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01/14/2019

SEX WITH THE DEAD

An exploration of a literary trope

BY ALLEN MENDENHALL



The Hatred, by Pietro Pejetta



“Urge and urge and urge,” Whitman intoned. “Always the procreant urge of the world.” These words signal the life instinct, *eros*, that innate, libidinal drive for pleasure and survival.

Humans are compelled by life, attracted to it and aroused by it. The procreant urge motivates us to act, stimulates our choices and actions, shapes our personal identity. There’s no subjectivity, no consciousness, absent coital awareness. The properties of life — what it means and how it appears to be alive — are conditions for their own perpetuation: to love life is to make it.

We are drawn to life, that inner bloom within the verdant body. We seek intimacy with the animated, energetic fertile parts, the warm, electric, pulsating body that's flowing with blood, propelled by agency and personality. The sensual qualities of living flesh stir up an intense and unconscious desire for the continuity of our kind.

We don't lust after death. We fear it. There's nothing sensual or stimulating about the deceased. Corpses seem gross, cold, repugnant, barren — material specimens for study and solemn contemplation, not potential sexual partners. A carcass or skeleton isn't a viable candidate for the type of emotional and psychic interaction that preludes reproductive exchange. The thought of desecrated corpses — let alone the erotic penetration of them — horrifies, disgusts, and disturbs us.

The body electric for which Whitman crooned and crazed, however, is enchanting and rapturous. It generates wild feelings and desires, which, when reciprocated, overtake reason and move the mind to fantasy. The mere sight, smell, taste, or touch of beautiful, excited flesh can occasion ardor and ecstasy: states of self-relinquishment. The possibility of sexual complementation, the radical equality of amorous transmission, the voluntary unification of eager bodies, the empowering sensation of penetration — these are the necessary, strange, wonderful stirrings that make life possible.

We hunger for the living body. Not a minute after it has been evacuated of life do we reject it, wince at it, withdraw desire from it, not because we have reached some deliberate, reasoned state of contemplation, but because of intuition and the primeval nature of our animal disposition. A deep, primitive, unconscious sense, not readily or immediately accessible to our subjective self, alerts our otherwise urging body to the fact that the inanimate object before us — the corpse — is not a thing to be desired, not a prospect for intercourse or sexual congress. The thing is reproductively useless; it's a copy of life, a leftover, a shell, a dummy, a facsimile; what was worthwhile and meaningful within and about it, what might have stimulated us moments before, is departed, gone, vacant, empty. We will not enter this thing, nor it us, with fertile organs and pleasure parts.

Yet people do. Herod, King of Judea, the story goes, preserved the remains of his second wife, Mariamne the Hasmonean, in honey so he could indulge himself with them for seven years. The Greek historian Herodotus claims in *The Histories* that wives of elite men were embalmed only after their carcasses began to rot to prevent embalmers from having a go at the still-beautiful bodies. This suggests there may be a class element to necrophilia — a sense of

empowerment whereby the actor exercises authority over the dead body that he (it's almost always a he) lacks over the living. Camille Paglia agrees, saying, "Necrophilia was devised by the modern psyche to control and place sex after its sudden detachment from hierarchical systems."¹

Grotesque tales of ancient necrophilia seem too remote in time and space to be verified or familiar. Paglia believes "necrophilia has gone out of fashion."² In the United States, however, in our own era, cases involving necrophilia exist, although they're rare, among the rarest of criminal matters. If necrophilia occurs, it's clandestine and, thus, probably more common than reports and the number of prosecutions suggest.

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Two cases of necrophilia made national news in 2017. Joseph G. Martinez was arrested in Las Vegas and accused of penetrating the dead body of a 35-year-old homeless woman he purported to have met the night before. His arrest report indicates the woman had expired only two hours prior to his sexual contact with her.

Marcus D. Booker, a Georgia man, pleaded guilty to necrophilia, allegedly having initiated sexual contact, under the influence of crack-cocaine, with the corpse of a woman who had overdosed. Before she expired, the woman reportedly exchanged sexual favors for drugs; she and Booker were high and hallucinating. Her corpse was fresh when he inserted his penis into it.

Instances of sober sexual perpetrations against decaying victims of necrophilia are so uncommon that they're difficult to research.

Georgia criminalizes necrophilia specifically by statute.³ In my home state of Alabama, and in most states, the code is silent as to this offense. Having sexual intercourse with a corpse is not expressly prohibited here. Criminal prosecution for such acts would likely occur under rape statutes on the logical ground that the inert and defiled victim — the dead person — did not consent to sexual intercourse. But *refusal* to consent generally is a necessary element of the crime of rape; therefore, a corpse cannot be raped, at least in theory, because it can't refuse consent. Rape is an offense against animated victims.

Rape is forever and inescapably reenacted in the mind of the victim, who, having to relive the violation, can never be restored fully to the emotional and psychic state he or she possessed before the rape occurred. A dead body suffers neither emotionally nor intellectually. It lacks awareness of its victimhood and has no memory of its injury. It feels no shame, remorse, anger, indignation, suffering — indeed, nothing at all. The true victims of necrophilia are those who knew the corpse before it was a corpse, when it was full of zest, personality, and spirit. The true victims are *alive*.

Whether the sexual penetration of a corpse constitutes rape, and whether it should be punished with the severity of rape, has never been settled perhaps because the states of mind affected by such illicit conduct belong to the living, not to the physical object targeted by the conduct. As inevitable corpses, we're all, in a sense, victims of necrophilia: we can imagine the sexual defilement of our eventual carcasses.

Proving the crime of necrophilia can be exceedingly difficult when allegations involve rape rather than, say, the violation of a body known for a sustained period to have been lifeless. How and from whom does law enforcement obtain express consent to examine a sexually desecrated corpse? Are only nearest relatives able to authorize the necessary forensic tests? What about the owners of property on which a dead body rests? Can they consent to an examination of the carcass on the grounds of property rights? How do prosecutors tell whether a ravished body was penetrated before or after death without the testimony of the deceased? Circumstantial or trace evidence of sexual intercourse doesn't tell us the exact moment of death. Therefore, post-mortem forensic examinations and autopsies have minimal probative value for charges of necrophilia. Without witnesses, it's often impossible to say, in cases of rape-murder, which happened first, the rape or the murder.

So what happens in Alabama if one instantiates one's psychosexual fantasies on human remains?

The answer is unclear. Perhaps prosecution under the statute criminalizing abuse of a corpse. Another possibility would be to treat the human body as property and the offending act as trespass.

Libertarian philosopher Hans-Hermann Hoppe submits that humans have a *priori* property rights to their physical bodies.⁴ It follows that one may dispose of one's body, or partition it, so long as the integrity of all property rights is respected.

But is one's body personal property? Locke predicates his theory of property on one's ownership of one's body. But to *possess* the body — to acquire ownership rights over it — one does not, in the Lockean sense, mix one's labor with it. The body is God-granted, the product of Nature. It's not severable in the sense of real property: you can only parcel so many pieces of it before you die. Sell your heart and lungs, and you're done. Forever. If you lose ownership in yourself, you've lost yourself (and your *self*).

A longstanding school of thought holds that the body of a child is the property of the child's parents, not of the child. On this view, property rights to the body aren't automatic or pre-political. How could they be if infants lack the requisite capacity to reason as an informed adult or to discern what acts are necessary for survival?

Another problem with treating one's body as personal property is that, when it expires, when death sets in, there's no consciousness remaining therein to exercise agency or mobilize the corporeal form; thus, whatever it was about the body that made it an asset is now a burden. Most of the physical features of the "property" are still there. What's missing is the resident life.

Although ownership rights to the body may in theory pass to heirs or issue, only trouble and pain, not worth or benefit, inhere in the transfer. If the body *is* property, it has little if any value upon death except in the service of scientific experiment or as food for the cannibal. Such value inures, not to the benefit of the person or spirit who inhabited the body, but to others necessarily alienated from the body, the nonresidents, you might call them, because they live elsewhere: within their own bodies.

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Treating one’s body as property thus raises perplexing concerns about ontology and metaphysics: Who am I? What am I? Where am I? What is my relationship to the muscular and skeletal frame that hosts me until I perish before it does?

The “Me Myself,” as Whitman called it, cannot exist in a corpse, where there’s no phenomenal, flesh-and-blood, post-mortem “me” or “you” remaining, at least not that we know of.

“Even the corpse has its own beauty,” Emerson effused in a characteristically superlative moment. He may have been right, but his meaning doesn’t seem sexual or erotic. That’s not true of other writers. Paglia calls Emily Dickinson “a Decadent voyeur” whose “corpse poems are specimens of sexual objectification.”⁵ “She is that rarity,” Paglia says, “a female necrophiliac and sexual fetishist.”⁶ Paglia also labels Keats’s “Isabella, or the Pot of Basil” a “necrophiliac” poem.⁷

Necrophilia, however rare in the concrete world, has captivated writers of imaginative literature from Hrotsvitha of Gandersheim to Cormac McCarthy. It’s the improbable source of aesthetic expression, inexplicably mythopoetic in its perverted powers, signaling archetypically the sexualized vampire, except in reverse: in place of the copulating cadaver, the living dead, is the depraved predator, ravenous for the lifeless.

Virginia Woolf and T. S. Eliot mention “nekrophily” or “necrophily.” George Orwell said that necrophilia was Salvador Dalí’s most notable characteristic, a statement with awkward resonance since a Spanish judge recently ordered the exhumation

of Dalí's remains for a paternity test after a tarot-card reader claimed to be his illegitimate daughter. (The test proved otherwise.)

Whether Poe's "Annabel Lee" involved necrophilic fantasizing is open to debate. Poe is a curious case. Mark Winchell named him "the poet laureate of necrophilia."⁸ Winchell examined him through the prism of Leslie Fiedler, who attributed "necrophiliac titillation" to Poe and Henry James on account of their identification of "the immaculate virgin with the girl dying or dead."⁹ Fiedler claimed that James was haunted by "the necrophilia that has always so oddly been an essential part of American romance."¹⁰ He believed Poe inspired Vladimir Nabokov, whose *Lolita*, told as the mad confession of Humbert Humbert, renders not only necrophilia but pedophilia and child murder.

Humbert cites Poe as an aesthetic predecessor to excuse or justify his homicidal pathology. His first love, in fact, was named Annabel Leigh. His affection for her may have intensified *after* her untimely death. "In *Lolita*," submits Lucy B. Maddox, "Nabokov exploits the psychological implications of necrophilia, but without taking any of them literally."¹¹ She adds that "Humbert's version of necrophilia — that is, his need to verify a lover's death before he can speak without irony of his erotic desire for that lover — becomes a metaphor for a complex set of responses to the living, in which desire, guilt, and aesthetic sensibility become inextricably tangled."¹²

The female virgin is a literary type. Standards of beauty change from time to time and place to place, but evocations of beautiful young women — nymphs when they're deified — seem to be acknowledged and understood across traditions and cultures, at least if literary types are sufficient indication.

The elderly are nearer to death than youth; they betoken decay and deterioration. The female virgin, the literary type, besides being youthful and radiant *with* life, is also the potential bearer *of* life, the embodiment of fertility and potentiality. This figure isn't the fair maiden or the sensual temptress, which are more specific archetypes of courtly Romanticism and Christian convention, respectively. It's rather the portrait of the blooming female whose powers over men are deep and magical but not yet known to her. Think of the Naiads, not of Beatrice, the poisonous daughter of Rappaccini.

This stock character, reminiscent of nubile, sylvan goddesses, is so deeply embedded in literary and mythopoetic convention that we fail to recognize her as a standard against which deviancy is measured. Its opposite, in fact, is the rotting corpse, which the elderly are closer to becoming than she.

The prefix *necro* is Greek for “death” (*nekros*); the suffix *philia* means “love” in the sense of “friendship” or “affection” against other forms of love: *storge* (familial or instinctual love), *agape* (charitable or benevolent love, such as God feels toward humankind), and *eros* (romantic or passionate love). The OED states that the term *necrophilia* originated in psychology and is derived from the German *Nekrophilie*.

Such naming wouldn’t exist if there weren’t a thing to be named. The fact that necrophilia falls within a taxonomy suggests it has been around a long time, perhaps always.

But *how*? *How* could anyone become a necrophiliac? The mere thought of necrophilia induces nausea, fright, and loathing. One theory is that those who regularly handle corpses become so desensitized to death that they masturbate with corpses, not to gratify some decadent fetish but simply to climax with something not themselves, something remotely or formerly “human.” Imagine a middle-aged loner who suffers from low self-esteem and is unable to attract a sexual partner. Say he finds work as an undertaker, gravedigger, or hospital orderly. He may, in time, aided by his spatial and social alienation, begin petting the feminine parts on dead bodies that, on living bodies, elude him. He thereby transitions from isolated misfit to moral monster.

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It’s hard to make an ethical case for ravaging a cadaver for organs or bones to be sold on market without the consent of the person, *the soul*, who once inhabited that body. But *why*? Is it only because prohibitions on such behavior protect and console the living?

Those of us who fear necrophilia do so because it involves what seem to us to be morbidly unnatural and deviant stimuli. We’re appalled by its shocking power to facilitate arousal.

The horror of defying our nature, of rejecting those qualities that make us human, including life itself, always lurks, I think, somewhere in the inner recesses of reasonable minds. Those who're reflective enough to rigorously contemplate disturbing mental conditions dread the upsetting possibility that anyone is capable of degenerative pleasures absent from the civilizing effects of societal norms. Disgust with necrophilia, moreover, has something to do with universal anxieties about death. Contemplating necrophilia is uncomfortable because it unites the life and death instincts that reason holds as mutually exclusive. Sexual stimulation and the drive for life are incompatible with the cessation of life. Yet the necrophiliac holds these tensions together, managing to act when conflicting impulses would, one presumes, inhibit action.

We cope with the exasperating irreversibility of a loved one's death by talking about the afterlife and instituting rituals (funerals, eulogies, burials, and so on) to renew order and purpose to the disorienting reality that the deceased, or rather the personality which existed within the once-living body, is no longer concretely present. We alleviate fears of death by formalizing them into a ceremony. Then we bury the dead and try to move on with life.

Most of us. Some, apparently, have sex with cadavers. Why? Answers to that question, whatever they are, must be perturbing. Necrophilia recalls not the abject submission or practiced humility of the infatuated lover elevating his beloved on a pedestal. There's nothing courtly or romantic about it. It could be that the necrophiliac is attracted, not to the corpse itself and whatever beauty it might retain, but to a grotesque ritual of domination and perversion. An unhealthy fetish for sexual empowerment and control are more widespread, surely, than necrophilia, but could the widespread cultural fetishizing of them lead to this troubling sexual abomination, namely sex with dead bodies?

Rituals of sexual conquest, encoded in discourse, understandable to the ancients who used them to exact punishments for "crimes of the flesh," are not readily explicable in current vocabularies; they're alien to our modern sensibilities, offensive to our progressive minds. Sure, there are Christian Greys, fictional and real, celebrating, in their own way, the obscene darkness of Marquis de Sade. Sadomasochism, for example, appears to have myriad champions and adherents.

Yet domination and its correlative inverse, subordination, are improbable as ideals. Nor do they feature order or ceremony to formalize and aestheticize their violent tendencies. The concept of absolute domination is neither titillating nor tempting but, to me, bothersome. Eroticism, on the other hand, requires consent and mutuality to be materially realized. It's not about intolerable coercion or

control. It's a coming together, a unification that ardently perfects the mental and physical desires of two otherwise rationally autonomous agents. The beauty of it is the beauty of life itself, the reason we go on. It's the sprout that proves Whitman correct: all goes onward and outward. There really is no death.

The law ought to recognize that.

A law review article that, after 20 years, remains, in many respects, current, reduces criminal liability for necrophilia to three categories: (1) "judicial interpretation of rape and sodomy statutes to include intercourse with dead bodies"; (2) "judicial interpretation of abuse of corpse statutes to include intercourse with dead bodies"; and (3) "express statutory bans on intercourse with dead bodies."¹³ The fact that the third category contains a *rare* form of liability raises questions about why most states fail or refuse to criminalize necrophilia by name. Nor does federal law prohibit necrophilia. Is necrophilia an unspeakable crime, *the* unspeakable crime, literally an offense that cannot be named or described in official, public discourse? Has the existence of necrophilia been collectively repressed and ignored, our aversion to it resulting in its omission from most penal codes?

Perhaps. And perhaps that's why descriptions or representations of necrophilia are seemingly more common in literary texts than in legal codes. There's something fantastic about necrophilia, something horrible and horrifying about the state of mind that enables it, maybe even something about the human psyche that relegates necrophilia to the imagined and imaginary, keeping it off the official records, as it were. The fear and terror evoked by necrophilia, the refusal of cultures to accept it as permissible, suggest that normativity governs sexual relations, that certain sex acts are out of bounds, obnoxious to sound minds and intolerable in decent society.

Lines must be drawn somewhere, but, in this context, the law isn't drawing them, at least not as often as you'd expect. If every state in the United States criminalized necrophilia by name, would it make a difference? Would there be more prosecutions for such offenders?

The answer is probably no. And that's *another* reason to fear. •

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1. Camille Paglia, *Sexual Personae: Art and Decadence From Nefertiti to Emily Dickinson* (London and New Haven: Yale University Press, 1990), 664.
2. Ibid.
3. See O.C.G.A. § 16-6-7 (2010).
4. See, e.g., Hans-Hermann Hoppe, *A Theory of Capitalism and Socialism* (Auburn, Alabama: Ludwig von Mises Institute, 2007), 8-17.
5. Camille Paglia, *Sexual Personae*, 664.
6. Ibid.
7. Camille Paglia, *Sexual Personae*, 498.
8. Mark Royden Winchell, *Too Good to Be True: The Life and Work of Leslie Fiedler* (Columbia and London: University of Missouri Press, 2002), 172.
9. Leslie A. Fiedler, *Love and Death in the American Novel* (New York: Criterion Books, 1960), 289.
10. Ibid. at 290.
11. Lucy B. Maddox, "Necrophilia in Lolita." *The Centennial Review*. Vol. 26, No. 4 (1982), 366.
12. Ibid.
13. Tyler Trent Ochoa and Christine Newman Jones. "Defiling the Dead: Necrophilia and the Law." *Whittier Law Review*, Vol. 18 (1997), 550.

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