

BODY TEXT

Volume 6, Issue 1, 2017-2018

John B. Hurford '60 Center for
the Arts and Humanities
Haverford College

featuring

Jack Brower '19

Chelsea Richardson '18

James Gisele '19

Emily Chazen '18

Maurice Rippel '19



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Body Text is published annually by the Body Text Editorial Board at Haverford College, 370 Lancaster Avenue, Haverford, PA 19041. Formerly the Haverford Journal, it was founded in the spring of 2004 by Robert Schiff in an effort to showcase some of Haverford's best student work in the humanities and social sciences. The publication was renamed in 2012 but still holds true to this original mission.

Student work appearing in Body Text is selected by the Editorial Board. Entries are judged on the basis of academic merit, clarity of writing, persuasiveness, and other factors that contribute to the quality of a given work.

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body text

/ˈbɑːdɪ / ˈtɛkst/

noun

- 1 The main part of a printed text, excluding items such as headings and footnotes.
(The Oxford English Dictionary)
- 2 Haverford College's student-run, student-written academic journal, which publishes the sharpest, most provocative undergraduate scholarship in the Humanities and Social Sciences and explores the limits of academic writing outside the classroom.

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Assassin (Why are you bugging me...)"
Maurice Rippel '19

LETTER FROM THE EDITORS

Dear Body Text reader,

Welcome to the 2017-2018 edition of Body Text! The essays in this issue were selected for their clarity and persuasiveness, as well as their individuality of perspective and diversity of expression. We believe that this issue embodies some of the greatest undergraduate academic writing that Haverford has to offer, and we are pleased to present it to you.

The Editorial Board is grateful for the contributions of last year's editor-in-chief, Courtney Carter '17, who led the board through an exciting period of growth and visual rebranding.

Those returning to the board this year include seniors Kevin Gibbs and Ariana Wertheimer, juniors Matthew Jablonski and Isabella Siegel, and sophomore Joanne Mikula. Joining our board for the first time this

year are seniors Tania Bagan and Anna Mehta, and junior exchange student Alice Healey.

As always, we were incredibly impressed by the caliber of academic writing by our fellow Haverford students. While they span a variety of topics — from cows to fleas, from deconstructing intersectionality and the patriarchy to expanding the definition of family — these essays are all a product of a tumultuous and divisive year in the United States. They encourage readers to take new perspectives and to challenge the status quo, by engaging both indirectly and directly with political topics.

British colonization and its responses have been major shaping forces throughout the world since the dawn of the British empire in early modernity. Jack Brower's "Environmental Violence: The 1641 Irish Rebellion" addresses one of the first sites of colonial resistance and examines environmental violence, one of

the understudied forms of resistance used by the native Irish to inhibit the establishment and growth of English colonizers. Resistance took the form of disrupting the production of foodstuffs and using environmental features as weapons against the English. By reading the court depositions following the Irish Rebellion of 1641, Brower helps us come to a more complete understanding of the impact of this form of colonial resistance on both the English and the land itself.

How do formalistic definitions of family produce discriminatory immigration laws, and how do we formulate more inclusive family reunification policies? These are the questions raised by Chelsea Richardson in her essay “Queering Immigration: The Right to Family Life for Binational Same-Gender Couples.” Her work interrogates the restrictive nature of immigration policy and formalistic marriage rights through an international perspective, one grounded in a human rights-based definition of family. Only through a more-encompassing understanding of the function, rather than the structure,

of family, can nations ensure the protection of human rights for queer families and immigrants.

In “Oceanics of Un/Becomings” by James Gisele, models of intersectionality are deconstructed and challenged to make room for a method of conceptualizing identity and experience that the author calls oceanics. They argue for an inclusion of a theory of oceanic identity in order to mitigate the restricting nature of linear, mathematical models of identity (which we would typically refer to as intersectionality). They pull together the arguments of multiple thinkers from different disciplines who all take on the project of expanding on Freud’s pre-Oedipal oceanic model. In doing so, they provide a framework for thinking about phenomena of identity including but not limited to “blackness and transatlantic diaspora, femininity and maternity, immaturity and pre-Oedipal modes, queerness and sex/uality, death and trauma, and Sacred or religious experience.” This essay’s scope and ambition is exceptional and presents a compelling pushback against academic tradition.

Emily Chazen explores the potential for female liberation within a capitalist society in her essay “Deconstructing the Patriarchy from Within the Master’s House: Feminist Musings on Carol Ann Duffy.” Chazen highlights Duffy’s somewhat counterintuitive appropriation of gendered ideologies and capitalist rhetoric to dismantle the gendered systems that oppress women. By appropriating the language of pre-existing frameworks, Duffy often reinforces the very gendered systems she hopes to undermine even as she does tremendous work to transform oppressive social systems. Her poetry ultimately appears as both a powerful force for social justice and a poignant reminder that the perfect reform of engrained inequality is likely unachievable.

In his essay, “Right Under Your Nose,” Maurice Rippel draws a series of connections between contemporary poet Terrance Hayes’ political sonnet, “Why Are you Bugging Me,” and John Donne’s traditional, modern sonnet, “The Flea.” Rippel focuses specifically

on the significance and functionality the image of the bug assumes in Hayes’ and Donne’s work, and explores how the insect is used, in both poems, to introduce themes of love, religion, and eroticism. Rippel’s comparative analysis offers insight into the evolution of the traditional, 16th century sonnet, which Hayes revises in function of his political message.

Sincerely,

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ENVIRONMENTAL VIOLENCE: THE 1641 IRISH REBELLION

Jack Brower

On the evening of October 22, 1641, Sir Phelim O'Neill, an important political and military leader in Ireland, snuck behind enemy lines to seize Charlemont castle, sparking a ten-year rebellion against Protestant settlers. O'Neill accomplished this military feat by feigning to search for stolen cattle.¹ Percival Maxwell, the historian who examined O'Mellan's journal to discover this military ruse, does not provide any more

1 Percival Maxwell, *The Outbreak of the Irish Rebellion of 1641*, (Quebec: McGill-Queen's University Press, 1994), 214.

detail on how O'Neill's seemingly brilliant plan unfolded.² Livestock appear so frequently in 17th century British colonial sources that historians like Maxwell take their presence for granted.³ Although these creatures often

2 Unfortunately I cannot find more information on O'Mellan's journal. It only exists in its original form at the Trinity College Dublin library. The official citation is O'Mellan's Journal TCD MSS 1071: 16-19.

3 Virginia DeJohn Anderson, *Creatures of Empire: How Domestic Animals Transformed Early America*, (New York:

make mundane appearances in colonial sources, such as the 1641 depositions, one should not dismiss them as historically irrelevant. To the Irish, cattle symbolized British colonialism. Thus, the confederates targeted these animals and other symbols of British agriculture to frustrate English colonial development. Indeed, unremitting rebel violence against Protestant plantations reveals what the Irish resented most about British colonialism: the usurpation of Irish farmland through the introduction of British agriculture.

The 1641 rebellion started due to an influx of British and Scottish Protestant colonizers in Ireland. The English crown encouraged these people to settle Ireland and implement British agricultural techniques that would generate wealth for the Kingdom. To put these techniques into practice the British government usurped land from Irish farmers and wealthy landowners and then redistributed it to the newly

Oxford University Press, 2004), 3.

arrived Protestants. Fearful of starvation due to lack of food and unwilling to accept a foreign presence that aimed to replace Catholicism with Protestantism, Irish peasants and elites in Ulster County (the most northern county) took up arms against the colonizers in hopes of reclaiming their lands. The rebellion rapidly spread throughout the country, creating an eleven-year conflict that England's military leader Oliver Cromwell would eventually crush in 1653.

Understanding 17th century British colonialism helps explain the success of Sir Phelim O'Neill's aforementioned cattle-based military ploy. In the late 1500s, Edmund Spenser, a respected English poet and playwright, highlighted Ireland's vast material wealth and depicted the country as a "savage nation" in need of English civilization. Spenser's writings laid the groundwork for a morally and legally "just" military conquest.⁴

4 Nicholas Canny, *Making Ireland British 1580-1650*, (Oxford: Oxford University Press, 2001), 43.

In 1603, after the British defeated the Irish in the Nine Years' War, English officials seized land from a weakened Catholic aristocracy and redistributed it to Protestant settlers through a plantation system that reduced the amount of farmland for Irish tenants by 75%.⁵ These officials reallocated farmland to turn "Ireland... endowed with plentiful resources...from waste to good uses," and thus, increase the Queen of England's revenue.⁶ The crown conquered Ireland and then introduced its unique agricultural system to reorganize the country's natural landscape to look more like England.

To justify this agricultural conquest, the British drew on *res nullius*, a Roman legal theory arguing "that

5 R.J. Hunter, "Sir Ralph Bingley, c. 1570-1627", in Peter Roebuck, *Plantation to Partition*, (Belfast: Blackstaff Press Limited, 1981), 25.

6 Nicholas Canny, *Making Ireland British*, 43 and 125.

'empty things,' including land, remained common property until they were put to use."⁷ Under *Res nullius* the English could legally impose the plantation system and redistribute Irish plots to their Protestant settlers, as this act put "wasted" land to good use. Colonists further drew on religion to justify their settlement of foreign lands, arguing that God intended humans to cultivate the world, as He instructed Adam and Eve to "replenish the earth and subdue it."⁸ The Protestant colonizers viewed their agricultural settlement of Ireland as a form of service to both God and country.

Realizing that compliance with colonial reform efforts would result in starvation and potential extinction, Irish peasants eagerly joined elites like Sir Phelim O'Neill to plunder plantations and seek a temporary fix

7 Virginia DeJohn Anderson, *Creatures of Empire*, 78.

8 Quoted in *Ibid.*, 78.

for their hunger pains. During and after the rebellion British colonial authorities recorded these robberies and other atrocities committed by Irish Catholics against English and Scottish Protestant settlers in a collection known as the 1641 Depositions. These displaced settlers reported damages to their property in hopes of acquiring compensation from the alleged Irish perpetrators. The depositions carefully detail over 8,000 cases of violence but do so with bias. In the wake of the rebellion, English aristocrats used them to argue that Irish natives were innately barbaric, violent, resistant to civilization and, ultimately, worthy of death.⁹ Ignoring the root causes of the conflict, the English parliament relied on this racist rhetoric to justify one of the most brutal conquests in human history, the 1653 Cromwellian invasion of Ireland.

9 Nicholas Canny, "1641 in a Colonial Context" in Michel Siochr and Jane Ohlmeyer, *Ireland: 1641*, (Manchester: Manchester University Press, 2013), 62.

In 1995, Nicholas Canny noted that previous Irish historians such as Jane Ohlmeyer, Perceval Maxwell, and Aiden Clarke largely ignored the depositions and the events during the 1641 rebellion.¹⁰ To his credit, Maxwell did devote a small portion of his book to events during the rebellion, but focused on military aspects, or macro level violence, ignoring violence at the small scale and personal level. Poor, illiterate Irishmen rarely appear in the historical record prior to the rebellion, and do not play a large role in the military strategy that Maxwell analyzed. Ironically, the depositions give the Irish peasantry a voice by illuminating their actions, which Canny studied in 2001 to understand their grievances against English colonization.¹¹ Canny, however,

10 Nicholas Canny, "What Really Happened in 1641?", in Jane Ohlmeyer (ed.), *Ireland from Independence to Occupation, 1641-1660*, (New York : Cambridge University Press, 1995), 26.

11 Nicholas Canny, *Making Ireland British*.

failed to consider mundane violence, using massacres and other extreme examples to conclude that religious rivalries, political differences, and colonial injustices in the form of the plantation system motivated the rebellion.

Although Virginia DeJohn Anderson did not study Irish history, her methodology of focusing on the routine instances of violence that Canny missed enables one to better understand how the Irish peasantry understood British colonialism. In her book *Creatures of Empire*, the environmental historian emphasizes the ubiquity of farm animals in Anglo-America: “Virtually every body of sources pertaining to seventeenth-century English colonization, from local records to descriptive pamphlets to treaties with Indians, mentions [livestock], often with astonishing frequency.”¹² Anderson uses this wealth of data to argue that cattle facilitated the everyday work of empire by enabling colonists to

12 Virginia DeJohn Anderson, *Creatures of Empire*, 3.

re-characterize American lands as British.¹³ She also notes that the English “were renowned among early modern Europeans for their meat consumption,” and as such, colonists relied heavily on cattle to survive in America and Ireland.¹⁴ In *The Name of War*, Jill Lepore also explains British attachment to agricultural property; “What happened to English people, in the colonists’ eyes, happened equally to English property, and the separation of the one from the other was counted among the greatest devastations of [King Philip’s War, a 1660s conflict between Amerindians and English colonists].”¹⁵ The English equated cattle and farming property with civilization and life, and saw it as their responsibility

13 *Ibid.*, 58.

14 *Ibid.*, 58.

15 Lepore, *The Name of War: King Philip’s War and the Origins of American Identity*, (New York: First Vintage Books, 1998), 73.

to introduce Native Americans – and native Irish – to livestock-based agriculture. Ultimately, however, this introduction exacerbated tensions between settlers and natives, igniting military conflicts where Native Americans and Irish rebels targeted English livestock to resist these changes.¹⁶

Applying Anderson’s methodology to the 1641 Depositions – reading these documents for mundane or routine instances of environmental violence, the destruction of buildings, livestock, and farming provisions – illuminates the invasive impact British colonialism had on the everyday lives of Irish natives. By robbing, plundering, and burning natural resources during the rebellion, Irish rebels made plantation land worthless, crippling the colonial system’s ability to extract wealth from Ireland. The rebels also employed the natural world as a weapon, drowning settlers or leaving them naked in the cold, to force British colonists to con-

sider the dangers associated with inhabiting Ireland. Analyzing the depositions for these routine cases of environmental violence reveals how English colonial schemes stripped the Irish of their access to the agricultural practices they relied on for daily subsistence and survival.

Irish historian Aidan Clarke warns scholars of a flaw in the depositions, arguing that deponents intentionally exaggerated some of the quantitative data regarding death tolls and fabricated some especially gruesome accounts of Irish cruelty, either for economic reasons, or to dehumanize the Irish and further justify Cromwell’s invasion to the English.¹⁷ Nicholas Canny dismisses Clarke’s interjection, defending the authenticity of the depositions by arguing that the painstaking detail provided by Protestant victims attests to

16 *ibid.*, 10.

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17 Aidan Clarke, ‘The 1641 Depositions’ in Peter Fox (ed.), *Treasures of the Library, Trinity College Dublin* (Dublin, 1986), 111-22.

the accuracy of their accounts.¹⁸ One might speculate that Canny takes this stance to defend the arguments he creates by using grand instances of violence as evidence throughout his book, *Making Ireland British*. Despite their disagreements about some of the more detailed documents, Canny and Clarke both validate the veracity of the descriptions of repeated and routine instances of violence in the depositions. This paper analyzes these truthful, everyday instances of violence in the depositions alongside more graphic cases to avoid the issue of authenticity and deepen our understanding of how Irish rebels understood and responded to British colonialism.

English Parliament implemented plantations throughout Ireland, but concentrated its imperial efforts in Ulster, the northern province that led the resistance campaign during the Nine Years' War of

1594.¹⁹ Despite the crown's best efforts to crush the rebellious spirit in Ulster, this culture of resistance continued in 1641 with Sir Phelim O'Neill's first major offensive on Charlemont castle, a fortress located within Ulster, in Armagh County. Throughout the rebellion, Irish rebels in Ulster relentlessly attacked plantations and landowners to hinder British colonialism and express discontent. Due to the immense impact the plantation system had on Ulster populations, most of the depositions examined in this paper come from the neighboring counties of Armagh, Monaghan, and Down (highlighted in blue in fig. 1).

18 Nicholas Canny, *Making Ireland British*.

19 Nicholas Canny, "1641 in a Colonial Context," 56.



Fig. 1 Map of Ireland's Counties. Highlights the proximity of Monaghan, Armagh and Down.

At the onset of the revolt, the wealthy Irishman Michael Doyne conspired with Sir Phelim O'Neill to combat an English plantation system that threatened to strip these men of their wealth and power by usurping their estates.²⁰ To reassert their dominance over Irish landscapes, a group of Doyne-led confederates “cruellye turned out all the English inhabitants and possessed themselves of their howses Corne and Cattle.” Doyne also allegedly “killed and murdered all the English and Scotts that dwelt about his land...”²¹ By killing newly settled “English and Scotts,” Doyne set out to rid Ireland of British influences and reclaim “his land.” The less wealthy Irish confederates allied with Doyne to steal “howses Corne and Cattle” and reclaim their rights to the land’s produce and by extension, the land itself, continuing Doyne’s symbolic statement about land ownership.

20 Aiden Clarke, “The Genesis of the Ulster Rising of 1641”, 35-36.

21 Examination of Michael Doyne, (MS 836, fol. 123v).

Sir Phelim O'Neill also contributed to the Irish onslaught against symbols of the British plantation system. Just two weeks after taking Charlemont castle, O'Neill shifted his attention from the conquered Armagh County to its western neighbor, Monaghan County (fig. 1).²² On the "seventh of November 1641," O'Neill and his fellow rebels "by force and armes deprived, robbed or otherwise dispoyled of [Joane Constable and her husband's] goodes & chattells consisting of beasts Cattle Mares howsholdgoodes ready mony Apparell Corne the proffitts of their farme."²³ After listing damages to plantation property, the deposition mentions that O'Neill and his fellow rebels took great "pride and glory" in burning Protestant children alive. Curiously,

22 Jane H. Ohlmeyer, "Chronology of Events: 1639-1660", in Jane Ohlmeyer (ed.), *Ireland from Independence to Occupation, 1641-1660*, (Cambridge: Cambridge University Press, 1995), xviii.

23 Deposition of Joane Constable, (MS 836, fol. 87r).

the record starts with O'Neill's assaults against the couple's "farme," as if to emphasize the importance of these affronts over the other atrocities Irish confederates committed against Protest settlers.²⁴ Indeed, most of the Ulster Province deponents listed damages to buildings, livestock, and farming provisions before describing murders and other violent crimes, emphasizing the value they attributed to their property.²⁵

When listing the properties "robbed, deprived and or otherwise dispoyled" by Irish rebels, the Protestant colonist Christian Stanhawe carefully mentions

24 Deposition of Joane Constable, (MS 836, fol. 87r-87v).

25 For a few examples taken at random from Armagh County see, Deposition of Elizabeth Rolleston, (MS 836, fol. 68r-68v); Deposition of Ellen Matchett, (MS 836, fol. 58r-59v) and Deposition of George Littlefeild, (MS 836, fol. 55r-56v). English authorities structured these depositions by listing environmental violence before other types of violence.

the English “breede” of his cattle, horses, oxen, and sheep. Among many other property grievances, the Irish dispossessed Stanhawe of “Twenty English Cowes” amounting to £50, and “Six Irish fatted beeves (plural for beef, meaning oxen or cattle),” costing only £6. Stanhawe and the colonial official who took his deposition thus agreed to value English cattle 250% higher than Irish cattle. Stanhawe’s phenotypic description of his Irish cattle as “fatted”, however, highlights their potential nutritional value and suggests that English and Irish cattle did not differ greatly in size. Nonetheless, colonial authorities and plantation owners insisted on such a wide price difference to stress their agriculture superiority over the Irish.

The introduction of these British cattle required the usurpation of Irish farming land and led to a widespread famine in Ireland. To find food many rebels elected to possess “themselves of [Protestant settlers’] howses Corne and Cattle.” The Armagh County depositions mention rebels stealing or “dispoying” cattle in

83% of the depositions and corn in 63% of them (fig. 2). One should note that in the 17th century “Dispoyle” meant to “To strip of worth, value, or use; to render useless, mar, destroy; to spoil.”²⁶ Although Irish confederates typically stole farming provisions for consumption or economic value, resentment against the plantation system occasionally boiled over and resulted in seemingly irrational outbursts of environmental violence. Jane Constable’s deposition does not reveal whether the rebels “deprived, robbed or otherwise dispoyled” livestock and other symbols of British colonialism such as “Cattle Mares howsholdgoodes ready many Apparell [and] Corne.”²⁷ The rebels could have sold or used each of the farming provisions listed above, but they just as easily could have destroyed these provisions.

26 Oxford English Dictionary.

27 Deposition of Joane Constable, (MS 836, fol. 87r).

ARMAGH COUNTY DEPOSITIONS (Fig. 2)			
	Category	Frequency	Percentage
	Depositions	49	100%
Pre-existing Categories:	Killing (one)	3	6%
	Multiple Killing	37	76%
	Arson	23	47%
	Stripping	24	49%
	Robbery	47	96%
Cause of Death:	Drowning	28	57%
	Burning	18	37%
	Exposure ^x	16	33%
	Other Killing [*]	32	65%
Provision Stolen:	Cattle	39	80%
	Horses	29	59%
	Sheep	13	27%
	Swine	5	10%
	Corn	31	63%
	Hay	9	18%
	Apparel	19	39%
Miscellaneous:	Children	31	63%

*

Sometimes the depositions do not specify cause of death, relying instead on language such as “murdered and slew,” to vaguely describe murders. In other instances, the depositions note rebels hung, stabbed, shot, or starved Protestant settlers.

x

“Exposure” does not always indicate death, but includes cases where the Irish forced Protestant settlers survive harsh conditions without their English clothing.

The Irish confederates did not just target Protestant plantations to satisfy their material needs, but occasionally attacked and killed livestock to halt the spread of a British agricultural system that turned the wheels of the nation's Empire. During the opening stages of the rebellion – August 22, 1642 – the Irish laid siege to Auger, a fort in Armagh County. Here, the rebels set a precedent for the remainder the conflict by torturing English cattle beyond the town's wall. Rather than slaughter, cook, and eat these animals, the rebels “cut collops [pieces of flesh] out of” live cattle, “letting them roare.” The Irish mutilated the creatures “till they had noe more flesh upon their backs *so that sometimes a beast, would live or 2 or 3 days together in that torment* (emphasis in original).”²⁸ Irish confederates eradicated the British image of peaceful pastures full of grazing cattle and replaced it with a gruesome scene outside the walls of Auger. No longer a symbol of civilization

28 Deposition of Robert Maxwell, (MS 836, fol. 9r).

or a tool the English could use to colonize Ireland, the disfigured cattle outside of the town now represented the power Irish rebels held over British colonists.

In Mayo County, rebels also attacked English livestock, putting the creatures on trial by bringing “a booke before the Cowe or sheepe of English straine they formerly tooke from the English,” and interrogating as whether or not the creatures “could reade.” Upon determining the English cattle were indeed illiterate, “they left not a beast liveing that they tooke from English or Protestant.”²⁹ The mock trial and subsequent execution of English livestock mirrored the trials that English officials had previously inflicted on the Irish. In the early 17th century many native Irish only spoke Gaelic and as

29 Deposition of Walter Bourke (MS 831, fol. 169r). My thanks to John Walter for discussing this deposition in his chapter, “Performative violence and the politics of violence in the 1641 depositions” in Michel Siochr and Jane Ohlmeyer, *Ireland: 1641*, 134.

such, had virtually no chance of exoneration in English courts. The rebels' theatrical trial of British livestock illuminated the absurdity of the English legal system, as British aristocrats essentially treated Irish peasants like animals.³⁰ By staging a trial and establishing a verdict, the rebels justified their cruelties against the cattle, and protested the encroachment of English colonialism and agriculture in Ireland.

A Protestant review of the depositions provides further evidence that the Irish at times cast aside economic incentives and ransacked plantations with the intention of toppling a colonial power structure that relied on livestock: "[The Irish] did not only demolish the houses built by the English...but destroyed whole

30 For a more in depth discussion on judicial violence against animals see "Workers Revolt: The Great Cat Massacre of the Rue Saint-Séverin" in Robert Darnton, *The Great Cat Massacre and Other Episodes in French Cultural History* (New York: Basic Books, 1984), 74-104.

droves and flocks of English Cows and Sheep, so as they were not able with all their insatiable gluttony to devour the tenth part, but left the rest lie stinking and rotting in the fields."³¹ These Protestant authors argued that by killing cattle and leaving their carcasses to rot, the Irish enforced notions of British superiority and demonstrated their innate savagery and tendency to resist civilization. These commentators missed how Irish confederates massacred livestock and attacked colonial landscapes to assert their political autonomy and drive English influences out of Ireland.

Rebels targeted cattle and other agricultural produce with such frequency and efficiency that once powerful plantation owners considered themselves lucky to find a meager meal. For example, Ellen Matchett and her husband owned a considerable amount of cattle, sheep, swine, and corn when compared to some of their neighbors in Armagh County. The rebel George

31 Quoted in Nicholas Canny, "1641 in a Colonial Context", 57.

Fleming of Tyrone County (located just northwest of Armagh) murdered the heir to the Matchett plantation and claimed the family's lands, forcing the surviving Matchetts to take refuge in "the howse of Mr Michaell Dun." Here, the once powerful Matchetts "were almost pyned [confined] to death" and considered themselves "very happy when they cold gett a few nettles & course weedes to eate." Once accustomed to quality beef, the family now stomached "the braines of a Cowe dead of diseases" and accepted the meal as "good fare."³² The rebels' frequent attacks on livestock and plantations forced Protestant settlers to shift their relationship with the natural environment from one of exploitation and luxury to one of survival and fear.

Seeking revenge for the violence rebels perpetrated against plantations and plantation owners, a Protestant priest cursed the ground where rebels had murdered a handful of mothers and children,

prophesizing "that *neither* corne nor grasse would ever growe nor any thing prosper where they did any of those bloody actes."³³ Had the priest's prophecy come to fruition, Protestant settlers might have seen this as a fair consequence for the violence Irish rebels perpetrated against their people. English colonists associated fertile lands with life and civility and a barren farm would only yield poverty or death for any Irish family that might attempt to cultivate it. Protestant priests did everything in their power to enact revenge on Irish rebels intent on destroying their newly founded communities. When Irish attacks on plantations prevented the English from cultivating the land, Protestant settlers attempted to respond with the same form of violence, cursing future generations of Irish and preventing them from using the land.

The priest's curse did little to hinder rebel

32 Deposition of Ellen Matchett, (MS 836 fols. 58r-59v).

33 Deposition of Joane Constable, (MS 836, fol. 88v).

efforts, as the Irish confederates never acknowledged England's plantation policy and thus, saw their acts of violence against foreign landholders as a just way to right the wrongs done to them by English colonial schemes. Many rebels did not think twice about murdering Protestant homeowners, commonly remarking "that it was noe more pittie to kill the English then to kill dogs."³⁴ Micheall Doyne's followers commended violence against British colonists, praising him for slaughtering "English and Scotts that dwelt about his land," as these Protestants represented the encroachment of English colonization and the plantation system.³⁵ One should note the evidence only suggests that these foreigners lived *about* Doyne's land, not on his land. Frustrated with the stresses of British colonialism, rebels questioned: "What right have the English

in Ireland to do any thing?" Upon deciding the English settlers "had beene there long enough," the rebels joined Doyne in his quest to expel them from Armagh County.³⁶ The settlers' mere presence as homeowners symbolized the Anglicization of Ireland and thus, made them primary targets of a rebellion concerned with fighting an English colonial system that relied on an agricultural takeover of Ireland.

British Parliament sent Protestant settlers to Ireland to establish plantations and transform Ireland's natural environment into a civilized country that resembled England. Armagh County rebels frustrated these colonial schemes and crippled the plantation system in Ulster by targeting British homeowners. William Duffield's deposition shows the effectiveness of this military tactic: "about 50 howsholders & their familys within the parrish aforesaid were inforced for feare of

34 Deposition of Briggett Drewrie, (MS 836, fol. 46v).

35 Examination of Michael Doyne, (MS 836 fol. 123v).

36 Deposition of Briggett Drewrie, (MS 836, fol. 46v).

the Rebels to fly from their habitacions.”³⁷ Irish rebels recovered their land from the English by intimidating British landowners into abandoning their estates. In attempts to further confuse and frighten Protestant settlers, many Irish rebels alleged the crown had abandoned their once treasured colonists, claiming “authoritie from England to wynn their lands againe & inhabite them if they cold.”³⁸ If the Examination of Michaell Doyne and the deposition of William Duffield fail to clearly establish land rights and the establishment of British plantations as a primary cause for the rebellion in Ulster province, the words of an Irish rebel overheard by Alexander Creichton in the neighboring county of Monaghan cement this connection: “[the Irish] wold never lay downe arms, till their church were putt into its due place, and that all the plantacion Landes were

given to the right owners.”³⁹ The Irish confederates saw Protestant settlers as thieves and trespassers, and targeted symbols of the plantation to reflect this animosity.

In addition to attacking homeowners and plantation goods to intimidate colonists, Irish confederates terrorized Protestant settlers by stripping them of their clothes, drowning them, and burying them alive. These forms of display violence – public violence intended to dismantle one’s sense of the safety in certain locations – turned Ireland’s natural environment into a weapon the rebels used against their British enemies. In Down County, Peter Hill made sense of a mass drowning by dehumanizing the rebels that allegedly committed the act; “those wicked & merciles Irish *then* tooke the sucking children from their parents and...with all the strength they could threw them as far as they were able towards the place where the Ice was weake & thinn.”

37 Deposition of William Duffield, (MS 836, fol. 048r).

38 Deposition of William Duffield, (MS 836, fol. 049r).

39 Deposition of Alexander Creichton, (MS 834, fol. 109v).

Hill emphasizes rebel violence against Protestant children, employing a rhetorical strategy that 63% of the Armagh County deponents also use (fig. 2). The tactic portrays his fellow Protestant settlers as incapable of defending themselves against the injustices of “wicked and merciless” Irishmen. Hill continues the narrative of the infanticide: “Those parents nurses and frendes striving to fetch off the Children went soe farr that they burst & brake through the ice, And then and there both they and the children perished together by drowning.”⁴⁰ The Irish confederates could have more quickly and conveniently murdered their unarmed Protestant victims with a number of traditional weapons, as they elected to do in 65% of the Armagh County depositions (fig. 2). These rebels, however, deliberately went out of their way to drown dozens of women and children, terrorizing settlers with the same land that the English parliament hoped would empower their colonists. In

40 Deposition of Peter Hill, (MS 837, fol. 037r).

Armagh County, accounts of drowning appear almost as frequently as other forms of murder, demonstrating that rebels frequently went out of their way to drown colonists. This premeditation indicates the rebels intentionally used their landscape as a weapon, inverting the logic of the plantation’s power structure by taking away the power plantation lands gave to British settlers.

Irish rebels also buried their enemies alive to undermine the settlers’ sense of safety in Ireland. In one case, a group of rebels “hact slasht and wounded” the English Protestant Thomas Mason before dragging him “into a hole” and throwing “*earth* rubbish and stone upon him.” Half buried and unable to free himself, Mason “cried out & languished about 2 or three daies in the ground.” Prevented from rescuing him, his wife eventually “putt him out of his paine” by tying “her handcarsher over his mowth” and suffocating him.⁴¹ The rebels left Mason in agony for two or three

41 Deposition of Elizabeth Price, (MS 836, fol. 105r).

days, making a public example of him to horrify his Protestant neighbors. Rather than associating their plantation lands with cultural superiority, the rebel's display violence forced British settlers to imagine how the Irish could use the natural world to terrorize them.

In addition to drowning and half-burying Protestant settlers, the rebels also stripped them of their clothes in 49% of the Armagh depositions, forcing the colonists to suffer in the cold for days at a time (fig. 2). After detailing the mass drowning, Peter Hill's deposition describes one of these strippings: "the irish papists...were...highly guiltie...of stripping the protes- tantes naked & soe turneing them away in frost snow or cold weather..."⁴² New settlers distinguished themselves from their socially inferior Irish counterparts by wearing distinctly British clothes. The colonists

enforced their privileged Anglican status with a law forbidding "every Irishman...to wear English apparel... upon pain of death."⁴³ Clothing erected a social barrier between English settlers and Irish natives, demarcating civil colonist from wild native. The English parliament enforced this rule to flaunt their colonists' wealth and provide an example of civilized society to the "barbaric" Irish they intended to subdue. By stripping colonists of this layer of English superiority and insulation, the rebels forced settlers to reckon with the harsh conditions of Ireland's natural environment. Without British protection, many Protestants froze to death in a foreign land. If they did survive, the settlers still temporarily lost their English identity, as the rebels forced them into an unfamiliar landscape that they could not use their British apparel to distance themselves from.⁴⁴

42 Deposition of Peter Hill, (MS 837, fol. 35r).

43 Quoted in Jill Lepore, *The Name of War*, 81.

44 For a more in depth discussion the role of apparel in British colonialism see Ann Little, "'Shoot that rouge

Most deponents described cases of Irish rebels stripping and robbing English Protestants in the same manner as Peter Hill. For example, the rebels stripped Isabell Gowrly “of her clothes seven seuerall tymes... and at Length left her not soe much as her smock or hairlace but left her naked.”⁴⁵ Just as her neighboring Protestants from Down County had to endure Ireland’s harsh environment without their protective layer of British clothing, Gowrly experienced a similar ordeal in Armagh. Jane Grace also describes an instance in Armagh where a contingent of rebels stripped a handful of Protestant settlers, setting “them in the stockes in frost & snow,” and forcing them to suffer in the cold

without any British protection.⁴⁶ The parallel between the depositions of Peter Hill, Isabell Gowrly, and Jane Grace, along with the data indicating that Irish rebels exposed Protestants to the harsh realities of Ireland’s climate in 33% of the depositions, demonstrates that Irish confederates routinely carried out this type of violence against settlers (fig. 2). Even if deponents and British authorities exaggerated, or entirely fabricated some of their complaints of strippings, the prevalence of these allegations, and the similarities across the depositions, indicates that this form of violence occurred regularly during the rebellion. The frequency of strippings demonstrates the crime’s success in compromising British colonial tactics that endeavored to reshape Ireland’s social landscape by establishing a social hierarchy based on apparel differences.⁴⁷

for he hath an Englishman’s coat on!': Cultural cross-dressing on the New England frontier, 1620-1760", *The New England Quarterly* 74, no. 2 (2001), 238-73.

45 Deposition of John and Isabell Gowrly, (MS 836, fol. 57r.)

46 Deposition of Jane Grace, (MS 836, fol. 52r).

47 Jill Lepore, *The Name of War*, 81.

British livestock and agriculture played a central role throughout the 1641 Irish rebellion, from O'Neill's use of cattle to invade Charlemont castle and ignite the conflict, to the mundane robberies of plantation provisions that occurred in 96% of the Armagh County depositions (fig. 2). Excluding robberies, the depositions mention cattle more than any other category, indicting the value Protestants attributed to these animals, and the frequency with which rebels targeted these creatures to disrupt the plantation system. Rebels tortured cattle during the siege of Auger and put them on trial in Mayo County, illustrating the inability of Irish peasants and aristocrats to coexist with Protestant settlers who intended to exploit Ireland's environment to increase their wealth and power.

Although the English parliament recognized the vast amount of natural resources in Ireland, it failed to anticipate the ways Irish natives could use that same environment to terrorize plantation owners. After British colonial legislation reshuffled land rights

to favor new Protestant settlers, Irish rebels burned farms, stole cattle, drowned colonists, and stripped settlers of their English clothing. Each of these acts of environmental violence targeted plantations and a system of colonialism that usurped Irish property and power, and prevented peasants from cultivating the food they relied on for survival. Without cattle, a workable farm, or the clothing that identified them as English and thereby, civilized, colonists could no longer oppress the Irish with the tools parliament gave them. The mundane and routine violence, along with the more colorful descriptions of environmental violence in the depositions, demonstrates how colonialism and the plantation system disrupted Irish ways of life and triggered the Irish rebellion of 1641.

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QUEERING IMMIGRATION: THE RIGHT TO FAMILY LIFE FOR BINATIONAL SAME-GENDER COUPLES

Chelsea Richardson

Introduction

Family reunification accounts for the vast majority of authorized migration across the globe. Most nation-states recognize to some degree that family life is an indispensable right, and that the integrity of the family unit must be respected when it comes to immigration policy.¹ However, family reunification policies

often rely on a slippery, ill-defined notion of family that is incongruent with the existing human rights norms regarding the sanctity of family life. The majority of nation-states only recognize marriages that would be valid

1 Joseph Carens, *The Ethics of Immigration*, 186. While I believe firmly in open borders, this paper follows Joseph

Carens' approach of arguing for increased inclusion under existing political frameworks and existing commitments to political liberalism. Interrogating those frameworks is beyond the scope of this paper. See Joseph Carens, *The Ethics of Immigration* (Oxford: Oxford University Press, 2015), p. 10-13, 225-254, 300-313.

according to their own marriage laws, regardless of the validity of the marriage in the place of authentication. Furthermore, the majority of industrialized nations in the Global North, which tend to be receiving nations for immigration, define family according to a traditional notion of the nuclear family: a heterosexual, married, cohabiting couple with minor children.² In the US, for example, only “immediate relatives” are privileged for family reunification purposes in immigration law; that is, the spouse of the citizen or non-citizen legal resident and their minor children. Family reunification has even been privileged above the entry of asylum seekers,³ demonstrating just how committed nation-states are to maintaining the integrity of the family unit.

2 Christopher Hargis, “Queer Reasoning: Immigration Policy, Baker v. State of Vermont, and the (Non)Recognition of Same-Gender Relationships,” 222.

3 Matthew Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*, 243.

The prioritization of family reunification in immigration law begs the question: why do we value family, and how do we define family? In this paper, I will provide a definition of family grounded in the human rights literature, which provides a basis for a human right to family life. Then, as my primary question for this paper, I will ask whether the human right to family life obligates nation-states to extend family reunification benefits to same-gender⁴ binational couples, a non-traditional family unit that has traditionally been excluded from the privileges of family reunification policies. This question is important for both

4 I use the term ‘same-gender’ because I am referring specifically to gender, i.e. how people identify, whereas ‘sex’ is a separate and highly contested analytic category. See also Christopher S. Hargis, “Queer Reasoning: Immigration Policy, Baker v. State of Vermont, and the (Non)Recognition of Same-Gender Relationships,” *Law & Sexuality* 10 (2001): 211–38, Footnote 2.

practical and theoretical reasons. The notion of queer migration bridges two disciplines that remain separate far too often: migration studies and queer studies. Prominent queer theorist Eithne Luibheid laments the lack of attention to sexual orientation in immigration scholarship thus far;⁵ a burgeoning subfield I hope to contribute to in this paper. Furthermore, while many queer theorists, such as Gloria Anzaldúa, have written about the identity-related struggles of queer migrants, little attention has been paid to the legal rights of queer migrants within the field of queer theory.

On a practical basis, this question has significant implications for non-normative families of all kinds. First and foremost, as an increasing number of nation-states recognize the right to marry for same-gender couples, nation-states will have to grapple with conflicting definitions of marriage and

family in an international context. Queer families are disproportionately harmed by exclusionary, formalistic definitions of marriage that only recognize heterosexual spouses for family reunification policies. Further, many family members who serve as functional equivalents of partners, parents, and children, but fail to meet the formalistic standards, could benefit from a non-exclusionary, functionally defined notion of family in immigration policies. Cohabiting, non-married, heterosexual couples, for instance, could benefit from immigration policies that recognize them as the functional equivalent of a ‘married couple,’ as in the common law tradition. Moreover, this kind of definition could benefit migrants from cultures in which extended family members play a role functionally equivalent to that of a parent or another ‘immediate relative.’⁶ Ultimately, many migrants from non-traditional families could benefit from a more inclusive,

5 Eithne Luibheid, “Heteronormativity and Immigration Scholarship: A Call for Change,” 227.

6 Carens, 189.

functional definition of family life that is grounded in the human rights tradition.

Overall, I argue that in the context of family reunification policies, exclusionary and formalistic definitions of family violate the human right to family life for same-gender binational couples. Instead, nation-states committed to liberalism have a moral obligation to define family using the principle of functional equivalency, in accordance with the characteristics enumerated in human rights documents.

A Human Rights-Based Definition of Family

A vast majority of the case law on family-based rights and disputes revolves around the question of how to define family. Traditionally, courts use a formalistic definition of family, defining units such as spouses, children, and parents in strict, technical terms. This tradition is particularly strong in the United States. For example, in the case of *Alison D. v. Virginia M.*, the two

parties were in a domestic partnership functionally equivalent to a marriage and raised a child together.⁷ Both contributed duties and expenses to the child rearing of their son, but when the couple separated, Virginia, the biological mother, was able to terminate all contact between Alison and their son without a custody hearing. The court ruled that according to the formalistic definition of family, Alison was a “biological stranger” to the child, and had no legal rights as a parent, despite her functional role as the child’s second mother.⁸ In this case, the court was forced to make a ruling that quite obviously contradicted reality. Alison was no stranger to her son, and yet she had no legal recourse as a mother. *Alison D. v. Virginia M.* captures the under-inclusion problem of formalistic definitions of the family.

7 Harvard Law Review 1991, 1649 77 N.Y.2d 651, 572 N.E.2d 27, 569 N.Y.S.2d 586 (1991).

8 Ibid.

A functionalist, analytic definition of family that is transferable across non-traditional family units more accurately captures the diversified landscape of family life throughout the world. Case law and human rights declarations guide this definition by explaining *why* family is important. The definition I will use derives from the main principles behind the significance of family, and ultimately why it is enumerated as a human right. I propose the following definition: *Family is a set of intimate, interdependent relationships that form the basic organizing unit of a community.*

The first principle defining family life is its intimacy, sometimes expressed as the closeness, immediacy, and prioritization of particular family relationships. The notion of intimate family relationships as a particularly fulfilling and private aspect of human life is apparent in Article 12 of the Declaration of Human Rights and Article 8 of the European Convention on Human Rights. Article 12 of the Declaration states, “No one shall be subjected to arbitrary interference with

his privacy, family, home or correspondence”⁹ and, similarly, the European Convention states, “Everyone has the right to respect for his private and family life, his home and his correspondence.”¹⁰ As immigration theorist Peter Meilaender explains, family “is the location of our deepest and most important experience of social bonds.”¹¹ Special recognition and privileges are owed to family life due to the centrality of intimate social bonds to the human experience and happiness. Furthermore, some scholars have argued that the evolutionary need for social ties and affiliation garners special recognition. “In the case of the family, this lies specifically in establishing and living in intimate relationships of affection and support.”¹² Importantly,

9 United Nations 1948.

10 Council of Europe 1952.

11 Peter Meilaender, *Toward a Theory of Immigration*, 182.

12 Iseult Honohan, “Reconsidering the Claim to Family

pursuing family life is often part of individual's "autonomy to pursue a conception of the good life," which is protected by liberal states.¹³ Liberal states would not retain legitimacy for very long if they repeatedly and arbitrarily interfered with an aspect of life so central and important to individuals and their pursuit of happiness. For these reasons, international norms recognize the importance of affiliation, intimacy, and affection, and by extension give special rights to the sanctity of family life.

The intimacy of family relationships contributes to the formation of interdependent, caring relationships, another aspect of family life that has been recognized in nation-states, case law, and in-

Reunification in Migration," 771.

13 Andrew March, "Is There a Right to Polygamy? Marriage, Equality and Subsidizing Families in Liberal Public Justification," 252.

ternational norms. Political theorist Iseult Honohan explains that the intimacy of family relationships facilitates "giving and receiving care in those aspects of our lives that involve necessary dependence, including childhood and old age."¹⁴ Nation-states recognize the special obligations inherent in family life, and often rely on those obligatory relationships to maintain the health of vulnerable populations like the elderly and the young. In this way, "the right to family life can be thought of as a universal right to discharge special obligations, which recognizes the value of particular relations."¹⁵ For instance, in both the US and Germany, dependency is considered for the allocation of family reunification privileges. Minor children are typically guaranteed family reunification rights due to their dependence on citizen parents. Furthermore, the concept

14 Honohan, 771.

15 *Ibid.*, 772.

of dependency is used to justify family reunification rights: In Germany, “younger and unmarried children are given preference because they more clearly belong to the same family unit as their parents.”¹⁶ They more clearly belong to the family unit by virtue of their *dependence* on their parents, thus further cementing the significance of interdependence as a defining element of family life. For this reason, a functional definition of the family unit would extend this logic of dependency to recognize, for example, a grandparent whose care for a grandchild fulfills the roles and duties traditionally carried out by a parent. States rely on the delegation of care to family units, and to deny that interdependent family units can exist outside of the traditional nuclear family paradigm is simply to deny reality. Hence, interdependency is a defining element of family in a human rights based approach to family reunification.

16 Hiroshi Motomura, “The Family and Immigration: A Roadmap for the Ruritanian Lawmaker,” 516.

Affirmation of the significance of interdependent family relations can be found in the human rights literature and case law. For example, the International Covenant on Economic, Social, and Cultural Rights describes the right to family life as particularly deserving of “protection and assistance...while it is responsible for the care and education of dependent children.”¹⁷ In the case *Winata v. Australia*, the parents of a child born in Australia were subject to deportation after having overstayed their visas.¹⁸ The UN Human Rights Committee held that deporting the child’s parents would constitute a violation of Article 17 of the International Covenant on Civil and Political Rights, which prohibits arbitrary interference with the family unit. In this case, the dependence of the minor child outweighed state’s

17 United Nations 1976, 10.1.

18 Hendrick Winata and So Lan Li v. Australia, Communication No. 30/2000, U.N. Doc. CCPR/C/72/D/930/2000 (2001).

legal claims against the parents, thus illustrating the limits of state power when it comes to interference with family life, particularly in regard to interdependence.

The final defining element of family in the context of human rights is the fact that it is the basic organizing unit of a community (be that a national community, polity, neighborhood, or civil society). Article 16 of the Declaration of Human Rights recognizes marriage as a human right and declares, “The family is the natural and fundamental group unit of society.”¹⁹ Liberal democratic societies rely on social bonds that connect individuals to the larger political community, because this facilitates political participation.²⁰ Peter Meilaender argues that the family unit is required to facilitate loyalty to the political commu-

nity at large: “to reject the bonds of family affection and unity is ultimately to cut at the very root of a process that helps us develop broader bonds of political loyalty in the first place, to challenge the basis of the individual’s commitment to the polity as a whole.”²¹ Individuals’ universalistic commitments within the democratic polity depend on the more particularistic commitments they make to their closest relatives. For instance, someone without a family may have no reason to enter the public realm because they see no reason to care about the lives of strangers. If, on the other hand, they see a universal policy as having a particular impact on loved ones or entire family units, they begin to care about public decision-making, and how it affects other community members. Hence, the structure of the family is central to the organization of a liberal democratic society, and is thus afforded protection in the human rights tradition.

19 United Nations 1948.

20 Matthew Lister, “A Rawlsian Argument for Extending Family-Based Immigration Benefits to Same-Sex Couples,” 746.

21 Meilaender, 182.

Non-traditional families form the basic organizing units of society in much the same way. Another significant way families contribute to the organization of society is by ensuring successful and continued reproduction of future generations.²² While some argue that same-gender couples should be barred from family rights because they do not naturally reproduce on their own, this claim does not stand up to scrutiny. Same-gender couples account for a small minority of families throughout the world, and their existence does not preclude continued population growth. Indeed, many same-gender couples use sperm donation or surrogacy to have children of their own. Additionally, same-gender couples often alleviate the state's burdens in caring for orphans and foster children by adopting children whose parents are deceased or unable to care for them. In this way, same-gender couples contribute to the social reproduction of the community, by provid-

22 Lister, 756.

ing a caring, intimate family lifestyle for children who would otherwise be wards of the state. Overall, family's significance to the liberal-democratic state can be tied back to its location as the basic organizing unit of society, where it ensures social reproduction of future generations and creates bridges to political participation.

Violations of the Human Right to Family Life

Now, we will look at the definitions of family that liberal-democratic states actually use when considering family reunification claims of immigrants, and how these exclusionary and formalistic definitions violate the human rights of non-traditional families. In the US, for example, Citizenship and Immigration Services (USCIS) employs strict, formalistic definitions based on specific points of lineage. The Immigration and Nationality Act (INA) specifically defines "immediate relatives" as children, spouses, and parents of citizens

who are at least 21 years old.²³ Until the US Supreme Court case *United States v. Windsor*, the Defense of Marriage Act of 1996 (DOMA) defined marriage for federal purposes as a legal union between a man and a woman.²⁴ Because the federal government has plenary power over immigration, this federal definition precluded family reunification policies from recognizing the legitimacy of same-sex marriages, even if they were legally valid in the country of celebration.

Defining family in this formalistic and exclusionary manner violates the human right to family life for same-gender couples, because same-gender couples constitute ‘families’ in the context of human rights norms. According to the definition provided in the above section, same-gender couples are the functional equivalent of heterosexual couples, regardless

of marital status. While marital status may serve as a proxy for intimacy and interdependency, each of these can exist without a marriage certificate. Same-gender couples form the same kind of intimate ties as heterosexuals, and thus “have the same sorts of vital interests in being able to live together as heterosexual partners.”²⁵ Furthermore, same-gender couples are interdependent in the same way heterosexual couples are. Some opponents of this claim argue that heterosexual couples are interdependent primarily because they serve different functions according to their gender roles. However, many heterosexual couples do not follow traditional gender roles, and the functions of each partner in any relationship are most often defined by the individuals’ strengths and weaknesses, rather than their gender. The most significant way in which partners support each other, whether heterosexual or homosexual, is through economic partnership. The

23 Motomura, 512.

24 570 U.S. ___ (2013) (Docket No. 12-307)

40 **BODY TEXT**

25 Carens, 188.

economic benefits of cohabiting and sharing income constitute the interdependence element of family life. Lastly, same-gender couples form the basic organizing unit of society in the same way heterosexual couples do. As mentioned earlier, many same-gender couples have children through adoption or other means, thus contributing to the reproduction of the citizenry. Moreover, the bonds of same-gender relationships often form the basis of political participation, such as organizing for equal rights. Overall, adherence to the human rights tradition entails the use of a functional equivalency definition of family.

It is a common belief that the legalization of same-gender marriage will solve this problem by simply altering the formalistic definition of family to include non-traditional families. In fact, the United States has taken this path. After *United States v. Windsor* (2013), Secretary of Homeland Security Janet Napolitano issued a statement, recognizing that DOMA was no longer law of the land, and declaring that USCIS would

now “review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse” (United States 2014). Notice, however, that the definition of family in this context is still restrictively formalistic: only a same-gender *spouse* can petition for family reunification. The functional equivalency of cohabiting, non-married couples remains unrecognized, and this is particularly impactful for same-gender couples and other non-traditional family units. This is because same-gender binational couples can only benefit from new directives like Napolitano’s if they happen to have gotten married in a nation-state where same-gender marriage is legally recognized. This is not entirely likely, since only 24 countries in the world legally recognize same-gender marriage.²⁶ Lastly, a legalistic definition of marriage or partnership has no grounding in the human rights definition of family.

The existence of a contract legitimating one's familial relationship has no bearing on the existence of intimate, interdependent connections that form the basic organizing unit of a community.

One of the defining elements of existing human rights literature on family life is the notion that the state should not pose an undue interference with the integrity of the family unit. In the case of same-gender binational couples, the failure of immigration policies to recognize them as legitimate family units has led to unconscionable interferences in family life, thus violating these couples' human rights. Article 12 of the Declaration of Human Rights defends against "arbitrary interference" with family life, and Article 8 of the European Convention on Human Rights states, "There shall be no interference by a public authority with the exercise of this right [to family life]," except in cases such as threats to public

order and national security.²⁷ When the state fails to recognize the functional equivalency of same-gender couples, it does just that. In many instances, couples have been separated due to exclusionary family reunification policies. For example, in the United States case of *Adams v. Howerton*, an American citizen petitioned for his Australian, same-gender partner to be considered an "immediate relative" for the purposes of family reunification policies.²⁸ The state rejected the petitioner's case, forcing the couple either to live separately, migrate to Australia (where they might encounter the same problem), or break up.²⁹ Such a

27 United Nations 1948, Council of Europe 1952.

28 *Hargis*, 224 F.2d 1036 (9th Cir. 1982), cert. denied, 458 U.S. 1111 (1982)

29 Same-gender marriage is now legal in Australia, but this example nonetheless demonstrates the failures of formalistic definitions of family.

deep disruption and interference with one's intimate, interdependent relationships violates the human right to family life for same-gender couples.

Objections and Justified Exclusions

One of the common objections to using a functionalist, inclusionary definition of family life is that it creates a slippery slope: if states are forced to recognize same-gender relationships, will they soon be forced to recognize polygamy, child marriages, and arranged marriages? The answer to this question lies in some of the qualifications enumerated in the human rights literature: the presence of consent. Article 16 of the Universal Declaration of Human Rights recognizes the equal rights of men and women in marriage, as well as the fact that "Marriage shall be entered into only with the free and full consent of the intending

spouses."³⁰ For this reason, child marriages could be justifiably excluded because it is reasonable to deduce that children under a certain age are incapable of consenting to marriage. Moreover, if multiple wives are coerced into a polygamous marriage by other family members or by deceit, the argument could be made that they did not give informed consent.

On the other hand, if a polygamous relationship is entered into consensually and with recognition of the autonomy of each party, political liberalism offers no justified exclusion of their marriage from legal recognition. In political liberalism, non-interference is the default, with the exception of actions that "involve placing unreasonable burdens on other citizens."³¹ In other words, individuals have the freedom to behave as they choose, so long as they do not interfere with

30 United Nations 1948

31 March, 252.

the freedoms of others. According to the principles of justificatory liberalism, any restriction on individual freedom requires justification from those who wish to restrict access to a particular good, such as marriage.³² Further, liberalism requires that “justification cannot be a rationalization of brute disgust.”³³ We cannot simply search for grounds for exclusion because we feel repulsed by a particular behavior. So, while normative intuition may supply a gut impulse that polygamy must be restricted in some way, there is no rational basis for excluding it under a liberal political order. This principle applies similarly to other stigmatized forms of intimacy so long as each party consents fully.

Ultimately, the question of consent and the protection of individual rights guide the delineation of what should be legally recognized as family rela-

tionships, particularly marriages. A functionalist definition of marriage may indeed be a slippery slope, in that it will continue to incorporate non-traditional families, but this is not objectionable if it does not violate the free will and individual rights of the consenting parties.

Another common objection to the functionalist definition of marriage is the fact that it requires significant administrative resources to make subjective decisions as to who counts and who doesn't. Hiroshi Motomura recognizes this conundrum, arguing that it would be difficult to analyze “relationships, such as grandparent-grandchild, that may be the functional equivalent of a recognized relationship.”³⁴ Further, “family-by-family determinations of functional equivalency would pose problems of cost, privacy, and

32 Ibid., 256.

33 Ibid., 257.

44 **BODY TEXT**

34 Motomura, 529.

delegation of discretionary authority.”³⁵ While these are not insignificant concerns, I argue that they can be overcome. Take, for example, the fact that the United States already conducts case-by-case interviews with spouses applying for family reunification visas to determine if the relationship is a “sham marriage.”³⁶ A functionalist definition can still have basic criteria to guide decision-making bureaucrats; the difference lies in the fact that the definition is based on the function and nature of the relationship rather than specific, formalistic categories of relatives. Policies and procedures will need to be established to account for gray areas, and bureaucrats will need to undergo specialized training to identify the functional equivalencies in families, but this is not impossible. States that are committed to recognizing human rights must

35 *Ibid.*

36 *Ibid.*, 531.

bear the cost of a bureaucratic apparatus capable of protecting them. Moreover, while interviews regarding the nature of one’s family may constitute a breach of privacy, it is clear that migrants are willing to temporarily relinquish this right in order to gain the benefits of migration. This is evident in many other situations that involve trade-offs between privacy and other benefits, such as the decision to submit to full-body x-ray at the airport in order to benefit from air travel.

Conclusion

In this paper, I have demonstrated that exclusionary, formalistic definitions of family and marriage for family reunification policies facilitate the violation of the human right to family life for binational same-gender couples. Following from this fact, I argue that states with a commitment to political liberalism have a moral obligation to protect the human right to

family life for same-gender couples. The human rights tradition entails the use of a functionalist definition of family for immigration purposes, as this definition is actually rooted in the human rights norms and case law. Same-gender couples seeking the benefits of family reunification policies are disproportionately impacted by legalistic, formalistic definitions of family, such as those used in the United States. Extending a formalistic definition of family to include same-gender couples in a particular nation-state will not solve this problem, due to the lack of universal recognition of same-gender marriage throughout the world.

Ultimately, the definition of family life articulated in this paper can be used to protect the human right to family life for many other kinds of non-traditional families. Further research should analyze the impact of exclusionary definitions of family on cultures where extended family members play a significant role, and where polygamous marriage is common and accepted. Moreover, further research

should consider whether the state should recognize or subsidize marriage at all, since cohabiting couples can be functionally equivalent to married ones. All in all, states have a moral obligation to recognize non-traditional families according to a human rights definition of family: a set of interdependent, intimate relationships that form the basic organizing unit of a community. Definitions of family not grounded in the human rights tradition will inevitably fail to protect human rights.

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OCEANICS OF UN/BECOMINGS

James Gisele

1. Orientations

This essay comes out of a deep need for the insights of intersectional models, and a fundamental distrust of their promises. Its inspiration is drawn from personal experiences with the co-opted, misunderstood models of intersectionality that have proliferated far into the academic, nonprofit, and corporate worlds, as tools of both liberal diversity management and of state and market control, a path of thought I owe to Jasbir Puar's foundational work on queer terrorist assemblages. It also comes from a deep desire to move beyond linearity in metaphors of resistance, to think more wholly about the languages used to theorize the world, and to

consider at length how the poetics of models *become* the models themselves, a path of thought I owe to Audre Lorde's essay "Poetry is Not a Luxury." Out of these frustrations comes the question: What modes of being are available when frameworks utilizing linearly intersecting tracks of stabilized identity are thrown into disarray? In an effort to explore one of these possible modes of being, I will trace a set of similar embodied experiences and theoretical claims which I call *oceanics* through multiple and often contradictory disciplines and thinkers. Moving between these works, I will trace these oceanics through associations and conversations with blackness and transatlantic

diaspora, femininity and maternity, immaturity and pre-Oedipal modes, queerness and sex/uality, death and trauma, and Sacred or religious experience.

I will utilize three main disciplinary frameworks in this exploration. The first comes from theorizations of blackness as an Atlanticity-mediated, queer mode of paraontological, oceanic being, one brought into existence by the Middle Passage and multilayered diasporic experience. The thinkers most central to this articulation will be M. Jacqui Alexander, in selections from *Pedagogies of Crossing*; Fred Moten, in “Blackness and Nothingness (Mysticism in the Flesh);” and Omise’eke Natasha Tinsley, in “Black Atlantic, Queer Atlantic.” The second comes from various psychoanalytic theorizations of “the” oceanic as a universal or near-universal human experience of oneness with the eternal and suspension of well-defined subjecthood. The thinker most central to this articulation will be Jackie Wang, in her essay *Oceanic Feeling and Communistic Affect*; this essay traces the

oceanic through various articulations by Sigmund Freud, Romain Rolland, Julia Kristeva, Jacques Lacan, Marion Milner, Félix Guattari, and Gilles Deleuze, alongside her own insights and connections. Lastly, I will discuss Leo Bersani’s conceptualizations of queer sex/ualities as connected to death and the death drive, focusing on discourses that mostly developed during the height of the US AIDS crisis in MSM¹ communities. Because the texts I am drawing from come from such a wide set of academic discourses, I will put additional explanations and background on terminology and academic history in the footnotes throughout; readers who are not as familiar with one disciplinary focus or another are encouraged to check these notes for clarification and additional context.

Before any of these oceanics are drawn into conversation, I want to delve a little further into where my frustrations with intersectionality lie through an

1 Men who have sex with men.

exploration of critiques and supplements provided by two theorists, Jasbir K. Puar and M. Jacqui Alexander. The first half of this piece will cover the ways in which intersectionality is often misunderstood, the ways it has been co-opted, and the limitations in the languages it is sometimes [mis]articulated in. I want to be clear that I focus on the limitations of intersectionality not in order to replace it or deem it insufficient, backwards, or naïve; instead, I want to look at oceanics as a set of tools to *add* to intersectionality as frameworks through which to analyze the world. I also want to emphasize that much of the following is not my own work, but rather a bringing together of the works of many different thinkers, in hopes that their confluences will be as evocative for others as they have been for me. Though I hope that an exploration of their claims in conversation is evocative, I do not want to claim that either the work on some of the misappropriations of intersectionality or the articulations of individual oceanic(s) are my own.

2. Intersectionality: Uses and Misuses

Beginning a paper in tension with intersectionality is perhaps not the most inviting of methodologies; intersectionality as a framework comes with twenty years of institutional history behind it, and its languages and claims have permeated far outside of the radical black feminist discourses from which they originated. Especially as a white theorist, this is not a move to be taken lightly; intersectionality, as created by and for black and woman of color feminists, the Combahee River Collective and Kimberlé Crenshaw in particular, was developed out of a very immediate experience of violence in and from the theorizations of white feminists. When I say I do not trust intersectionality, I am not saying that I wish to theorize any one difference as ‘primary;’ I am also not saying that I believe that independent lines of oppression can be theorized

independently from each other.² Instead, I am taking issue with the *language* of lines of intersecting identity. In this critique, I am deeply indebted to the work of Jasbir Puar's piece, "I would rather be a Cyborg than a Goddess," and M. Jacqui Alexander's *Pedagogies of Crossing*, particularly Chapter 7, "Pedagogies of the Sacred: Making the Invisible Tangible." Much of the following comes from these two pieces, though I have added my own insights based in more recent history and my understanding of the operations of algorithmic state control. Before going more deeply into their alternatives and additions to intersectional modes of being-becoming-theorizing, it is worth specifying exactly where the language of lines of identity breaks down in usefulness.

2 As in, "leave gender to the gender theorists and race to the race theorists," rather than seeing how these categories are mutually constituted through each other and many other aspects of oppression.

Metaphors which utilize the terminology of mathematics and particularly linear algebra (matrix, angle, projection, intersection, line)³, but are not fundamentally compatible with its application, lose a lot of their poetic and theoretical power. It does both linear algebra and humanities theory a disservice to use language of linear intersections (and thus, independent variables) when your model is rejecting linearity and the premise of an independent variable itself, which the vast majority of humanities theory, including intersectionality, does. Even if this isn't a moving argument for less mathematically-inclined reader, neoliberal technological state and market control works through linear algebra, a branch of

3 I don't wish to give the ownership over these words to mathematicians, rather to point out that the ways in which these phrases are used invoke Cartesian coordinate systems, even when the same theory's claims are trying to undermine their use.

mathematics founded on relations between near-infinite numbers of complexly intersecting straight lines.⁴ As seen in the emergence of pink capital(ism),

4 This knowledge comes from taking courses in linear algebra, physics, and computer science, not any one person who has written about this. It's considered common knowledge in the sciences, since linear algebra alongside calculus provides most of the mathematical tools used outside of the field of mathematics research. As such there is no citation to easily be made here; researchers in the fields of economics and computer science already know that linear algebra is the foundation of their work, so the only "works" pointing this out in recent years tend to be undergraduate Powerpoint slides. Readers who have some familiarity with linear algebra and want a basic summary of how this works might find these powerpoints by Kyle Kloster (<https://goo.gl/8uaZpa>) and Divyansh Verma (<https://goo.gl/MFJisL>) a helpful resource. Also interesting is this release (<https://research.fb.com/fast-randomized-svd/>) of an algorithm helpful for a broad array of predictive software by Facebook's research department.

market consumerism is *more* than happy to see the emergence of a plethora of new identities, because it allows simultaneous exploitation and furthering of systems of global capital whilst seeming to provide for the new group's "intersectional" identities, creating a whole new market for consumer goods. To paraphrase the artist ANOHNI, neoliberalism would love to be your Daddy: protecting you from evil, watching your every move, plastering your face proudly upon its billboards and screens, proclaiming its inclusivity and championing your rights, all the while murdering, incarcerating, impoverishing, and "leaving to die" everyone it cannot recuperate into proper daughters and sons.

Also necessary to consider are the workings of systems of state control through surveillance and "big data." The way the infrastructure of the NSA and every other intelligence gathering technology works

is through massive amounts of data that are analyzed through linear algebraic algorithms. Creating grand lists of easily available, static, linearly independent information about “identities” you possess along *every known line of US imperially-instituted oppression* makes it very easy for these very systems of oppression to enmesh subjects into their power-webs of control. To put this explicitly: as soon as you check off on the census/Facebook account/email account box that you possess the traits of [non]-whiteness/class privilege/maleness/straightness, systems of control smile and thank you for your contribution to their webs of power-knowledge, which allow them to mark non-privilege more effectively through predictive software algorithms based on such demographic categories.⁵

5 Again, this is all common knowledge within the field, so there is no clear citation. However, this Forbes article summarizes the ethical concerns mathematicians have with working with the NSA specifically (which happens

As US systems of control—police; FBI, court systems; CIA; military; technology corporations’ possession of increasing information about of life activity, from location to email to internet history to music we listen to—are increasingly run based on algorithms which use past data to extrapolate further events (much of which are currently being put to the use of racial profiling, especially towards South and West Asian diasporic communities) it is becoming increasingly important to think about how to strategically undermine these systems of control that are *based* in intersecting lines of identity.

This co-option of intersectionality is also visible through its supposed use for inclusion/diversity work. Intersectionality as a word is now being used

to be the largest national and possibly international employer of mathematicians): <https://goo.gl/MrP4Ly>

within huge corporations during diversity training and outreach. This in itself should be significant cause for concern for a framework intended to honor and value the lived experiences of poor women of color. It is also visible in predominantly white non-profit organizations as a tool of tokenizing diversity management (as Alexander writes about experiencing), and in the very settings which presume to be teaching intersectionality itself. In this context, the word ‘intersectionality’ is often used without any actual understanding of its implications, as a catch-all word to make sure claims furthered in a social environment are seen as not furthering oppressive structures, particularly of racism in predominantly white spaces. As an example, an oft-heard statement in the social justice circles and college courses I frequent goes something like, “the inherently intersectional experience of [any person of color who isn’t otherwise categorically privileged] is so, so, so important to consider.” The experiences of privileged white men theorists—such as, say,

Foucault—are, by contrast, never prefaced with a statement about their “intersectional” experience of the world. This use of the word is *literally antithetical* to the claims of intersectionality, which asks for a marking of whiteness and maleness and class privilege as *not* the norm of world experience—as in fact a particular set of experiences whose claims extend to a limited, nonglobal set of experiences. By contrast, this hyper-marking of not-white-ness and not-male-ness and not-rich-ness reinforces the precise system of tokenization that intersectionality aims to undermine.

The fact that most people using a framework don’t understand it isn’t an argument for a flaw in such a framework, as any theoretician can bitterly attest. But it is the lines-of-oppression language inherent in a framework of “intersections,” and visible in especially Crenshaw’s original articulation, that leads to these misunderstandings and co-optings. Thus, when I say I do not trust the promises of lines of identity, it is out of a yearning for models which do not lend themselves so

easily to adaptation by systems of oppression for their own ends. I want to search for a framework whose language flows freely into its implications and applications, whose liberatory foundations have not been twisted into supporting the faulty claims of liberal, individually-bounded, identitarian subjecthood. Yet I also have an understanding that I, like most other people experiencing marginalization in any way, very much need stable identities in order to theorize my reality meaningfully in conversation with others; intersectionality is one of the most helpful theoretical tools in existence for this end, especially in its centering of those at the crux of multiple systems of interactive control. How does one mediate between these two needs? Puar and Alexander, though proposing different frameworks and utilizing different languages, respond to this need through the use of multiple modalities of being and theorizing.

In her essay “I’d rather be a cyborg. . .” Puar asks for Deleuze and Guattari’s framework of assem-

blage⁶ to be added *alongside* intersectionality as a tool with which to interrogate the world. For Puar the imperative is not to “queer or be q/Queer,”⁷ but to

6 Deleuze and Guattari revel in defining their theoretical tools precisely through making them impossible to define. It’s part of their theoretical project, but also makes it difficult to make references accessible to those not familiar with their work. One way to think about the assemblage as a theoretical tool is by focusing on its emphasis on “becoming” rather than “being.” Assemblages are opposed to the sorts of genealogical excavations psychoanalysis and much of poststructuralism engage in. Instead, the focus on “becoming” re-centers the ephemeral, the originless, and the emergent, rather than the stable, the archived, and the progressional.

7 ‘Being q/Queer’ would be the identity-based model that intersectionality generally uses. ‘To queer’ as a verb would presuppose that the world isn’t already queer before your theoretical- or praxis-based intervention, a model that

see queerness and other assemblages “coming forth at us from all directions:” as, perhaps, an immersive ocean of “intensities, emotions, energies, affectivities, textures as they inhabit events, spatiality, and corporealities,” swishing around all at once (Puar 520). Instead of gridding individuals, assemblage centers the interaction, the coming-together and breaking-away of meanings around bodies and becomings. Yet Puar also recognizes the need to emerge from this whirlwind, to do work in the realm of identity and stability as well. “I would rather be a cyborg. . .” is an essay on “frictions” rather than oppositions between intersectionality and assemblage, theorizing both modes as necessary for undermining societies of control.

Alexander, too, is responding to a critical flaw she sees in frameworks surrounding anti-oppression work and thought; her critique comes from a mistrust

canonical queer theory (a la Butler, Halperstam, Muñoz) often engages in.

of secular and academic feminisms’ attempts—inherent or explicit—to remove the sacred from the political. Her articulation raises many of the same points as Puar’s, though working from a very different set of goals and experiences:

Bodies continue to participate in the social but their *raison d’être* does not belong there, for ultimately we are not our bodies, and this contract cannot be settled cheaply. Sacred energies would want us to relinquish the very categories constitutive of the material world, not in the requisite of a retreat but as a way to become more attuned to their ephemeral vagaries and the real limits of temporality so as to return to them with a disciplined freedom capable of renovating the collective terms of our engagement.

— M. Jacqui Alexander, from *Pedagogies of Crossing*, pg. 355

Here, Alexander is talking about what she has learned through engaging with her own personal

Sacred connection through her religious practices in African diasporic religions Lucumí and Vodou. In Alexander's view, especially academic feminism has long rejected acknowledging and working with the Sacred in favor of a secular, depersonalized approach. For Alexander, this rejection of the gifts that Sacred energies can bring—knowledges that *transcend* and therefore rework more stable categories of identity and history—severely limits the liberatory potential of such inquiry. Alexander is working within intersectional frameworks explicitly at places throughout her book (though interestingly most of the mentions of “intersections” or intersectionality in the book come in the chapter where she is discussing the violence of mainstream liberal multiculturalism). However, the last chapter—the chapter on the sacred, the chapter she articulates as providing the theoretical backbone of the rest of her work, the chapter expressed largely in poetry and verse—moves within and without the same modes of identity, or in her terms, “the very categories

constitutive of the material world,” as assemblage does. For Alexander, what the Sacred wants cannot be held as a constant way of interacting with the world; instead, relinquishing control is a way of *returning* to such categories with renewed insight into how to rework them for the better.

Alexander's pedagogies of the Sacred emphasize bodily experiences, not as abstract concepts but as actual bodies doing actual things: bodies for themselves, not as “the ground[s] for an epistemic struggle” (Alexander 322). Her verse on the Middle Passage is not about abstracted blackness being ruptured by the figure of the ship, the figure of the ocean, or the experience of (the creation of) race, though it has implications for all these conceptualizations. Instead it is a meditation on bodies and their textures that refuses to wash away material experience with (para)ontological distinctions. For Alexander, the Sacred as a mode of living and thinking, as a place from which to come at anti-oppression work, must be grounded in both a

particular care to the individual and the encounter, and a deep commitment to reworking categories of safety, security, and necessity.

3. Oceanics: Converging Tensions

What follows in the second half of this paper is a look into oceanics as *bodily experiences* of being beside and outside the secular and identitarian projects of static subjecthood which Alexander and Puar have critiqued. I do not use the singular term ‘the oceanic’ or oceanic feeling here because I want to make clear that these different sets of thinkers and individual thinkers are not necessarily experiencing the same oceanic.⁸ Their

8 To clarify: ‘oceanic feeling’ and ‘the oceanic’ are both words used for a lineage of psychoanalytic literature on a universal feeling of connectedness and regression. I coined the term “oceanics” for use in this essay, in order to separate the commonalities I am tracing from

experiences and insights do share a quality and a common language that I want to dig into. However, I am not interested in homogenizing projects, and am both ambivalent about and suspicious of the concept of universal humanity/relationality. Instead of homogenizing, I want to look closely at the oceanics these thinkers are describing, in the hopes that digging into the convergences in these different oceanics will provide tools for theorizing a resistance which is anti- or ante-thetical to liberal subjecthood. I wish to examine this especially for marginalized humans, such as myself, who must continually exist within this world of liberal subjecthood in order to find the affinity, community, and life we need to resist and reimagine our worlds at all.⁹

the project of articulating a “universal” experience of a single oceanic or oceanic feeling.

9 For those readers who are not currently mired in the feminist/academic turf wars over transhumanism: there is

a current trend among especially white (feminist) theorists towards exploring transhumanism and cyborg bodies, basically de-centering and problematizing “the human” within discussions of ethics and justice as an imperialist construct. This is (in my opinion) an important project, but the way it exists as a “new theoretical discovery” completely ignores the way particularly racialized +/- of color women have been making these claims for years within and outside the academy, just with different (generally nonwhite, nonmasculine) languages. It also ends up positing transhuman as a human-plus, or as the new postmodern frontier of existence, positing classed white metropolitan bodies as once again at the cutting edge of a progressional, aesthetic radicalism. Transhumanism also often posits “identity” and “family” and “culture” as products of the past, thrown away for questions of technology, ontology, and a more ambiguously mediated subjectivity. This completely misses how the figure of the cyborg or the trans-human is always already mired in whiteness, maleness, and imperialism, not to mention disablism and medicalization. It also posits any theorizing

about identity, family, and culture as a thing of the past, therefore marking the bodies of the theorists (especially racialized +/- of color women) who choose to interrogate these categories as “backwards” or less “cutting-edge” than the white theorists who have left these questions behind. This is, of course, a partial summary; less of interest in this essay but equally problematic are its articulations of the non-human and alignments with racist and racialized animal rights discourses. This is the reason why I spend so long clarifying that I am not interested in leaving behind questions of identity, culture, family, or memory: it’s to make it explicit that I don’t condone or agree with much of the recent scholarship that has been engaging similar questions to the ones I examine here within transhumanism or new media studies.

3a. Transatlantic Oceanics: Fem, Black, Queer

Within and outside the academy, there is prolific literature on b/Blackness as an oceanic mode, brought into being and becoming through the rupturing, violent waters of the Middle Passage. This literature is vast, and this paper will not attempt to summarize or unify these works. Instead, Alexander's *Pedagogies of Crossing* alongside Omise'eke Natasha Tinsley's "Black Atlantic, Queer Atlantic" and Fred Moten's "Blackness and Nothingness (Mysticism in the Flesh)" will provide particularly useful angles on a far-from-homogenous set of black oceanic modalities. All three oceanics share a focus on rupture and trauma both to bodies and to epistemologies, an attention to the body/flesh as a space where blackness as an oceanic mode operates, and a preoccupation with the functionings of oceanic blackness as a queerly fem¹⁰ fluidity.

10 I use fem instead of femme to distinguish hegemonically

Moten is the most obvious thinker of the three from which to look at questions of ruptures of subject and ontology. Working within Afropessimist/black optimist thought, which he argues are one and the same, he traces blackness as prior to ontology, as a paraontological¹¹ mode of being relegated always from political

feminized existences from the identity 'femme'. To elaborate: there are people who identify as femme, and there are people who are acted on by hegemonic systems in feminizing ways regardless of their own identifications or consent; these categories are constantly entangled in redefining each other, but are not synonymous, and it is the latter category, however unstable, I am referring to here.

11 Ontology can be roughly described as the study of being, and is often critiqued for interpellating everything under a singular overarching concept of reality or existence. This project of objective, singular existence, as one might expect, has tended to theorize everything under a normalized account of white-rich-cishet-Christian-male-

death into social life. Moten's blackness is "exterior to civil society and, moreover, as unmappable within the cosmological grid of the transcendental subject" (Moten 740): in other words, anti- and ante-thetical to the project of subjects, boundaries, and grids. This ante-theticalness is a form of death for Moten, but it also opens up radical possibilities for life. Moten describes one of these as the possibility of blackness as a pathogen with the capacity to end the world, to end thought and being and life itself as it currently exists.

neurotypical -non-disabled-thinness, in order to create all other bodies as both deficit or ejected from the domain of humanity entirely. The word 'paraontological' for Moten signifies how blackness represents that which haunts Western ontology's project of globalizing whiteness. A paper that summarizes some of the recent complaints about ontology in a separate but related context is "Whiteness and the Ontological Turn in Sound Studies," by Marie Thomson.

Whether Moten means this rhetorically or physically is entirely beside the point; such a total annihilation is the only thinkable end for endemic and fundamental anti-Blackness for Moten and other Afropessimists. This radical death is not a *choice* of a rejection of subjecthood; it's an experience of always already being exterior and anterior to the project of subjecthood, a deep rupture of consciousness which carries as much fascination as it does trauma. Moten is interested in what this state of paraontology holds as a *mystical* mode of flesh, a state he articulates almost entirely throughout the paper through a breathtaking poetics of the ocean and, in particular, the Middle Passage. Blackness for Moten ruptures static subjectivity because the rupture of its expulsion from the realm of ontology gifts it a particular texture of fantasy and sociality that is atemporal, with no end and no point of origin. For Moten, the Middle Passage is a moment in space and time which constantly recreates a rupture in the fabric of linear time, rushing backwards and

forwards and creating blackness as always already politically dead.

Tinsley shares this oceanic lack of a point of origin in her writings within black queer studies. She uses oceanics as a way to disrupt the temporal associations of heterocentric accounts of the Middle Passage and slave experience as “authentic originary sites of African diaspora identities;” of black queerness as a “glitzy new fashion;” and of black queer studies as a new “discovery” of the academy (Tinsley 193). For Tinsley, tracing accounts of oceanic blackness and queerness through Caribbean creative writing and academic writing finds threads of meaning that weave queerness and queer modality through bodies and embodied experience, rather than purely metaphor and allegory. Accounts of same-sex loving and relationality in the single-sex holds of the ships of the middle passage; tracings of the experiences of prominent African diasporic figures as sailors; sailing as a historically same-sex-oriented social space; queer

readings of the Atlantic it/herself; imaginaries of a world of forced, rather than chosen, unintelligibility for those experiencing the Middle Passage and slavery: all are spun together to create oceanics of black queerness that resist temporal placement into past/present/future. Tinsley’s oceanics are flesh and body experiences of the rupture of singular subjectivity into a “feeling of, feeling for;” this feeling for is a “way that fluid black bodies refused to accept that the liquidation of their social selves—the colonization of oceanic and body waters—meant the liquidation of their sentient selves.” For Tinsley, experiences of fluidity brought on by the trauma of being ejected (from what Moten would term ontology or the political) are also generative spaces of relationality and resistivity (into what Moten would term social life).

Tinsley’s oceanic is also deeply connective at moments with feminine-coded sexuality and spirituality, to the eroticized goddess figure *La Mar*, who appears to Micaela, a Caribbean woman-

character-who-loves-a-woman¹² of African descent in Ana-Maurine Lara's book *Erzulie's Skirt. La Mar's* queerness manifests in her "overflow, in the sea-like capacity to desire beyond the brutality of history, nationality, enslavement, and immigration that she models for drowned shipmates" (Tinsley 201). La Mar, an embodied figure of Sacredness, carries Micaela on transtemporal voyages towards embodied figures of mingled oceanic wounds and staggeringly beautiful oceanic feelings-for, "a material body who whispers in Micaela's ear, whose waters she enters, whose depths she longs to explore, whose sexuality is neither overexposed nor hidden" (Tinsley 202). If Tinsley's oceanic is hard to sum up, it is intentionally so; Tinsley's oceanic is centered on individual bodies and the fluidities

12 This obvious linguistic sidestep of identity is not inherently purposeful; Tinsley never mentions the identity of this character, if any, and it is unclear if the author reveals it either.

between specific bodily experiences, and rejects all attempts to extrapolate into more general theoretical framework. Tinsley's queer black Atlantic is then not inherently resistive, ontologically prior, feminine, homoerotic, traumatic and deadly, healing and communal; instead, these threads weave together and unravel constantly, creating new designs and adding new threads for each oceanic site, each oceanic body.

M. Jacqui Alexander's oceanics in *Pedagogies* also work within body-specific experience, in her case of her embodied experiences of the Sacred through her involvement as priest in African-based, Atlantic-diasporic cosmologies Vodou and Lucumí. Alexander focuses on bodies in order to *refuse* to focus on bodies in ways which make them "the ground for an epistemic struggle." This is, if not contradictory to, then at the very least frictional with Moten's blackness as paraontological to epistemology. Alexander's black oceanics function through connection with the Sacred, a "fire that constitutes the center of human beings [which]

also constitutes the center of the universe, [anchoring] a Sacred connection between the two” (Alexander 339) in Bântu-Kôngo cosmology. This fire forms a politics of the Sacred through centering equilibrium and *intersubjectivity* towards a healing which is inextricable from projects of political import. Intersubjectivity is for Alexander a claim not only about mutually constituted human selves, but *universally* intersubjective selves, selves formed into wholeness through dialogic connections with the Sacred instead of the severing of connectivity in order to form a Subject. For Alexander, a focus on embodied experiences of disembodiedness, “for we are not our bodies,” allows for simultaneous recognition of the limits of identity, “so as to return to them with a disciplined freedom capable of renovating the collective terms of our engagement” (Alexander 355).

3b. Psychoanalytic Oceanics, and the Universalizing Project of Whiteness

It is a drastic switch from these articulations of body-specific African diasporic queer oceanics to the realm of the psychoanalytic concept of *the* oceanic, or oceanic feeling. Notoriously uninterested in any sort of individual bodily specificity—and by this I mean interested in specific bodies, stripped of their body-ness to function solely in a world of pure signs, cleansed of such pesky manners as race, ethnicity, nationality, and class—classical psychoanalysis is the very antithesis of especially Tinsley’s attention to bodies without the Subject, textures without the Symbolic. Bodies become the Body; languages become the Symbolic; bodies of experience become Subjects before the Law. I’m being imprecise here purposefully; obviously these categories do not commute in this manner or in any manner meaningfully. This failing draws attention to the ways that psychoanalysis, as ar-

articulated through Freud, Lacan, Kristeva, and the like, is fairly incompatible/antithetical with the all above thinkers' orientations and alignments, or as Moten might say, the above thinkings are ante-thetical to psychoanalysis. Psychoanalysis is interested in being another mode of universalizing (post)modernity that supposedly covers all of how humanity operates, from the experiences of a group of fairly homogenous, mostly French and German, privileged, white people. And yet unexpectedly, the psychoanalytic concepts of the oceanic and oceanic feeling bear striking resonances with the above thinkers' articulations of black, queer, Sacred oceanics.

Romain Rolland was the first to use the words "the oceanic," in a letter to Freud describing his feelings of a "connection with the eternal" as the undergirding for his spirituality. This intended to, and succeeded in, necessitating a rethinking of religious experience on the part of Freud, who up until this point had been theorizing the human "need for religion" in purely

utilitarian terms. Freud took Rolland on his word that the oceanic was an experience many people had, and despite self-describedly never having experienced anything like it, theorized it authoritatively as "a feeling of limitlessness that marks a return to the infantile, pre-Oedipal mode of being, whereby the infant cannot distinguish itself from its mother" (Wang, np). For Freud, the oceanic was regressive, antisocial; its immature modality expressed a yearning for the infantile, and a rejection of the world which fully realized subjects emerge into and interact from. This is despite the fact, of course, that his one, second-hand account of this oceanic is described as a feeling of eternity in *connectedness* and joy that undergirded all of Rolland's (inter)subjectivity, not as a temporary feeling or episode.

At this point it is worth a pause to begin to piece together a common account of oceanics. For Freud, Moten, Tinsley, and Alexander, oceanic modes inherently disrupt scientific or ontological/epistemo-

logical wills to theorize. Oceanics of all these thinkers also contain elements of a removal, abrupt (Moten) or more gradual (Alexander), from realms of subjecthood and identity grids. For everyone but Freud, their oceanic is connective and joyful, and described as a continual way of being whose intensity may alter over time, but whose centrality to experience never fully wanes. And all thinkers' oceanics are connected to mysticism, the fantastic, the Sacred, and temporal shifts towards eternity, though their individual (lack of) experiences with a mystic/Sacred/religious ocean vary greatly.

Kristeva takes up Freud's mantle by theorizing the "black oceans" or "lethal oceans" of the maternal in *Black Sun*. For Kristeva, the oceanic is a pre-Oedipal mode inherently tied in with the mother and the maternal—and implicitly racialized, though the racialized 'blackness' of the oceans is never discussed explicitly. Lingering in the black oceans of the maternal is deadly; the desire to stay in these lethal

waters is indicative of symbolic suicide, depressive denial, and a "fantasy of untouchable fullness" (Wang, np). For Kristeva, one can only survive the oceanic through being sent a lifeline by the "father figure," by the realm of the social and the Law. Otherwise, she (and it is a 'she,' as the oceanic for Kristeva is tied up not only in maternity but in *feminine* melancholic psychic structures) "no longer circulates in the symbolic economy" in a self-induced social death of sorts (Wang, np). Black oceans, maternal oceans, are lethal oceans for Kristeva; for her, re-emergence into the realm of the [white] Father, and by extension subjecthood, is necessary for sustainable life. Her articulations of this as in particular a feminine melancholia resonates clearly with both Tinsley and Alexander, as well as her racialized (though never explicit) usage of blackness to describe her deadly psychic sea.

Kristeva's statements on the oceanic owe much to Lacan's concept of *jouissance*, which while not explicitly utilizing oceanic imagery, is also rele-

vant here in terms of feminine psychic structures as related to sexuality. For Lacan, a particular type of feminine jouissance/ecstasy is inherently linked to a mystic state beyond the Symbolic, the realm significations and language exist in, and stands “beside” the subject (thus, the term ex-istence and ex-stasy). This state beyond language is remarkably similar both to Tinsley’s oceanic of *La Mar*—whose oceanic modes work within/through/beside/outside of bodies, languages, signs, stories, truth—and to the essay “Is the Rectum a Grave?” by Leo Bersani.

3c. Oceanic Graves: Queer, Fem, Vulnerable Death

Leo Bersani’s work extends this association between feminine sex/ualities by theorizing gay male sex as coming from a space of radical desire for death. At the height of the AIDS crisis and amidst the ferocious lesbian/feminist sex wars, Bersani furthers the idea that what is radical about sex is not its loving or

healing properties, but its radical embracing of “an unquenchable appetite for destruction” (Bersani 211). Sex for Bersani makes the human desire for a loss of comprehensible self—a literal invitation of the death of the self—explicit and unavoidable; for Bersani, being the bottom of a sexual encounter is a heightened experience of this invitation to or *surrender* to death and destruction. Women and gay men—or less normatively, the individual receiving pleasure or pain in a (sexual) encounter of any sort—in their willingness to let their waters be entered, to use Tinsley’s words, wish for death. For Bersani, it is this wish for death of the well-defined self which animates both sex at the height of the AIDS crisis and the responses to its occurrence. Sex, then, carries the risk of contagion on both a literal level and on a metaphoric level; sex *itself* becomes a transmitter of deaths of social orders and boundaries of all sort. His emphasis on losses of singular subjecthood as a *contagion* is remarkably similar to Moten’s pathological blackness, in its use of illness

and pathologization placed on a community to work towards destruction and death of orders of being. It also mirrors Tinsley and Alexander's emphases on the Middle Passage as a bringer of not only literal-symbolic Death, but of a turn towards radical life: "[for] Being everywhere was the only way, they reasoned, to evade capture and to ensure the permanence of change—one of the Truths of the Ocean" (Alexander 317). (Sexual) submission, for Bersani, renders explicit the utter absurdity of any distinction between subject/State, rational/irrational, feminine/masculine, victim/torturer, and especially life/death, casting any distinctions as near-parodic.

For Bersani, desiring pain, desiring vulnerability, desiring all that which the State has tried to make undesirable, is in fact desiring a sort of annihilation. Desiring that which is, to the liberal, rights-bearing subject, the definition of undesirable—vulnerability to pain and pleasure—is unthinkable because desiring pain for one's own pleasure, desiring

vulnerability to coercion and violence are not legible within the Enlightenment rationalist frame that states use to reproduce themselves, and to make the desires of torturers—morality, patriotism—safe. Sexual desire makes explicit that liberal subjecthood, the hail to rights and the Law and to citizenship, is in fact an elaborate farce, an unintelligible assemblage of irrational desires and cathexes. In theorist Nelly Richards' words: "Here the body becomes the somatic and pulsorial materiality which language represses, obliging the subject to renounce his unconscious and its flows of uncontainable energy."

The oceanics of psychoanalysis, the oceanics of Bersani's fem sexual desires, and the oceanics of African diasporic and queer theorizings show remarkable confluence in their connection of oceanics to trauma/rupturing moments, spirituality/religion/the Sacred, temporal shifts, political/social death, communality and connectivity, and femininity and queer sex/uality. In drawing these different thinkers togeth-

er to theorize oceanics as potential resistive modes, I wish to refrain from suggesting that the oceanic or even oceanics posit a wonderful mode where thinkers who otherwise occupy specific bodies can suddenly transcend, escaping the pesky world of signified privilege and marginalization into an ocean of interconnected harmony. I am not necessarily even positing that oceanics are modes that one *can* move into willingly. Indeed, most of the oceanics traced above bring not harmony but death, if a liberatory death. The oceanics I am tracing do not absolve people of their particularities, including the ways in which they interact with and are interacted upon by the systems of control around them. Freud, Lacan, Kristeva, and Bersani further overwhelmingly normativizing, colonial, white-centric, heteropatriarchal or at the very least cisnormative, global-capital-optimizing projects of theorizing about the entirety of “the” human condition based on unacknowledged particulars of that human condition. Rejecting identitarian structures does

not erase or take away from that violence in any way. Moten and Tinsley, though working specifically against these sorts of over-determining global theorizations, further the violence of normativizing regimes at times in their texts as well.¹³ My fascination with oceanics does not lie in any naive view that a rejection of identity could ever lead to the end of violence, or societies of discipline-control, or the dominant world order.

Instead, what is so fascinating in the confluence of “the” oceanic, sex/uality ruptures, and black oceanics, is not their potential for transcendence, but their mutual acknowledgement of a mode of being’s potentiality for rupturing effect. Theorists who manage and subdue (inter)subjectivities into a Subjectivity

13 Just from my (obviously personal and partial) read throughs, Moten used bipolar disorder as an extended metaphorical tool and Tinsley engaged in some highly performative trans “allyship” in the form of policing “true” versus “by choice” gender nonconformity.

that can be theorized fully within structuralist binaries and those who call for this mode of thinking's end are in agreement about how to undermine these frameworks of subjecthood: oceanics. This alone makes oceanic modes of being worth digging into. Their poetics of fluidity, submersion, and adirectionality provide theories of intersubjectivity which privilege becomings, embodied textualities, and mutual constitutions, theories which force all who encounter them to wrangle with the messiness and unorientability of bodies in space and time.

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DECONSTRUCTING PATRIARCHY FROM WITHIN THE MASTER'S HOUSE: FEMINIST MUSINGS ON CAROL ANN DUFFY

Emily Chazen

As the first Scottish female Poet Laureate in four-hundred years, Carol Ann Duffy uses her work as a means of reflecting upon the condition of women living in capitalist, colonial, and patriarchal societies. Identifying the connections between women's bodies and sexual repression, Duffy's texts illustrate the ways in which capitalism exacerbates the commodification and oppression of the female body. Not content with simply highlighting the connection between capitalism and

the oppression of women, Duffy appropriates capitalist rhetoric in her poetry in order to undermine the inferiority imposed upon women through androcentric literary texts. It is a process that liberates women specifically through the imposition of economized, sexualized, and gendered performativity that embraces the *enactment* of carnal desire. Working within the gender binary, then, Duffy initiates a rupturing of gendered dichotomy by transforming traditional tropes and em-

boldening the voices of women; however, in the process, her internal attempts at dismantling systemic oppression lead to the reinstatement of patriarchal violence. Though functioning within capitalist and patriarchal institutions inhibits Duffy from using her poetry as a tool for the redefinition of society, this constraint reflects a social reality. That is, her texts accept an inability to perfectly reform institutional oppression and work instead to establish a foundational precedent for disrupting androcentric literary texts and traditions. Thus, as epitomized by her “Pygmalion’s Bride” and “Anne Hathaway,” Duffy emblazons a liminal position between overarching, idealized female liberation and ever-present gendered ideologies and institutions that enables her to begin crafting space for women within a male-dominated literary canon.

Examining the ways in which Duffy emblazons this liminal position first requires an understanding of the gendered dynamics that she is engaging with. Throughout her poetry, Duffy explores the link between

capitalism and female oppression that Michel Foucault outlines in his *History of Sexuality*. Scrutinizing the historical development of sexuality in Europe, Foucault proposes that the creation of capitalist infrastructure allowed the upper classes to maintain hegemonic control over the working class by crafting sexual repression as a social norm. In exploring the impact of capitalism on the “bourgeois order,” Foucault states, “if sex is so rigorously repressed, this is because it is incompatible with a general and intensive work imperative. At a time when labor capacity was being systematically exploited, how could this capacity be allowed to dissipate itself in pleasurable pursuits, except in those—rendered to a minimum—that enabled it to reproduce itself?” (Foucault 6). Foucault’s conflation of sexually repressive norms and a capitalist economy is critical to understanding the ways in which empowered individuals work to dominate the bodies of their constituents and peers by replacing desire with productivity. Indeed, his reference to the ways in which sexual desire was

exclusively viewed as acceptable in instances where the individual was “enabled... to reproduce itself” speaks to an underlying objectification of capitalist subjects’ bodies. Used by wealthy social superiors for either labor itself or the propagation of new laborers, workers in a capitalist economy are reduced to their economic value. Capitalism transforms the act of sex by depriving workers of a connection to their corporeal desires and needs, rendering them simple pawns necessary for the maintenance of a consumerist social order and stripping them of their humanity.

The subsequent commodification of the female body exacerbated by the sexual deprivation latent within capitalism explains the ways in which a hierarchy of sexual domination unfolded within nations overrun by capitalist economies. According to Foucault, male sexual desire and renewed power—when allowed for the sake of self-propagation—led, in part, to the microcosmic reproduction of repression imposed upon the gendered subordinate: the woman (153). Duffy’s

texts initially explore the ways in which expectations of female subdual accompany the expression of male sexual desire, commodifying women as objects maintaining a specific “use value.” In her “Pygmalion’s Bride,” Duffy articulates the ways in which the male subject—Pygmalion—exerts his power over the unnamed woman—Galatea—and subsequently renders her an object specifically created for his pleasure, his desire, his sexual exploitation. She writes:

Cold, I was, like snow, like ivory.
I thought “He will not touch me,”
but he did.

He kissed my stone-cool lips.
I lay still
as though I’d died.
He stayed.
He thumbed my marbled eyes
 (“Pygmalion’s Bride” 1-8).

In specifically filtering the poem through the female subject's narrative voice, Duffy crafts a Galatea who responds to the penetrative male sexual impulse with embodied repression. In Foucauldian terms, it appears as though Pygmalion's actions represent an enforced repression linked to "hystericizing women." Pygmalion imports capitalist repression onto Galatea as a means of pathologizing and, by extension, controlling her body (Foucault 104). As he "kissed [her] lips," she remains "stone-cool" and "[lies] still," underscoring a form of corporealized immobility that, in echoing her underlying desire that he "'not touch me'" and reinstating his power to repress her, invites his persistent violation of her body: "He stayed." Insofar as Pygmalion's penetrative resilience stems from Galatea's initial status as "cold," the body itself, rather than internalized "thought" or true desire, serves as the entity which the man will "use" through the processes of "thumb"-ing, "touch"-ing, "kiss"-ing. Indeed, Duffy marks an embodied economization emerging

out of a connection between "I" and "ivory," with "ivory" identifying a "very valuable article of commerce, being extensively employed as a material for many articles of use" (OED). In likening the entire "I"—that is, subjectivity, agency, and individuality—of Galatea to a status as commercial object, then, Duffy acknowledges the ways in which sexual repression in its ongoing intensification by capitalist societies proves conducive to the exploitation of the female body and the imposition of male dominion and domination over an oppressed, subdued female figure.

Rather than accept the systemic oppression of women perpetuated by capitalist infrastructure, Duffy appropriates consumerist discourse as a means of undermining the presumed inferiority of women inferred through androcentric readings of literary and historical text. In her "Anne Hathaway," Duffy opens with lines from William Shakespeare's will, stating, "*Item I gyve unto my wief my second best bed...*" ("Anne Hathaway" 1). Framing her text around Shakespeare's

will, Duffy immediately immerses her own literary space in capitalist rhetoric surrounding the dissemination of objects to the grieving family members of lost individuals. In particular, by focusing on the moment in which Shakespeare provided his “second best bed” to Hathaway, Duffy enters into a specific gender economy in which the empowered husband, supposedly superior in both his literary achievements *and* as a result of his masculinity and manhood, reifies the wife’s inferiority by bequeathing her that which is “second best.” Refuting individuals who reciprocally read “second best” onto Hathaway’s frame—themselves transferring consumerist ideologies onto the female body in ways that echo women’s continual commodification and objectification—Duffy empowers the voice of Anne Hathaway to dispel myths of her subsidiary status. From the onset of the poem, she marks the bed as “the bed we loved in [which] was a spinning world / of forests, castles, torchlight, cliff-tops, seas / where he would dive for pearls” (3-5). Once more, the “pearls”

for which “he would dive” mark a connection between the woman and consumerism: as commodifiable objects, the “pearls” reify the conflation of the female body and capital exchange, as *he* uses the “bed” for “div[ing]” for the woman’s objectified, highly desirable body. Appropriating the sonnet form employed by Shakespeare, however, Duffy deconstructs the bed as “second best” and marks it instead as that which “we loved in,” suggesting its equation *not* with capitalist hierarchies but instead with equitable divisions of love and support. By being given a status as “a spinning world / of forests, castles, torchlight, cliff-tops, seas,” the bed emerges as tremendously romanticized, entrenched in the language of the grandiose (i.e., castles) and the natural (i.e., forests, cliff-tops, seas) such that it becomes abstracted from capitalist impulses. Using the “second best bed” as a locus for the exaltation of “living laughing love” (14), Duffy thereby employs consumerist spaces in order to reconfigure them and render them hospitable to women’s existences, em-

bodied and otherwise.

Even as Duffy uses capitalist discourse as a means of working *within* a system to liberate women from impositions of inferiority, her text demands the gendered performativity explicated by Judith Butler in her *Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory*. Deconstructing the preemptively extant nature of gender, Butler explains that individuals craft and perform gendered identities in relation to others in order to receive the approbation of their peers and conform to the social expectations of their world: “Performing one’s gender wrong initiates a set of punishments both obvious and indirect, and performing it well provides the reassurance that there is an essentialism of gender identity after all” (Butler 528). By locating the “essentialism of gender identity” in the space of performance, Butler unequivocally advocates for an acknowledgment that “genders... can be neither true nor false, neither real nor apparent. And yet, one is

compelled to live in a world in which genders constitute univocal signifiers, in which gender is stabilized, polarized, rendered discrete and intractable” (528). In this sense, she suggests that systems of gendered oppression, like capitalism, garner support from constituents who continually perform a discursive unreality, who accept the dissimulation of their own desires in order to use their bodies as a means for gendered conformity. People perform gender as a means of fitting into a society that demands that gender be “stabilized, polarized, rendered discrete and intractable.” Capitalist discourse in its reinforcement of sexualized impositions necessitates the production of classical notions of “femininity” and “masculinity” in order to enact and (re)produce an appropriate relationship to the economic system of labor. In drawing attention to the fallacious production of gendered performativity, Butler argues that gendered systems and impositions are *not* innate, though they may feel intrinsic within society. At the same time, however, her work’s incli-

nation toward disturbing the social infrastructure of gender appears to ostracize individuals, such as Duffy, whose reclamation of deprived power relies extensively on their liberation through—and acceptance of—gendered discourse and, by extension, the introduction of gender equality.

Indeed, rather than reject gendered construction altogether, Duffy's work acknowledges the social reality of gender and, by extension, requires specifically female, embodied performativity to undermine penetrative, oppressive impulses of men. In Duffy's "Pygmalion's Bride," Galatea's commodified embodiment overcomes sexually repressive tendencies by *enacting* and *performing* sexual desire, dominance, and drive:

So I changed tack,
grew warm, like candle wax,
kissed back,
was soft, was pliable,

began to moan,
got hot, got wild,
arched, coiled, writhed
begged for his child,
and at the climax
screamed my head off -
all an act
("Pygmalion's Bride" 39-49).

Centering the moment of "change" around an "act," Galatea feigns an embodied response that heavily disrupts the anticipated sexual repression that previously allowed Pygmalion to conquer her body. Instead of reflecting a corporealized truth in her frame—that is, her genuine "cold"-ness, her genuine hesitation, her desire for resistance—she performs carnal expressiveness and overblown desire as a means of reclaiming autonomy over her body. Critically, in claiming that her corporeal response—her "[growing] warm, like candle wax"—is "all an act," she

relies upon the fortification of a desire codified and gendered as “masculine”: by conveying notions of pleasure (i.e., “at the climax / screamed my head off”) and bodily attunement, she suggests that *she* maintains corporealized dominance, that *she* maintains connections to steadfast desire and pleasure, and that *she* exists as the proprietor of her own body and humanity. Duffy thereby emboldens discursive gendered performativity rather than rejecting it altogether by re-placing connotatively masculine sexual desire onto the female frame as a means of asserting and reclaiming power and autonomy for Galatea. In this sense, Duffy transposes sexual desire onto the body of the woman in order to refuse the pathologizing impulses of the man: because Galatea *performs* hysteria herself by scandalously “scream[ing] her head off” and “arch[ing], coil[ing], writh[ing],” she reasserts her own power by using desire to reclaim agency *and* defying his ability to project an identity onto her. Thus, she specifically rivals the man, a figure who “hasn’t [been]

seen since” (50), to reclaim agency that defies “feminized” submission and subordination.

In her deconstruction of dichotomous gender relations, Duffy further disarticulates the abnegation of the “feminine” by using traditional tropes associated with effeminacy as a means for liberating female characters and figures. In “Anne Hathaway,” the initial conflation of body and poetry appears at first to serve as a mechanism for Shakespeare’s assertion of dominance over his wife: “my body now a softer rhyme / to his, now echo, assonance; his touch / a verb dancing in the centre of a noun” (“Anne Hathaway 7-9). Because Shakespeare’s “touch” serves as a “verb” acting upon a “noun,” her body emerges as enacted *upon*, the recipient of his penetrative impulse. Indeed, through the construction of female corporeality as literary text, it seems as though Shakespeare himself has “written” Hathaway (10), that he crafted and shaped her into that “softer rhyme” which answers to “his touch.” As J. Hillis Miller argues in *Ariadne’s Thread*, this form of written

embodiment epitomizes a phallogocentric infatuation with penetration of the female body, such that the force of ink permeating the paper rivals the spermatic infiltration of the womb: “if writing is initially a form of scratching or engraving, the cutting of a line, penetration of some hard substance with a marking tool, it may also... be thought of as the pouring out on a flat surface of a long line... stamping, cutting, contaminating, or deflowering the virgin paper, according to a not very ‘submerged’ sexual metaphor” (Hillis Miller 7). This eroticized, fetishized process of writing—all transposed in Duffy’s text onto Hathaway’s body—appears at first to eradicate female desire, to render the woman helpless, to mark the metaphorically feminized process of poetry composition as an act of derailing, de-habituating, and destroying Hathaway’s want and will.

And yet, the suggestion that Hathaway’s body was transformed into “a softer rhyme to his, now echo, now assonance” illustrates the ways in which the feminized trope of poetry, working into and onto the

female body, allows a man to impart his action as a way of *pleasing her*, for establishing equality between them. The notion that Shakespeare’s acts rendered Hathaway a “softer rhyme,” “echo,” and “assonance,” particularly situates him in the context of using male force as a means of asserting and affirming equality. Using her body to enact the qualities of poetry most often connected to internal and external harmony, the musicality imported onto her body emerges as a means of extolling sexuality as a means of unifying Hathaway and Shakespeare in a relationship contingent upon the persistence of harmony between both parties. The subsequent introduction of “romance / and drama” (11-12); of sensuality (“by touch, by scent, by taste”) (12); and of “living laughing love” (14)—all generally associated with femininity and effeminacy—serves as a means of embracing the vulnerability and mutuality within relational existence. In the concluding line of the poem, “he held me upon that next best bed,” the culmination of the preceding “feminine” images serve

as a means for dispelling the myth of male abnegation of the subservient female, for romanticizing the relationship between Shakespeare and Anne Hathaway as one predicated on mutual reciprocity.

The actual ability to craft such mutuality within relationships appears highly—if not exclusively—dependent upon the power possessed by the women Duffy describes. In “Anne Hathaway,” the narrator suggests that “I hold him in the casket of my widow’s head,” conveying memory as a mechanism for responding to his prior embrace, for ensuring that her husband’s corporeal ephemerality does not transcend into his memorialized existence. Although this seems to position Hathaway as a receptacle for ensuring the late poet’s ongoing dream of being remembered—Shakespeare’s poetry, after all, reveals an extreme infatuation with memory and memorialization—she emerges as the individual with the power: she can either ensure the realization or the rejection of Shakespeare’s desire (i.e., “hold” or “[with]hold him

in the casket of my widow’s head”), establishing the tremendous power she maintains for Shakespeare’s metaphorical and metaphysical afterlife. In essence, then, she claims authority typically associated with the scribe through her dedication to re-memory; still, though, her aforementioned evocation of feminine tropes re-vision his poetry, his body, and his life, romanticizing and fetishizing him in ways which run parallel to the dramatization of his poetry and works. Thus, by transfixing traditionally feminine images predicated on mutuality onto the male body, the female body, and poetry itself, Duffy affirms the use of gendered discourse as a means of internally deconstructing systems of oppression and as a tool for the reconfiguration of equality between relational equals not in spite of but because of their gender identities.

Despite transfiguring traditional language to disavow “gender” as the “stabilized, polarized, rendered discrete and intractable” construct that Butler describes, Duffy’s texts construct female figures and

characters as always already bound within and by male individuals, disrupting the ability for individuals to exist beyond gendered space. Basing her own literary context and conduct on historical and historicized male figures, Duffy embodies a discursive failure of always-existent, inescapable relationality present in Judith Butler's *Undoing Gender*. According to Butler:

The 'I' that I am finds itself at once constituted by norms and dependent on them but also endeavors to live in ways that maintain a critical and transformative relation to them. This is not easy, because the 'I' becomes, to a certain extent, unknowable, threatened with unviability, with becoming undone altogether, when it no longer incorporates the norm in such a way that makes this 'I' fully recognizable (Butler 3).

In some regards, by acknowledging the configuration of a subjective "I," Butler marks the potential for an individual to claim autonomy and self-configuration. Indeed, in her acknowledgment of an "I [that is]

constituted by norms and dependent on them but also endeavors... [to] maintain a critical and transformative relation to them," she underscores the ways in which notions of selfhood remain predicated on ideological impositions that render them perpetually relational—that is, she suggests individuals cannot claim an identity that exists beyond the realm of social norms, whether accepted or rejected. In doing so, however, Butler disenfranchises people by suggesting that social norms are fixed and timeless, that individuals *must* be "constituted by norms and dependent on them," and that claims of autonomy and agency are paradoxically both real and unreal. Thus, individuals, in maintaining a "critical and transformative relation to" social norms appear incapable of redefining those norms, of shifting ideologies, of completely recrafting societal assumptions and expectation. When read in tandem with her *Performativity*, then, Butler's *Undoing Gender* presents an ideological constraint which implicates all individuals: although gender is

not a stable signifier, individuals existing within gendered bounds can never fully escape their “gendered” moment and will always be constructed around and through the ideologies that exist around them.

Insofar as Duffy’s texts directly parallel androcentric tradition, then, their reproduction of a male-female binary confines them within gendered ideologies and existences. The particular (dis)articulation of gendered discourse in Duffy’s works is filtered through the preexisting voices of men: her “Pygmalion’s Bride” not only maintains the title of the male character, but also works within a male Ovidian tradition to speak directly to the female, and “Anne Hathaway” responds directly to Shakespeare’s will. Not merely crafting characters who exist in relation to androcentric canonical tradition but achieving empowerment through the reclamation of female voices, Duffy’s texts reconstruct gendered binaries through their relationship to normative literary tradition. By supplementing traditional male texts with those

dictated by women, Duffy recreates a binary between “male” and “female” text that both reinstates dichotomous gendered relations and eliminates the potential for non-gendered social equitability.

In this regard, the continual return to diametric gender relations circulated within and across Duffy’s works solidifies the deconstructive social impulses conveyed by Audre Lorde in her *Sister Outsider*. Grappling with the sociopolitical implications of accepting a role as social inferior, Lorde, a lesbian American woman of color, asserts that, “The master’s tools will never dismantle the master’s house. They may allow us temporarily to beat him at his own game, but they will never be able to bring about genuine change” (Lorde 112). To an extent, Lorde’s overarching rejection of social institutions and her assertion that people must work beyond their ideological moment disenfranchises oppressive regimes and allows people to seek additional methods of reclamation over their selfhood and subjectivity. Duffy’s work within the

traditional masculine literary tradition (e.g., “the master’s house”) leads to the incidental and, perhaps, unintentional reinstatement of a gender binary. The perpetuity of dichotomization not only excludes individuals who identify outside of the preordained groups, but also proves conducive to reinstating hegemony such that collective power over, rather than with, others can thrive—even if that power transitions into the hands of the formerly disenfranchised. And yet, the actual dissolution of an entire patriarchal tradition of socialization requires the abandonment of ideology, the passage of tremendous amounts of time, and, in some respects, the neglect of an immediate existence plagued by oppression. Though only “temporarily beat[ing the master] at his own game,” Duffy still lays the critical foundation for progress, working within patriarchal social structures to deconstruct some of their power by addressing and identifying the immediate problems of her generation.

Even as Duffy’s works cannot fully dismantle

the overarching inequalities perpetuated by patriarchy, then, her critical attunement to the needs of women living within oppressive systems proves restorative and reparative to those grappling with the arduous task of identifying hospitable space for them within the literary realm. Although her reliance upon methods that remain immediately identifiable within an established canon suggests that she cannot inherently achieve the “genuine change” that Lorde describes, Duffy movingly acknowledges the social realities of women living in a world defined by capitalism and patriarchy (Lorde 112). Through “Anne Hathaway” and “Pygmalion’s Bride,” she recaptures and reinserts the voices of women into predominantly masculinized, androcentric space as a means of reconciling the sociocultural inequality that has flourished globally for centuries. Thus, Duffy does tremendous work for transforming oppressive social systems such that they enfranchise, empower, and embrace the fruitful contributions of womankind.

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RIGHT UNDER YOUR NOSE: ANALYZING THE CONCEIT OF PESTS IN DONNE’S “THE FLEA” AND HAYES’S “AMERICAN SONNET FOR MY PAST AND FUTURE ASSASSIN (WHY ARE YOU BUGGING ME...)”

Maurice Rippel

In the aftermath of the 2016 US presidential election, Terrance Hayes began to compose a series of sonnets entitled, “American Sonnet for My Past and Future Assassin.” In these sonnets, he explores themes of love, death, and fear. While these themes are the inspiration for many of these sonnets, Hayes uses his, “Why are you bugging me...” American sonnet in particular to

articulate the injustice he sees in the country. Through the sonnet, he alludes back to the early modern period, specifically back to the “Holy Sonnets” and “The Flea” by John Donne. In the work of Donne, and in Hayes’s “Why are you bugging me...” sonnet, the conceit of pests, as well as erotic and religious imagery, work to destabilize their readers and prompt their audience

toward action. Donne writes to a lover in his poetry; in his earlier career, the lover takes the form of a woman, while his later writing, such as the “Holy Sonnets” are dedicated to the Church. Hayes writes in the tradition of James Baldwin, who claims, “I love America more than any other country in this world, and exactly for this reason, I insist on the right to criticize her perpetually” (Baldwin 9). Essentially, Hayes uses this sonnet as a first step toward spurring the American people toward revolutionary action.

Like many sonnets, Hayes’s starts with a question. Unlike Shakespeare’s famous “Sonnet 18,” which compares the beloved to “a summer day,” “American Sonnet” begins by asking, “Why are you bugging me you stank minuscule husk/Of musk,” (Hayes 1-2). From the start, the reader can tell that this sonnet *is not* for someone’s beloved. Rather, the sonnet is about a bug. The use of enjambment here emphasizes the rhyme to “musk,” thus stating that not only is it the sight of the bug, but the smell as well that’s disarming to the

speaker. By the end of the poem, the speaker reveals that the bug in reference is a stinkbug. By alluding to a stinkbug, Hayes harkens back to the work of John Donne’s “The Flea,” another poem which centers around a pest.

Donne introduces his pest from the opening lines, saying, “Mark but this flea, and mark in this.../It sucked me first, and now sucks thee, /And in this flea our two bloods mingled be;” (Donne 1.1-2). The play on words with “mark” and “suck” reflects a playful tone that Donne is taking through the conceit of the pest. In contrast, the speaker of Hayes’s poem is extremely irritated by the presence of the bug. For example, the speaker ponders why the stinkbug is “crawling over reasons/And possessions I have and have not touched?” (Hayes 3). While these reasons and possessions are never specified, the language and the conceit of the stinkbug suggests that the author’s discomfort is internal. This directly relates to the discomfort that Hayes aims to make the reader feel—a feeling he likely

lives with, in part as a Black man in America, but further magnified under the current presidency.

When considering the functionality of both pests in each author's respective work, it is important to examine how both the flea and the stinkbug received their perceptions as pests. This can then reveal the significance of how the pests work as extended metaphors for their respective authors. The flea is known for taking the blood from its hosts (Wiley Encyclopedia), feeding primarily on warm-blooded mammals. While its bites can be an annoyance due to the itching sensation they leave, they also can have very serious implications. Fleas, for example, can spread infectious disease, including the bubonic plague, which is known for the havoc it wrought throughout Europe in the mid-fourteenth century (Wiley Encyclopedia). Because the flea can go from host to host, often blood between humans and animals, or with other humans, can intermingle inside it. Like the flea, the stinkbug is a pest, though it thrives on agricultural-based goods

as its source of sustenance. As such, it is an extreme annoyance to farmers (EPA 2015). Primarily, it feeds on tomatoes and corn. It does not eat the corn's husk, but rather crawls into the actual stalk and eats the kernels. The crop appears healthy until farmers go to harvest it (EPA 2015) and realize the harvest is hollow. Considered in the context of Hayes's poem, the American people are rotting because of the "pest" that is currently eating away at their citizenry.

In addition to acting as parasites to their respective victims, fleas and stinkbugs share a similar morphology. The similarity that is namely highlighted by Donne and Hayes is that of the hard exoskeleton that both insects possess. The speaker in Donne's poem asks, "Cruel and sudden, hast thou since/Purpled thy nail, in blood of innocence?" (Donne 3.19-20). The flea's exoskeleton can be pierced by a person's fingernail. In this line, the speaker asks his lover if she has killed the flea, which has their blood inside of it. In contrast, the speaker in Hayes's sonnet

addresses the stinkbug, saying, “The meat inside your exoskeleton/Is as tender as Jesus” (Hayes 11-12). However, the statement is ironic; it’s implying that the stinkbug, representative of the forty-fifth president of the United States, is not tender. The speaker is stating the opposite, that the president isn’t caring, or compassionate like Jesus.

The speaker’s allusion to Jesus within the sonnet gestures toward Donne, and his ‘Holy Sonnets.’ Donne’s ‘Holy Sonnets’ are more aligned with the sonnet’s tradition of writing toward one’s beloved, his beloved being Jesus. In Hayes’s sonnet, the use of Jesus is meant to be both contradicting and unsettling. Biblically, Jesus is a sacrificial figure. In the Old Testament of the Bible, a lamb without blemish would be sacrificed on behalf of the Israeli people; Jesus marks the end of sacrifice in the New Testament through his crucifixion. However, in a modern context, Jesus is a complicated figure, especially when one considers the evangelical Christianity often cited as the forty-fifth

president’s electoral base. Evangelicals are similar to the husks of corn; they are empty on the inside. The Bible refers to God’s people as the harvest (Matthew 9:37; Romans 1:13). However, through their allegiance to the president, their acts reflect an emptiness, acts done in the name of Christianity, but failing to live up to its name due to the immorality of their support.

The allusion to Jesus also brings a theme of morality into both poems. Hayes’s contemplation on morality is perhaps inspired by Donne. In “The Flea” the speaker attempts to suggest that to engage in sexual activity with his lover is innocent—despite what conventions of the time may suggest. Donne writes:

Oh stay, three lives in one flea spare,
Where we almost, nay more than married are.
This flea is you and I, and this
Our marriage bed, and marriage temple is;
(Donne 2.10-13)

Here the speaker engages in a playful request of his lover. By using the imagery of “three” in “one” they allude there is a religious allusion to the Trinity, and by bringing up the institution of marriage—which is sanctified Biblically—it is fair to wonder, is the speaker actually jesting? The speaker implies that they may as well have sex; they are already “more than married” because of the flea. In the speaker’s mind, engaging in sex isn’t morally ambiguous. It is in fact, the right thing to do.

Both poems incorporate religious and erotic themes, the juxtaposition of which many would consider sacrilegious. After all, “The Flea” represents the imploring of a lover telling his beloved that they should engage in premarital sex. Hayes acknowledges his predecessor in Donne by incorporating the use of the erotic, though rather than using Donne’s playful manner, Hayes seems to desire the reader’s destabilization by being direct. His pointedness directly contrasts Donne who subtly implements its usage. At the

volta, and throughout the sestet as a whole, Hayes’s poem uses erotic imagery, turning away from the religious imagery found earlier in the poem. It is most striking when Hayes writes, “you are the jewel/In the knob of an elegant butt plug, snug between/Pleasure & disgust” (Hayes 8-10). It seems incongruous and even unsettling to reference a sex toy in the same context as Jesus. In some ways, it’s even humorous that Hayes uses “elegance” as an adjective in this line. These shifts and the tone of the language all work to convey the feelings of perplexity that Hayes seeks to foster. The speaker is articulating that while the president, by virtue of his position, may seem like a “jewel,” he in fact fails to live up to his position. The speaker further emphasizes the complications within the erotic, saying, “You are the scent of rot at the heart/Of lovemaking” (Hayes 10-11). Rotting implies decay and is incongruent with lovemaking, which has connotations to life. This view of sexual love also connects to the feelings of pleasure and disgust that the speaker

previously articulates. What is the reader supposed to do with these contrasting images? What do they have to do with the questions that the speaker poses in the opening lines of the sonnet?

The answer to these questions may ultimately be found in the final couplet. In Hayes's sonnet, the speaker's answer is, "Yes, you are an odor, an almost/Imperceptible ode to death, a lousy, stinking stinkbug" (Hayes 14-15). The speaker of the sonnet's question seems like it is never answered. The couplet answers *what* is bothering the speaker but fails to answer *why*. Instead, the reader is left with more questions by the end of the poem. For example, how can "an odor" be "imperceptible"? And particularly, the odor of the stinkbug which is known for its strong scent when threatened? Here, Hayes is critiquing the country's ability to be duped by the forty-fifth president. Citizens will eventually feel the consequences of his election, and realize it happened "right under their noses." The language is once again direct. The use of "Yes,

you" for example, seems to be accusatory and pointed, firm at the address of the stinkbug. Once again, Hayes leaves the reader with a feeling of not having enough, and wanting more. The feeling of not having answers is in fact the conclusion that the reader is supposed to reach all along. This is the exasperation that the speaker feels because of the election. By using words like "lousy" (which also alludes to another sort of parasite, the louse) and "stinking," the poem seems to take a resigned, or even childish tone. This should not be taken as surrender, or as giving up in face of the circumstances. Rather, it is recognition that the desired solution is a long-shot.

In both poems, the death of the insect is explored as a means of achieving an end. For the speaker in Donne's poem, he hopes, "Let not to that, self-murder added be, /And sacrilege, three sins in killing three" (Donne 2.17-18). The speaker in Donne's poem asks that his beloved not kill the flea, though we know by the conclusion of the poem that the beloved

follows through with their intentions: “Just so much honor, when thou yield’st to me, /Will waste, as this flea’s death took life from thee” (Donne 3.27-28). Ultimately then, the beloved chooses not to have sex with the lover. The speaker’s request seems to be declined. Unlike in Donne though, Hayes’s speaker hopes for the death of the bug. He writes, “Should I fail in my insecticide, I pray for a black boy/Who lifts you to a flame with bedeviled tweezers/Until mercy rises & disappears” (Hayes 4-6). The Black boy of Hayes’s sonnet *literally* sacrifices the stinkbug. This begs the questions: What does it mean for the Black boy to participate in this seemingly ritualistic experience? And why the need for sacrifice in the first place? By who and for whom? The message that the speaker conveys is clear though: he hopes that the president meets an untimely end. This “insecticide” connects to the idea of “homicide” or the murder of another human being. The speaker views this act as a necessary (and even righteous) sacrifice. Biblically, sacrifice is necessary

for the cleansing, purification, or atonement of sins (Leviticus 9:3-4), as well as to bring peace.

It is interesting to note that while the sonnet stays true to the length of 14 lines, Hayes breaks from the sonnet tradition of writing in iambic pentameter. These rules would require Hayes to write in the pattern of stressed followed by unstressed syllables, with each line of verse being composed of five metrical feet. Hayes’s metrical lines exceed this, and he writes in blank verse. These are characteristics of the American sonnet, which he articulates he is writing from the title. While it may seem ironic that Hayes writes within the confines of the 14 lines about an invasive and exponentially reproducing pest, it proves Hayes’s ultimate point—that within the bounds of restrictive form, there can be a freedom or liberation. The sonnet has historically been represented as an exclusive form written by white men, despite the rich literary legacy that women, people of color, and other marginalized groups have contributed to it. In

referencing Donne, Hayes's poetry revises the work predominantly done by white men who are traditionally cited as comprising the work of the sonnet. The allusions to Donne are also meant to subvert the notion that sonnets are exclusively about love. Within his sonnet, he articulates the emotions of inner turmoil felt in the aftermath of the election. However, Hayes finds through this, and his series of sonnets, that even within the (political and racial) boundaries placed on him by the systemic racism surrounding him, he can use the sonnet form as an act of self-liberation. It can be a way to critique America and expose the injustice he sees. For the reader who may be unsettled, these sonnets can be used as ammunition, and as inspiration for political revolution.

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