]he most important themes of a given novel are likely to lie not in anything which is explicitly affirmed, but in significances generated by the way in which the story is told' (1982: 176). If that is the case—that literary *form* is what generates significance far beyond whatever content it may seem to deliver—then examining the movements between 'formless' historical occurrences and 'formed' literary products will illuminate the ways in which this literary power operates, both on the individual reader of such texts and on the social relations that take shape upon them. By looking at contemporary literary responses to the case of Sacco and Vanzetti, two Italian immigrants to the US who were executed for murder in 1927, we can begin to trace these movements from one textual form to another, from disparate historical events to artefacts with their own pleasures and power. We might begin to understand what satisfactions and pleasures emerge from a given text—in Miller's phrase, the 'significances generated' by its form—drawn from a complex case that generated vehement, international reaction. And we may also come to see the limits of such textual pleasures, and why each text seems to require new responses, in new literary forms.

This essay examines the dynamics of these movements as literary texts emerged from one small-town act of violence that grew into a global sensation; these texts produced acts of protest, repression, and violence, all of which required textual responses of their own. I will argue that in these texts related to a single legal case, in the desire to *write justice*, what moves us from one text to another is the psychoanalytic transference. In every form—police reports, court transcripts, news items, editorials, pamphlets, edicts, novels, and poems—there exists a fantasy of completeness, of getting it right and resolving a conflict. This desire for wholeness, for *adequation*, particularly on such fraught, passionate, contradictory, legal terrain, is a function of the transference. Nothing quite fits, nothing closes the case, and the search for words that will 'do justice,' resolve contradictions, and return us to sleep persists—even, in the case of Sacco and Vanzetti, to this day.

Background

Nicola Sacco, a shoemaker, and Bartolomeo Vanzetti, a fishmonger, emigrated from Italy to Massachusetts in 1908. Both were anarchists, publicly espousing a politics not uncommon among the growing Italian immigrant community, a community which numbered more than four million in the United States at the turn of the twentieth century.¹ On 15 April 1920, in the town of South Braintree, just south of Boston, two men carrying a payroll of nearly \$16,000 cash were robbed and killed; the murderers hopped into a getaway car and escaped. Seven years later, in 1927, Sacco and Vanzetti went to the electric chair for the crime. Between the Braintree robbery and the execution, a complex, internally embattled narrative slowly developed, extending beyond small-town Massachusetts until the summer of 1927 saw massive demonstrations of solidarity across Rome, London, Lisbon, Montevideo, and other cities around the world. Cities across France rioted; an explosive in Paris killed twenty, and the US embassy had to be surrounded by tanks.² One of the jurors in the case had the front of his house blown off by a bomb; the judge's house was later bombed as well.³ Protests intensified as the day of the execution approached, and, as there was widespread hope for a reprieve, they continued until the moment the switch was pulled. The funeral of Sacco and Vanzetti brought 10,000 mourners and a procession of 200,000. Will Hays, chairman of the Motion Pictures Producers and Distributors of America (and soon-to-be architect of the Hays Code), ordered all

¹ See Wirth (2015), p. 94, *passim*.

² See de Dijn (2009). The *Spectator* of London wrote, 'In London on Wednesday night about ten thousand people marched to the American Embassy. As they refused to disperse, the police, mounted and on foot, made charges. About fifty persons were injured, but... [the police] behaved with their usual patience.' (13 August 1927). A front-page headline in the *New York Times* of 25 August 1927 read: 'PARIS POLICE CRUSH NEW RED OUTBREAK; RIOTS IN PROVINCES; Damage 4,000,000 Francs.'

³ A front-page headline in the *New York Times* of 17 August 1927 read: 'STATE HIGH COURT HEARS SACCO PLEA; BOMB WRECKS HOME OF JUROR IN CASE.' See also the front-page story of 28 September 1932: 'BOMB MENACES LIFE OF SACCO CASE JUDGE; Thayer Escapes Injury, Wife and Maid Hurt, When Home Is Partly Wrecked. BLAST LAID TO DYNAMITE Guards Are Assigned to Gov. Fuller and Head of Harvard After Worcester Explosion.'

copies of any film of the funeral destroyed.⁴ This long, scandalous case offers fertile ground for tracing the ways that historical events develop into multiple textual modes: how do we move from a small-town robbery to worldwide protest, and how do texts manage and amplify those movements?

In this era of mass immigration to the US from southern Europe (whose population would not be considered 'white' in America for some decades), as well as the era of the first Red Scare (following the Russian Revolution), one might well expect indications of bias and racism.⁵ Indeed, the development of the case over those seven years appeared, to many observers, startlingly outrageous on its face, ripe for vehement protest: the men had not fled the area, they had no criminal record, police could not find the stolen cash, the prosecution's witnesses were threatened and changed their testimony multiple times, another man confessed to the crime, and the judge showed open contempt for these non-white immigrant pacifist anarchists who had refused to fight in the First World War. Further exculpatory facts continued to emerge over the course of the trial and the appeals for a retrial, as well as during deliberations of the governor's special commission (composed of local WASP luminaries, including the presidents of Harvard and MIT) to investigate the case weeks before the scheduled execution. These emergent materials provided for the constant production of pamphlets, editorials, and news reports in publications around the world.

But the issues at hand were more complex and less easily legible than this account would suggest. To begin with, multiple factors confounded any clear claims of innocence. For instance, the men declared themselves pacifists, but at their arrest they were carrying guns. As ballistic evidence would later show, Sacco, at least, might have been involved in the crime after all.⁶ The men retracted the statements they

⁴ See Young and Kaiser (1985), p. 6. See also the *New York Times* of 29 August 1927: SACCO AND VANZETTI FOLLOWED BY 7,000 IN BOSTON FUNERAL; Nearly 200,000 Watch Paraders – Mounted Police Charge at the Cemetery. MARCHERS MAKE THREATS; American Flag is Torn to Shreds During Demonstration in London.'

⁵ See Roediger (2005), Wirth (2015), Guglielmo and Salerno (2003), and Jacobson (1998).

⁶ See Reed (1960).

made at their arrest, claiming (perhaps correctly) that the police had not at the time made the charges clear, in plain English.⁷ In addition, the anarchist defendants often refused to participate in their own defence, as it would legitimize what they saw as the illegitimate state. They even refused to help their legal team expose others' obvious criminality if it would lead to anyone else's arrest.⁸

What made the legibility of the case so unusual was that the parties for and against Sacco and Vanzetti did not quite line up along typical ideological, political, or socio-economic lines. Boston was one of the few, older American cities that had something like an aristocracy—the 'Boston Brahmins' of old money and old families tracing their lineage back to the radical Puritan origins of the city. While the police (largely Irish-American, descended from immigrants who themselves had a history of dispossession both in Ireland and in the US) and much of the bourgeoisie (largely white) believed in the defendants' guilt, a significant part of that 'aristocracy' read the Sacco and Vanzetti case as part of the city's (and their families') history of revolutionary independence and the abolition of slavery.⁹ Boston saw an alliance between non-white anarchist immigrants and many of the bluest-blooded women and men of America.

These alignments were reflected in contemporary publications about the case. The leftist press unsurprisingly took up the defendants' cause. The journalist Michael Gold, for instance, offered a rather mythic defence in *The New Masses*: Sacco and Vanzetti were 'a legend for millions of fishermen, coolies, peasants, miners, steel workers...war cripples, hounded girl prostitutes, prisoners, negro slaves, poets,

⁷ See Frankfurter (1927), who points out that upon arrest, the defendants did lie to the police, under the false impression they were suspects in a different, political crime.

⁸ See Colson (2014), who writes of the 'anarchist paradox': the defence's 'sublimation of Vanzetti's political beliefs to strategic exigency' was an effort not only to clear the men of murder but to influence 'the state's decisions, rather than [to challenge] its validity,' p. 957.

⁹ Arthur M. Schlesinger describes a later version of this blue-blooded alliance, when in 1947 'a group of distinguished citizens, including Mrs Franklin D. Roosevelt, Albert Einstein, Herbert H. Lehman, Dean Wesley A. Sturges of the Yale Law School, and Provost Paul H. Buck of Harvard University, offered to the Commonwealth of Massachusetts a bas-relief plaque of the two Italians...for erection on Boston Common, but the Governor to whom fell the decision considered that public opinion in the state was still too divided to justify acceptance.' See Jouglin and Morgan (1978 [1948]), p. xii.

Einstein, Barbusse, able-bodied seamen and Jewish tailors' (1927: 7). Early editorials in the city's daily newspapers, on the other hand, argued for the defendants' guilt. The historian Francis Russell, who was a child in Boston at the time, describes the general alignment of readership: 'If one was middle-class and Republican and read the *Herald* mornings and the *Transcript* nights, one thought Sacco and Vanzetti guilty. Any latent doubts subsided after President Lowell of Harvard issued his report [upholding the conviction]. But if one was a university liberal, one tended to think the trial unfair, and if one read the *Nation* or *New Republic*, one was sure they were innocent' (1962: 2).

But the sober, upper-class *Atlantic Monthly*—which started as an abolitionist magazine and whose founders read like a directory of Brahmin names: Emerson, Lowell, Longfellow, Holmes, Cabot, et al.—published one of the most significant contemporary texts on the case, a lengthy defence of Sacco and Vanzetti. In this defence, Felix Frankfurter, a Jewish immigrant, Massachusetts judge, professor at Harvard Law School and soon-to-be Justice of the US Supreme Court, railed against the Brahmin judge in the case, Webster Thayer: 'Judge Thayer's opinion stands unmatched...for discrepancies between what the record discloses and what the opinion conveys. His 25,000 word [defence of the trial process] cannot accurately be described otherwise than as a farrago of misquotations, misrepresentations, suppressions, and mutilations.' (Soon after publication of Frankfurter's article, the Massachusetts Attorney General authorized a wiretap on Frankfurter's home telephone.)¹⁰ The case's breadth of coverage and the impassioned rhetoric of its texts thus politicised many people who otherwise had little interest in politics. Thousands became activists overnight.

The scope of the case, then, grew far beyond the question of guilt regarding the two men. The case provided for the emergence of deeper conflicts at the heart of American culture. As is often the case in the US, foundational conflicts of race, immigration, violence, and justice turned into a question of national ontology:

¹⁰ See article from John Adams Courthouse Law Library (2020), accessed 30 January 2020: <https://www.mass.gov/info-details/sacco-vanzetti-the-madeiros-confession-felix-frankfurter#felix-frankfurter>.

What is this country? Would establishment America, and would Boston—the actual ‘city on a hill’ from American mythology—assimilate a massive influx of non-white immigrants, many of them radicals opposed to the system as it stood, treating them as freedom-seekers equal under the law? What would be the next chapter in the self-regarding narrative of the city and country as centres of conscience and revolution? These questions were asked explicitly. The outcome of the Sacco and Vanzetti case would provide the answer.

Transference, Trauma, Law

These ontological questions were narrative ones as well. Any attempt to understand a historical event such as the Sacco and Vanzetti case will necessitate a narrative frame, that is, a basic structure of *causation over time*: where we are now, how we got here, and where we are going. Implicit assumptions, either individual or social, maintain the narrative frame until it begins to fall apart under the stress of both external facts and internal contradictions, and a new version must emerge to take its place. Importantly, these assumptions are not merely logical or historical. What concerns us here is that they are *pleasurable*. This narrative form of understanding therefore has something to do with pleasure, with desire, and with aesthetics—the ‘significances generated,’ as Miller puts it, by the form of the narrative frame itself. As we follow the series of narratives from a murder in South Braintree to riots around the world, we focus here on the pleasures these narratives bring. What positions do they offer their readers, and what conflicts do they seem to overcome? This confluence of pleasure, position, and imaginary solution is the site of the psychoanalytic transference.

Freud called ‘the transference’ his most important insight, and over the course of his career he came to see it as the prime method of psychoanalysis. In analysis, the transference occurs when the patient screens unconscious thoughts and affects onto the therapist, until what had begun as a typical, conscious conversation becomes a repetition, even an enactment, of repressed materials straining against their repression. The patient, for example, will come to resent the therapist the way he resents his mother; his defences against the therapist’s work will echo his defences against his mother; the therapist will offer interpretations of the patient’s behaviour,

and together they can explicate this material. At its height, the patient's transference can reach a fever pitch, and the psychoanalytic literature is full of para-psychotic moments when the patient momentarily loses touch with reality and brings trauma into the room, reliving it so he can, for the first time, make it conscious.¹¹

But Freud also argued that the transference occurs in all social relations. Every relationship involves, to a greater or lesser degree, each party's pleasurable misrecognition of the other: our perceptions of one another are shot through with unconscious desire, with repetition of repressed materials.¹² What follows, then, is that our relations are shaped and determined by unconscious desire *before* we even begin to 'recognise' them as external and real. Desire organises reality in advance into something we will find pleasurable—familiar, satisfying, ordinary, obvious, and true. Clearly, unconscious bias helps explain partisanship, which explains why, for instance, a subject might believe in the guilt or innocence of Sacco and Vanzetti before many, or any, facts are known. But the theory of the transference, in its claims about pleasure, goes further than a theory of 'reflection,' in which we choose narratives that reflect our pre-existent politics or beliefs, thereby excluding any extraneous data to prevent cognitive dissonance. While such cognitive dissonance may indeed be painful, such a framing originates at the level of *cognition*—that is, within an ideology that opposing thoughts can be reconciled through reason, and can therefore be sufficiently freed from desire. This is the ideology, of course, on which law and constitutional democracy rely.¹³ But it fails to account for the pleasure generated psychically investing in *both* opposing thoughts, in the fantasy this

¹¹ See Freud (1925): 'The transference is made conscious to the patient by the analyst, and it is resolved by convincing him that in his transference attitude he is *re-experiencing* emotional relations which had their origin in his earliest object-attachments during the repressed period of his childhood. In this way the transference is changed from the strongest weapon of the resistance into the best instrument of the analytic treatment. Nevertheless its handling remains the most difficult as well as the most important part of the technique of analysis.' (43).

¹² Freud writes in the same essay: 'Transference is merely uncovered and isolated by analysis. It is a universal phenomenon of the human mind, it decides the success of all medical influence, and in fact dominates the whole of each person's relations to his human environment.' (42).

¹³ As Goodrich (1995) notes, Aristotle describes law as 'wisdom without desire' (x).

constellation of beliefs might bring, no matter how illogical or painful they might be; this pleasure might well override any relief from cognitive dissonance.

The transference accounts for these pleasures generated by incongruity and contradiction. In this frame, social understanding will always be bound up with desirous, libidinous misrecognition, a misrecognition that will not only conflict with external reality but will be shot through with unconscious materials, will be internally conflicted, and will seek to relieve these conflicts with new libidinous, pleasurable misrecognitions in turn. For those accustomed to the smooth operation of reality—perhaps Russell's university liberals, who critique the handling of the Sacco and Vanzetti case as 'unfair' but otherwise believe in the integrity of the institutions—this constant misrecognition and pleasure-generation will largely remain invisible. But when this transference process is radically disrupted, it can be experienced as shock or trauma, and new coordinates must be found—by the making of more transference material, of more narrative. The settled 'wholeness' of any social understanding will always have a cost which must elsewhere be paid. This cost becomes particularly acute when it enters the discourses of law and justice, realms where stark decisions must be made as to who will bear that cost and who will pay that price.

Peter Goodrich (1995) traces a disjunction in the law back to what he sees as the founding trauma of Western law itself, the moment the worship of the idol Osiris and other material, symbolic 'figures of thought', were replaced with the written Ten Commandments. This traumatic alienation (from the material presence of an idol into the discursive absence of the Law) repeats across history, for instance, with the Reformation's emphasis on written texts to oppose the 'ornaments of Rome,' and again with the development of common law in England, turning common, material custom into a system of rules. Material reality, subjective desire, and other contingent elements of lived experience are drawn under the regime of rules, reason, and words: as Goodrich notes, '[W]hile law is always a governance of thought..., it also constitutes itself upon an unthought—upon custom, repetition, and repression' (x). Indeed, he argues that the entire legal process is marked by a melancholy and rigidity stemming from the loss of this 'unthought'—'Is it possible...that the positive imagery

of law, the dreams of order, science, reason, and justice are simply the melancholic lawyer's projection to cover the lack of reason, system, and justice in a common law composed of infinite particulars, of precedents, customs, statutes, and other contingent and specific rules?' (8).¹⁴ Where totality was once present and available in the form of idols, symbols, local custom, and individual acts, under the regime of written law, judgement is not only rationalized but elsewhere, understood not by obvious, visible presence but through systems of hermeneutics orientated towards a transcendent but hidden truth.

Wai Chee Dimock (1996) also attempts to dismantle the presumption of a transcendental understanding of law—the fantasy of a hidden, consistent structure, represented by the 'conceit' of the scales of justice:

For it is this conceit, with its attendant assumptions about the generalizability, proportionality, and commensurability of the world, that underwrites the self-image of justice as a supreme instance of adequation, a "fitness" at once immanent and without residue, one that perfectly matches burdens and benefits, action and reaction, resolving all conflicting terms into a weighable equivalence (1).

This 'dream of objective adequation,' as Dimock puts it (6), will leave 'residues unsubsumed and unresolved by any order of the commensurate' (5). Similarly, Shoshana Felman (2002) examines such 'residues' of the incommensurate in her examinations of the sensational trails of Adolf Eichmann and O.J. Simpson. Echoing Dimock's frame of adequation, she writes that the law produces 'an epistemology which subjects disparate terms to a uniform reckoning' (3). She writes,

the law—traditionally calling for consciousness and cognition to arbitrate between opposing views, both of which are in principle available to consciousness—finds itself either responding to or unwittingly involved with

¹⁴ Goodrich argues that this process is gendered as well, noting that as the law denies its own sources, it denies its creativity and femininity (223).

processes that are unavailable to consciousness or to which consciousness is purposely blind. What has to be heard in court is precisely what cannot be articulated in legal language (4).

The law's repression of the violence involved in its own development, its 'history of advocacy, polemic, and denunciation' hidden behind its theatre of rationality, means that these repressed elements will return as traumatic repetition within the processes of law itself (Goodrich 14). As Felman writes, law tries to manage trauma, but uncannily, via the processes of law itself, trauma will often return: the judicial blindness repeats the blindness of the culture that produces the system of justice in the first place, and the trial 'inadvertently performs an acting out of it' (5).

The Transference and The Case

In a 1931 commentary on the case in the *University of Pennsylvania Law Review*, published shortly after the execution of Sacco and Vanzetti, jurist Francis Biddle considered the role played by the law in the psychic life of the nation:

The sense of justice regulates [an] equilibrium. ... When justice miscarries, the equilibrium gives way and the unconscious instincts are unchained. ... The introduction of the jury, the rough psychological admission of 'motive' in crime, the modern use of the 'expert' psychologist, is a recognition of the inadequacy of the law, unscientific and futile, in the face of the rigid classification of crimes. (147)

What we want out of a contradictory mess of facts and events like the Sacco and Vanzetti case is a restoration of this pleasurable equilibrium, of obviousness, of adequation, of an untroubled transference that will manage contradiction. But as Dimock, Goodrich, and Felman point out, a narrative bound to 'the truth' of the juridical regime requires repression and interpretation: motives must be imputed, crimes must be categorized, and evidence must be interpreted to find a hidden truth.

The truth is indeed elsewhere, which means the transference is at work: 'As soon as the subject who is supposed to know exists somewhere...there is transference'

(Lacan 1986: 232). We might think here of Fredric Jameson's claim that the detective story is 'a way of organizing essentially plotless material into an illusion of movement' (2016: 12). Such narratives give a sense of causality and ultimate explanation, and it is therefore evidence of the transference: there is a secret, an Other who knows, a transcendental truth that will lead to 'objective adequation' and enough resolution of the tension to 'rechain' instincts and return the body politic to rest. The events would have to be arranged into a sense of causality, 'an illusion of movement,' with a subject somewhere who knows.

What disappears from the frame of transcendental justice, in the 'judicial blindness' Felman describes, is the enjoyment, the *jouissance* engaged by this fantasy of knowledge—of the truth, the whole truth, and, most importantly, *nothing but* the truth. Using Biddle's examples, we can see transferential processes at work in the ordinary operations of trials themselves: in the introduction of juries, motives, 'probable cause,' and other legal constructs and procedures we might identify a way of addressing the Other—a way, for instance, of looking at a gun and body and seeing 'first-degree murder,' of looking at a university president and seeing a 'sage jurist,' or indeed of turning a trial into a cause. All such interpretations, even (or especially) in the quest for 'impartial justice,' involve a *desiring* interpretation of what is not quite there, and therefore gives rise to the transference, with its unconscious desires, identifications, and perverse enjoyment.

Jodi Dean describes a similar transferential shift, between 'crowds' and 'party,' in her book of that same title: 'As gratitude, prestige, imitation, and *identification* demonstrate, leaders are means through which the crowd *feels and enjoys itself*' (2016: 182, emphases added). And this common transferential enjoyment can transform the meaningless 'crowd' into the meaningful 'party' – a group of people with common, pleasurable cause against their enemy. The Sacco and Vanzetti case clearly involved such enjoyment in leaders, as literal crowds organized to elevate the police, the governor's commission, the pro-execution establishment, and still others (perhaps the most heterogeneous group) the defendants. These parties were not merely organizing around pre-existent ideologies; instead, as Dean's definition

works out, it went beyond reasonable categories of belief or decision. They were involved in a dynamic process of political formation marked by enjoyment, working to counter psychic harm.

Such formations will present in a process of social trauma, when, as Dean says, something has happened but is not yet realized: 'It's not that this something is or is not there. ... Rather, the unrealized makes itself felt; it exerts a pressure' (2016: 183). This 'something' will by definition be perceptible only by its symptoms—by the uncanny disturbances and pleasures to which it gives rise. One plausible hypothesis in the Sacco and Vanzetti case is the background shock of mass migration, which structurally mirrors trauma as first posited by Freud in *Beyond the Pleasure Principle* (1920): as the overrunning of a membrane protecting the psyche. But, as we will explore in the discussion of Sinclair's *Boston* below, even anti-immigration activities can be understood as symptomatic themselves, riven by a deeper, less coherent conflict behind it: the millions of non-white Europeans arriving in the US came at the behest of white capitalists who needed them for cheap labour. To find 'fault,' origin, or transcendental 'adequation' here in global economics is notoriously difficult, of course, and sets a number of incommensurable discourses against one another, including white nationalism, constitutional democracy, and capitalism.

What makes the Sacco and Vanzetti case so compelling in this regard is its inability to find a stable transference fantasy to manage these disruptions; in the end, the brazen display of sheer power, and the brazen failure of 'rational discourse' to gain meaningful traction, shook the liberal fantasy of commensurability under the law itself. As many of the texts produced in response to the case demonstrated, the rupture of this fantasy trades Goodrich's legalistic melancholy for social terror: insecurity, the evacuation of meaning, the emergence of brute force and death. This drive toward narrative coherence is, under such circumstances, not hard to understand; indeed, the idea that the events of this case would have *no* significance—from the first deaths to the last—would be unbearable, even sociopathic.

What becomes necessary are alternative ways of managing these disruptions, of encountering these failures, and of adequately *representing* that which cannot

be adequated to produce meaning. Desire—that which, in Goodrich's frame, is blocked in the movement from material, present idols to written, absent law—needs somewhere to go. It needs significance, not with yet another set of facts, but, as Miller puts it, significance from the way this story is told: its *literary form*. While factual and persuasive writing appeals to the transcendental Other of justice, of *objective* adequation, literary texts operate in a different field, working in the very dimensions where such claims to knowable truth fail. As Felman argues, literature takes place in the unconscious domain of the encounters between law and trauma: literature 'encapsulates not closure but precisely what in a given legal case refuses to be closed and cannot be closed' (8). Given the unconscious conflicts involved in the Sacco and Vanzetti case—the social traumas and contradictions of incomprehensible scale—and the futile attempts to solve these contradictions and heal these traumas through appeals to objective truth, in the next section I will show how writers of the era produced texts to give these frustrated desires a place to go and enjoy.

Literary Justice

Louis Joughin and Edmund Morgan's 1948 *Legacy of Sacco and Vanzetti* counts 144 poems, seven plays (including a radio play), and nine novels related to the case. As Arthur M. Schlesinger puts it in his introduction, the production of this literary material 'shows how society...rendered its own verdict on the case' (xii). This survey, Joughin and Morgan note, reveals a curious trend: 'not one poem has been discovered which supports the authorities and condemns the men. Why there should be this complete absence of any voice from the majority of the citizenry is genuinely puzzling' (384). In what follows, we will consider two of those poems, as well as two of the novels, engaged in this literary rendering of a 'societal verdict,' shaping their formal properties in ways that give rise to transference, troubled enjoyment.

Upton Sinclair's 1928 *Boston: A Documentary Novel* is a strange masterpiece: part fiction and part non-fiction, it was begun (Sinclair writes) on the day of Sacco and Vanzetti's execution. Researched and published in under a year, it offers detail after outrageous detail about the case. Joughlin and Morgan make the case for its status as a historical novel:

Boston contains a thorough review of almost all the important features of the Sacco-Vanzetti case. It is accurate in detail to the degree that one would expect of a scientific study, and it has qualities of proportion in its judgments which indicate careful thinking. This combination of completeness, accuracy, and penetration places *Boston* in the first rank of historical novels (448).

Such praise is perhaps surprising for a text with an unabashedly partisan narrator and which is told at breathless speed for over seven hundred pages. One relatively unimportant quotation gives the sense of this narrative voice: describing one of the patrician bankers, it tells the reader, 'Do not let his social charm fool you. Underneath the "Harvard manner" there was a wolf. He would nose among the banking secrets of Boston ... never resting till he had drunk the last drop from [his debtors'] veins' (1928: 97). Such flagrant, raging appeals take the reader far from the liberal 'dream of objective adequation' and its scales of justice. The content of the novel is just as motivated: the premise is that the Brahmin widow of a former governor of Massachusetts, Cornelia Thornwell, has become so disgusted with her money-grubbing family that she becomes 'the runaway grandmother,' hopping on a train and falling in with a lovely Italian community in Plymouth, where she finds work in a factory, learns the evils of capitalism (including the evil done by her erstwhile friends), and meets the angelic Bartolomeo Vanzetti. As Vanzetti is unjustly accused of murder, and as he is sentenced to the electric chair, Cornelia moves from complacent non-partisan to bemused but faithful liberal and then to furious radical. When it comes to the 'identification' dynamic of the transference, Sinclair's strategy could not be more clear: Cornelia is an extremely attractive heroine, a sweet, idealistic, noble granny coming into her own. Her social position allows her access to all players in the case; she is a boarder in an Italian flophouse, but she can also storm into the governor's office and be heard. (She also knows exactly how to win every argument, a deeply satisfying fantasy that modern-day social media warriors can appreciate.) Cornelia offers a secure, reasonable, charismatic site for 'feeling and enjoying.'

Both content—the onslaught of outrageous facts, the charisma of heroes and villains alike—and form—the narration, the speed, the scope and length of the tale—lend themselves to a secure transference. And yet the sheer bulk of *Boston*, aligned with its attempt to be faithfully ‘documentary’ at the same time, suggests a fantasy that getting *every* detail into the book will close or solve something, will address the totality and take us to that Archimedean point that we need to comprehend the case. The amount of strenuous effort that Sinclair takes suggests a conflict more complicated and elusive than the narrator’s secure voice would suggest. It suggests instead a fantasy of an ‘Other who knows,’ a site of total, shattering Truth—the ‘hidden wholeness’ that indicates the presence of the transference. To be sure, the book claims this ‘whole truth and nothing but the truth’ to be obvious: a matter of class war. But while the fury itself may well be justified (and the conflict I describe is certainly not the absence of ‘the other side’ of the case), the vehemence of the novel’s attempts at transparency betrays an anxiety and frustration about its own solution. The authority it claims as *fact* is the same authority to which it appeals as *absent*. There is pleasure here, but it is a pleasure rooted in a maddening, unmournable loss. *Boston’s* pleasures inscribe themselves in the limbo of melancholia, its desire incommensurable with its facts.

Edna St. Vincent Millay’s ‘Justice Denied in Massachusetts’ engages with this melancholia directly and aestheticises it. Published in the *New York Times* on 22 August 1927, the morning before the midnight execution, the poem thus offers a title that serves as a kind of headline among others—it appears on page two, surrounded by conventional news items: ‘Lawyers Hasten to Maine’ (where Justice Brandeis heard, and rejected, an appeal for clemency at his vacation home), ‘Mass Protest Here to Aid Sacco Today,’ ‘Baltimore More Vigilant’ (against protest bombs), ‘Ford Plant is Bombed,’ ‘Sacco Files Open to Lowell Board,’ and ‘Capitol Guide Suspended’ (for expressing her belief in the defendants’ innocence). Millay’s poem was thus a rather literal attempt to ‘write justice’ where readers would expect to find it, a moment of tomorrow’s predicted doom mixed with this morning’s news. Millay, one of many writers who attended the vigil outside the prison when Sacco and Vanzetti were

executed, instead begins her poem with a call to mourn alone, at home, and her call echoes through the piece:

Let us sit here, sit still,
Here in the sitting room until we die;
At the step of Death on the walk, rise and go;
Leaving to our children's children the beautiful doorway,
And this elm,
And a blighted earth to till
With a broken hoe.

Here is the sense of a lost Eden and betrayed liberal tradition that Cornelia Thornwell might have appreciated. In the world of the poem, the 'city on a hill' had been a success: here it is the 'beautiful doorway,' and elsewhere 'the glittering bay/And the warm winds ... Moving the blades of corn/With a peaceful sound.' But today, we read in the newspaper, this dream must be abandoned: the intergenerational project of America, what one inherits from 'the splendid dead' and passes on to one's 'children's children,' now consists of 'a blighted earth to till' and 'a broken hoe.'

Thus, the melancholia we sensed underneath Sinclair's manic, garrulous rage emerges here explicitly. The poem's voice is in a rather Victorian register: 'What from the splendid dead we have inherited ... See now the slug and mildew plunder.' We are thus positioned on the side of the mournful liberals. But as with any melancholic artefact, it is worth looking into its implicit desire. Sinclair's document of injustice implies a readership that will be moved to act; a call to 'sit in the sitting room' drives not towards action or even, in the first instance, shame. This aesthetic melancholia grows instead out of a different desire, a hope that a poem will 'do justice' to its subject, will give quiet, personal, singular shape to the mess of facts of the Sacco and Vanzetti case. (If hope had actually died, there would be no poem.) It is a different 'dream of objective adequation,' one in which the aesthetic *object* will do justice to its subject, adequating not the incommensurable social facts but instead the pain felt

by individuals. Justice will be denied at midnight in Massachusetts, but some justice might be done within the text.

But even the pleasure of aesthetic justice does not quite work here. While the content of the poem is one of defeat, this phrase, with its 'us,' still implies a 'them,' and therefore a dialectic not yet finished. At the same time, its repetition of 'let us' echoes T.S. Eliot's 'The Love Song of J. Alfred Prufrock,' published twelve years before, with its own repetition of 'Let us go,' its rarefied, upper-class ennui and atomised indifference. (The language in Millay's poem sinks deep into this Eliotic voice and even in its Eliotic rooms: 'Let us sit here, sit still/Here in the sitting room until we die'). Perhaps the sense of liberal defeat, the fact that the breaking of the American dream is a *shock*, is precisely the complacent politics that led to Sacco and Vanzetti's execution in the first place. The poem thus undermines and critiques the secure, pleasure-giving transferenceal position we are originally invited to enjoy. But unlike Prufrock's intimate 'Let us,' which bespeaks private sadness, Millay's 'Let us,' exhausted as it is, addresses itself to the public, in one of its major newspapers. There is a residue disrupting the fantasy of conclusion; there is an appeal to One who knows; there is, then, the stirring of the transference.

While Millay subtly dislodges us from the secure position of mourner into the position of collective actor, William Carlos Williams's later poem 'Impromptu: The Suckers' offers no secure place of identification and transference at all. First published in *The Broken Span* in 1941, the poem is much looser in form, wilder than Millay's. Here, coordinates have disappeared. The poem swings without warning from Sacco and Vanzetti (whose names are mythically absent from Millay's poem) to the entire working class and finally to the complacent middle class, with detours through American history and Enlightenment idealism:

... You are it. Your pleas will always be denied. ...

... Americans,

you are the suckers, you are the ones who will
be going up on the eleventh to get the current
shot into you, for the glory of the state

and the perpetuation of abstract justice—

... It's no use, you are Americans, just the dregs.

It's all you deserve. You've got the cash,

what the hell do you care? ...

You do what you're told to do. You don't

answer back the way Tommy Jeff did or Ben

Frank or Georgie Washing. I'll say you

don't. You're civilized.

... No one

can understand what makes the present age

what it is. They are mystified by certain

insistences. (1965: 57–59)

Rather than a more familiar modernist cacophony of voices, these positions shift within one raging, sarcastic voice, a partisan who refuses to pin himself down into one coherent site for transferential pleasure. *Bien-pensant* readers might well try to screen themselves out of the address to 'Americans' and 'you,' reading the poem as shots fired at the enemy. Even its citation of 'the perpetuation of abstract justice' acknowledges, in its way, the violent history of jurisprudence later analysed by writers such as Dimock, Goodrich, and Felman.

But the final quoted stanza debilitates that secure position, that Lacanian subject supposed to know: '*No one*/can understand what makes the present age/what it is.' Even the speaker is baffled; despite the speaker's vicious 'you,' the conflicts working themselves out cannot be reduced to Sinclair's and Millay's 'us and them.' The trope of the lost Eden or betrayed dream is perverted to near unrecognizability: dreamers are 'suckers,' the pioneers are 'just the dregs,' and the ostensibly rebel founders end up with nonsense names. Most significantly, the 'You' in the first quoted line is performing a different job entirely: for those who need to plead for mercy, and whose pleas 'will always be denied,' their subjectivity becomes, in a devastating sentence, an object: 'You are it.'

This whipping through subjects and pronouns, through possible sites of identification and pleasure, ends with an unlocatable 'they': 'They are mystified by certain/insistences.' It is possible to read this 'they' as the suckers, the 'civilized' betrayers of 'Jeff,' 'Frank,' and 'Washing.' But coming as it does after the sentence about how 'No one' understands modernity, the antecedent of 'They' is far less clear than that. If the 'they' is instead 'no one' (which would be colloquially appropriate, close as the two terms are), then that sentence ends the poem in an entirely ambiguous way. The speaker has become, suddenly, a bit bewildered—not quite part of the 'They' of humanity, playing on the double meaning of 'certain' (here, 'some unknown'), unnerved by the dialectics, the unnamed 'insistences' rumbling underneath even this overtly conflicted poem. The transference at this moment takes a turn into something like Sinclair's entire novel: a desperate grasping for certainty, and a sudden, confused empathy with people operating under forces they cannot quite understand. There is, again, the emergence of the One who knows, and an implicit desire, even in this fury, for equilibrium. Even the transference pleasures of rage fall apart, in search of something new.

Finally, one strategy to diminish, or to give the illusion of eliminating, the One who knows is to displace the position of the narrator itself. John Dos Passos's *USA Trilogy* (1938) begins and ends with the trial of Sacco and Vanzetti, and its more standard narration gives over, every few pages, to what he calls 'newsreels' and 'camera eyes.' Below are two passages towards the end of the final volume, the first part a 'newsreel' and the second a 'camera eye.' 'Holmes' here is Oliver Wendell Holmes, the liberal Brahmin on the US Supreme Court, who dashed any last-minute hopes that that court would take up the case:

HOLMES DENIES STAY

A better world's in birth

Tiny Wasps Imported From Korea In Battle To Death With Asiatic Beetle

BOY CARRIED MILE DOWN SEWER; SHOT OUT ALIVE

... Washington Keeps Eye on Radicals

Arise rejected of the earth

PARIS BRUSSELS MOSCOW GENEVA ADD THEIR VOICES

It is the final conflict

Let each stand in his place

Geologist Lost in Cave Six Days

The International Party

SACCO AND VANZETTI MUST DIE

...

... their hired men sit on the judge's bench they sit back with their feet on the tables under the dome of the State House they are ignorant of our beliefs they have the dollars the guns the armed forces the powerplants they have built the electricchair and hired the executioner to throw the switch
all right we are two nations (1966: 460–461)

Here, the singular voices of Sinclair, Millay, and even Williams have disappeared, replaced by a newsreel out of control. The 'certain insistences,' perhaps, make themselves known as symptoms, in their disruption of any comprehensible, conscious national narrative. It is replaced by free association, by collage: lyrics from 'The Internationale,' sober and sensational headlines, and then with the 'camera-eye' a deadened, frantic, failed attempt to make any position available at all: 'they have built the electricchair and hired the executioner to throw the switch/all right we are two nations.'

Dos Passos, who like Millay joined the prison vigil during the execution, renders a narrative form that aligns most closely with an anarchistic refusal of authority. There is no diegetic position around which a reader can organise a sustained identification, no Cornelia Thornwell, no one telling us to sit in our sitting rooms, no one accusing us. The voice of the final two lines quoted here is the closest we come to a subjective position, but it is the voice of defeat, a dream-like voice absent from any scene. Where the transference involves a desirous, libidinous misrecognition, unconsciously managing conflict, the newsreels are apparently nothing but overt conflict, and the camera eye, if it is the voice of some One who knows, is exhausted.

If the transference is meant to organize unconscious material into coherence with minimal residue, here there appears to be endless residue, with no pivot to turn, in Dean's frame, 'crowd' into 'party.' Affect and desire have just two places to go: a defeated voice, or a mad newsfeed.

The aesthetic version of the 'dream of objective adequation'—the desire that art can do justice to reality—has thus taken a curious turn. In order to 'adequate' the chaos of the situation, the text amplifies its own chaos and dissipates any internal subjectivity. The textual form is not just one of defeat, but of despair—that the dollars, guns, armies, and power plants have ended the struggle once and for all. We are far from Sinclair's direct calls to 'you,' the reader, for action. 'Adequation' is dissolution, and it raises the question of whether the maintenance of some transference security, no matter how fictional or fantasy-ridden it might be, is necessary for a political response. In other words, which is more 'realistic': identification with a pleading narrator and its heroic subject, or the defeated pleasure of the Twitter feed? Is it more 'honest' to amplify subjectivity in a world where subjectivity is under attack from incoherent, capitalist 'insistences,' or is it better to 'adequate' the dissolution of subjectivity and coherence itself? Which is more politically effective?

Conclusion

The answers to such questions must take account of the power of the psychoanalytic transference. The pleasure of 'objective adequation,' of finding a resonant, just, and satisfying 'reality' in such writing will have to do more than a bare recitation of the facts. As the Sacco and Vanzetti case demonstrates, this juridical approach to 'objectivity' cannot put the social conflicts, the barely knowable 'insistences,' to rest. The discourse of courtroom justice, as it claims to bracket off these insistent social forces, does more than fail to come to any correct, fair, final decision; it represses those forces, reconfiguring them into new forms that are more confused, and confusing.

These texts of the Sacco and Vanzetti case engage with these conflicting forces, attempting to resolve them not through conscious, rational, inadequate 'day logic,' but by engaging the transference of readers – by manipulating, through the dynamics of literary form, their own fantastic solutions to the problems at hand.

These texts, too, will fail; they will still bear the contradictions that gave rise to them in the first place. But by studying how these fantasies of wholeness and sense are engaged, aesthetically and rhetorically, we might come to a better understanding of what these contradictions might consist of, what purposes these fantasies serve, and what kind of solutions, literary or otherwise, might lie on the other side.

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The author has no competing interests to declare.

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