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CHAPTER 12

 AMERICAN
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 ELEGY

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THIS essay surveys the history of a particular kind, or genre, of poem—the elegy—in a particular national tradition. Elsewhere, I have written extensively about other phases of American elegy, both colonial and national, from the late seventeenth century to the end of the nineteenth (Cavitch 2007). In what follows, I concentrate on the national period, beginning in the late eighteenth century with the Revolutionary War and sketching the story up to the present day. There are various ways to tell this story. Jahan Ramazani, for example, has written compellingly about what he calls ‘American family elegy’ in order to focus on the sorts of generational conflicts that seem to him to find distinctive expression in a wide range of American elegies (Ramazani 1994). My approach is more overtly and more purposefully nationalizing—not because I think that is the only, or even the best, way to approach elegies by U.S. writers, but, rather, because I think there are still critically illuminating things to say about American elegy’s national dimensions and characteristics, and that is what I’ve been asked to highlight for this volume.

The relation between elegy and legal—specifically constitutional—structures may seem tenuous at first. And it is not my recommendation that we use the Constitution as an interpretive key to elegiac poetry in the U.S. On the contrary, my contention is that, if the fact (or sentiment) of national difference counts for much in the study of American literature, it is generally because that literature has something important to say about attachment to (or alienation from) specifically American constitutional principles—the principles that legally, as well as symbolically, bind together ‘we the

people.’ In other words, it is the specific set of principles represented in what some legal scholars call ‘the living Constitution’—and not patriotic feeling, or ethnicity, or language, or any of the other conventional attributes of national identity—that, at this late date, holds out possibilities for the meaningfulness and ethical justification of that identity as a way of being in the world and relating to others.

And those others, of course, include the dead along with the living. That’s where elegy comes in, as one of the most popular and flexible forms of mourning art in U.S. culture—a form, moreover, that is as much about the living as it is about the dead, as much about relations *among* the living as about elegists’ persistent connections to the dead people for whom they grieve. People often begin to grieve, and sometimes even write elegies, well in advance of a loss—during the illness or senescence of a parent, for example. On occasion, people make fun of their propensity to grieve for imagined or anticipated losses. They may even with great seriousness personify a cherished object or ideal in order to imagine its loss more acutely, as when a group of Harvard Law School students and professors held an elaborate mock funeral for the U.S. Constitution shortly after the passage of the Military Commissions Act of 2006, which seemed to them (and, two years later, to the U.S. Supreme Court as well) to violate the habeas corpus provision of Article 1, Section 9.

Mock funerals for the U.S. Constitution, for its Bill of Rights, and for various individual Amendments were already a staple of American political street theater long before the mournful era of Guantanamo. Never, in fact, has the prospect of constitutional collapse been entirely absent from American political discourse. Indeed, constitutional malleability through amendment, on one hand, and the systematic concentration of federal power, on the other, are themselves perennial sources of anxious questioning: At what point does amendment become defacement or dismantlement? How should a sovereign people respond to presidential circumvention of legality in times of national crisis?

Recent misgivings about rights violations and the aggrandizement of executive power belong to a tradition of uncertainty that reaches all the way back to the figure of Publius, the authorial persona adopted by Alexander Hamilton, John Jay, and James Madison in *The Federalist* to persuade New York State to ratify the Constitution of 1787. The alternative to ratification, Publius argued in *Federalist* #15, would be to carry the confederated states to ‘the last stage of national humiliation’ and to ‘plunge us into the abyss that awaits us below’ (Madison 1987: 146, 147). He further argued in *Federalist* #17 that there is ‘an inherent and intrinsic weakness in all federal constitutions’ (p. 157). In other words, the Constitution, created (Oliver Wendell Holmes, Jr., would say ‘begotten’ (Holmes 1920: 433)) to save the new nation from disunion and death, would itself always have to be vigilantly protected as a delicate and imperiled thing.

Publius is the first and foremost figure of American constitutional personality—that is, of a distinctive personification of political will that could articulate, substantially and lastingly, the source of the legitimacy of the republic and its legal structures (as Roman consul Publius Valerius Publicola had done for that ancient republic). Publius continues to do his job so well (*The Federalist* is a world classic of political

theory and is still commonly cited by the federal judiciary) that no comparable subsequent figure has ever been called forth to supplant him, and the written constitution that he championed is today the world's longest-lived and most frequently emulated—always embattled but never yet sustaining a fatal blow.

Yet an array of notable figures stands in American mourning literature, from the time of Publius to our own day, for some of the costs, willingly or unwillingly incurred, of that constitutional longevity. Many of these figures have names of their own, real, fictional, or pseudonymous: George Washington, Susanna Rowson's Charlotte Temple, Nat Turner, John Brown, Abraham Lincoln, Geronimo, Edward Arlington Robinson's Richard Cory, the residents of Edgar Lee Masters's Spoon River and of Robert Hayden's Paradise Valley, Sacco and Vanzetti, Amelia Earhart, Matthew Shepard. Others survive only as types: the murdered slave, the martyred leader, the unknown soldier, the hunger-striking suffragist, the executed traitor, the suicidal social isolate, the self-sacrificing hero, the ocean-swallowed emigrant, the tortured prisoner.

The question of how to mourn such figures continues to be an affluent source of uncertainty regarding not only the meaning of the lost lives they represent but also the nature and value of the liberties the Constitution seeks deathlessly to preserve. Our national literature is full of elegies that cultivate, measure, and critique attachment to constitutional principles even as they make claims on memory on behalf of the deceased. They do not always allude directly to the text of the Constitution or take up particular legal debates. Yet these 'constitutional elegies' are as much about the political identifications and attachments of the living as they are about the personal sacrifices of the dead. Indeed, a self-critical memory of the past is incumbent upon the members—all the members—of any society that seeks, as ours proclaims itself to do, to legitimate and develop itself perpetually through allegiance to a set of universal democratic norms. On rare occasions, that self-critical memory gets incorporated into the text of the Constitution itself, as in the Thirteenth Amendment, banning slavery. For the most part, though, memory remains contested in the realm of culture.

The question not only of *how* to mourn but of whether to mourn *at all* challenged American adherents to republican principles from the start of the national period. Just as the Constitutional Convention eschewed personal endorsement in favor of the 'Unanimous Consent of the States present' (represented by some, but not all, of the delegates' signatures), so too did many elegies of the period incline away from personalising detail (Madison 1987: 499). The massive memorialist response to Benjamin Franklin's death in 1790, for example, seemed to some elegists to set a very un-republican precedent in the national mourning of a private citizen. No one person, thought Philip Freneau, should be held to be of such consequence to the life of 'the people.' Along with other Franklin elegists, therefore, Freneau sought to play down the idiosyncratic specificity of his subject and to play up, instead, the more abstract, representative qualities of the generic patriot. Franklin himself, Freneau suggested, in 'Stanzas, Occasioned by the Death of Dr. Franklin,' would have abhorred the antiegalitarian tendencies of an excessively personalising hero worship (Freneau 1986: 392). Not even George Washington, whose death in 1799 triggered an

even vaster tributary outpouring, should be allowed to captivate the national imagination as if he were uniquely and permanently relevant to the continuity of union. The American republic needed a Cincinnatus, not a Caesar, and poets like Freneau tried to develop an elegiac style that would be consistent with that need.

Yet the traditional task of the elegist is individuated mourning—to describe (and thus more vividly to remember) the person and the personality of the deceased, to reckon what is unique and irrecoverable about *this* loss. And in the end that task is not wholly at odds with the principles of constitutional republicanism. After all, among the liberties the Constitution seeks to preserve is the people's freedom to form and to avow attachments to one another. Indeed, mutual attachment—the full extension (temporal and spatial) of civic feeling within territorial boundaries—is the sine qua non of republican nationalism. The rational requirements of continuity are never very far from sentimental cravings for remembrance, even as one moves further and further away from the determinate construction of a highly dramatic point of loss, such as the death of Washington.

The elegist projects into the future a semblance of this determinate construction in the form of a poem, and thereby helps procure for subsequent generations one of the chief compensations of extended mourning: by encouraging others to maintain an emotional connection with the deceased, the elegist contributes to the preservation of ideals with which the deceased has been strongly associated. John Bowlby argues that this 'persistence of relationship' may help in 'maintaining values and pursuing goals which, having been developed in association with the lost person, remain linked with him and can without falsification continue to be maintained and pursued in reference to memory of him' (1980: 96). This helps account for the seemingly inexhaustible exhortations in American culture to remember Washington and to pursue values (such as selflessness) and goals (such as a strong confederation of states) once powerfully associated with him.

Yet Bowlby's optimism regarding the fate of such values and goals as these (the conviction that they can be maintained and pursued 'without falsification') does not seem readily available to Washington's more belated elegists, who—at further and further removes from the immediacy of his death—give signs of their anxiety over the strength, legitimacy, and durability of those compelling associations. Thus, from Lydia Sigourney, in her early nineteenth-century poem 'Mistletoe at the Tomb of Washington,' to Diane Wakoski, in her late twentieth-century poem 'The Sculptor,' the elegiac idealization of Washington becomes more, rather than less, conflicted as his memory gets bound up with other, more proximate sources of grief—the deaths of later presidents, for instance, and the legacy of slavery.

This tendency of idealizations to break down is one of the fundamental psychological insights of republican theory and its revolutionary practice. The overthrow not just of kings but of kingship was a remedial approach to the idealization of leaders such as Washington on other, more modest terms. Republicanism is not a denial of the destructive impulses that persist even in the absence of dynastic succession. Rather, it is an opportunity to clear a space among envious and persecutory anxieties for something more closely approximating what Melanie Klein calls gratitude, that is, a

feeling—a civic feeling—that mitigates the resentment of horizontal and vertical dependencies. Destructive impulses persist—any citizen of a republic can tell you that! But peaceful, nondynastic regime change of the sort prescribed by the Constitution demonstrates that those impulses may be accepted rather than denied or harshly punished, and that they may be accommodated without bloodshed.

Ultimately, of course, this liberatory experience of gratitude is subject to its own idealisation, which, in turn, helps generate and sustain the compensatory discourse known as patriotism. As an incentive to collective mourning, patriotism redirects destructive impulses beyond certain cultural or ideological barriers, like those of nation-states, and toward groups or classes of persons who are not only *not* to be mourned but who might even have to be destroyed.

Slavery was clearly sanctioned by the Constitution of 1787, which would not otherwise have been ratified. This devil's bargain (William Lloyd Garrison called it 'a covenant with death' (1845: 1)) enabled national patriotic sentiment to take hold and to flourish in the United States, and slavery has never since then ceased to be the defining problem for American self-critical memory—a problem numerous elegists have faced in a wide variety of ways. The first prolific African American elegist, the Boston slave poet Phillis Wheatley, died several years before ratification. No doubt, the Apportionment (or 'three-fifths') Clause and Importation (or 'slave trade') Clause of Article 1 and the Fugitive Slave Clause of Article 4 would have come as no surprise to her, familiar as she was with the various compromises, contradictions, and hypocrisies of slavery law throughout the British empire. But for later American elegists, ratification did more than simply perpetuate the engine of death that slavery already was; it generated powerful new anxieties about the exclusions that conditioned constitutional republicanism and its soaring national rhetoric of liberty.

One context for anxiety was the ongoing controversy over states' rights. Ratification ended the post-revolutionary sovereignty of the individual states and established in its place the national sovereignty of the American people. Thus the Constitution fused slaveholding and non-slaveholding states into one slaveholding republic. Yet fierce sectional conflict persisted, eventuating in the Civil War. On the eve of that war, in 1859, African American poet Alfred Gibbs Campbell wrote an elegy for the radical abolitionist John Brown, who had just been executed by the state of Virginia for leading a deadly assault against the U.S. Armory and Arsenal at Harpers Ferry. Despite the facts that Brown was not a Virginia citizen, had attacked federal (not state) property, and had been captured by a company of marines commanded by a federal officer (Colonel Robert E. Lee, future general of the southern Confederacy), the governor of Virginia nevertheless saw to it that Brown was charged and ultimately convicted in a Jefferson County courthouse of treason against that state. Despite, or perhaps because of, this legal irregularity, the publicity surrounding the case was rife with confusion, accusation, and counter-accusation as to who and what were the victims of Brown's crime and who were his aiders and abettors. Could northern abolitionist sympathizers be figuratively pilloried along with Brown by the Virginia court? Could the principle of states' rights be strengthened by a successful usurpation of federal legal prerogative?

Such questions were presumably on Campbell's mind as he composed his elegy for 'Old John Brown,' which names Virginia no fewer than six times in its first three stanzas:

'Swing up the traitor!' Let him die!
Truth, honor and sincerity
Are treason to Virginia's laws,
Are fatal to Virginia's cause,
And he who doth true courage show
Strikes an unpardonable blow.

'Swing up the traitor!' for the deed's
Demanded by Virginia's needs,
And all her broad dominion lies
In deepest peril, till he dies!
The truest man ye ever saw
Hang by Virginia's glorious law!

'Swing up the traitor!' Who shall dare
Henceforth to taint Virginia's air
With freedom's word or honor's breath?
Behold for such a traitor's death.
As symbol of her sovereignty
Virginia hoists the gallows-tree.

(Campbell 1883: 85)

The strategy here is not simply to foreground and satirize Virginia's immorality, but to make the state seem singularly and exceptionally immoral. Campbell thus circumscribes the state with verses of sarcastic imprecation. Even if Virginia's 'broad dominion' is taken to encompass other slaveholding states, as their synecdoche, it ought not, apparently, be taken to stand for the northern states or for the nation as a whole. However, the second half of the six-stanza poem complicates this highly specific excoriation of Virginia and sets Brown's martyrdom on a collision course with the entire slaveholding republic:

'Swing up the traitor!' Though he be
Captive, yet Conqueror is he!
The blow he struck destroyed your power,
And prophesied the coming hour
When Heaven's avenging wrath shall fall,
And wrap your land in ruin's pall.

That prophecy ye heard aright!
Your lips with terror pale to white,
For every north wind's breath ye feel
Now seems your certain doom to seal,
And every midnight sound ye hear
Palsies your coward souls with fear!

Oh! Glorious 'Traitor!' out to thee
Gushes my full heart's sympathy!

Heroic Martyr, from thy tomb
 Shall speak the awful voice of doom,
 And ages hence thy name shall be
 The hallowed watchword of the Free. (p. 86)

Beyond the disappearance of Virginia's name, a dramatic shift in address also occurs in the poem's second half. In contrast to the first half's single, generic 'ye' (in a line that could be paraphrased as 'The truest man anyone ever saw,' a textbook elegiac encomium), the proliferating second-person pronouns of the second half resonate with fully pointed recrimination.

Yet the object of recrimination has become ambiguous. It still includes Virginia, certainly, but also seems necessarily to encompass more. For example, any power ('your power') that Virginia has (to promote slavery, prosecute crimes, quell insurrection, etc.) is underwritten by the sovereign power of the American people as expressed in the Constitution. If Virginia's land ('your land') is to go down in ruin ('your certain doom'), what of the other states, mutually pledged to what the Preamble calls 'the common defence' (Madison 1987: 491)? If the lips of Virginia's citizens ('your lips') are to pale with terror, what of other U.S. citizens, including citizens of the North, who share their guilt and cowardice ('your coward souls')? The fourth and fifth stanzas implicitly concede the inadequacy of a solely Virginia-addressed attack; the Constitution requires that blame be more evenly distributed, despite important sectional differences. These differences are perhaps alluded to in the image of the 'north wind's breath' in the fifth stanza, but northern complicity inflects the allusion with considerable irony.

In the elegy's final stanza there is another shift in address, this time to the unnamed traitor/martyr, whose posthumous voice ('awful voice of doom') seems destined to echo that of the speaker of the poem in the previous stanza ('your certain doom to seal'). This co-implication of voices suggests the speaker's identification with Brown, even as the final stanza's direct address distinguishes the subject and object of mourning. Such cross-racial identifications are central to elegiac practice in antebellum America and beyond.

Like Campbell and their other black counterparts, white elegists also contributed to this complex history of identification and remembrance. To be sure, it is a history of political radicalism like Brown's, but it is also a history of faith in transcendence—a history of the idealization of mourning as well as the struggle for emancipation. Elegies by and for slaves, for example, including those by North Carolina slave poet George Moses Horton, commonly generated sympathy and support for the combat-ive, sometimes violent cause of abolitionism. But they also helped articulate an ethos of renunciation, repeatedly discovering in death an end to otherwise insoluble problems of existence.

These problems were not limited to the physical and psychological trauma suffered by slaves but also included the melancholy, shame, and rage of traumatized white and free black populations. Such shame and melancholy lade the lush, riverine atmosphere of William Dean Howells's elegy "The Pilot's Story," which was published

just a few months before the Southern secession. The speaker is one of a group of travelers assembled on the deck of a steamboat making an evening ascent of the Mississippi. 'With his back to his hearers' and 'his hand on the wheel and his eye on the globe of the jack-staff,' the riverboat's pilot tells them a tragic-mulatta story from his early years on the river. Young as he was then, he had already spent enough time watching gamblers in the cabin to be able to spot as a mark a planter who had come aboard with his slave, 'a beautiful woman, with just enough blood from her mother, | Darkening her eyes and hair, to make her race known to a trader' (Howells 1860: 323). The monte players get hold of the planter, and he ends up gambling away his companion, who, as it turns out, is also the mother of his child. Her bewilderment at his betrayal and the futility of her pleas and reproaches quickly congeal into despair. She races to the stern of the boat and flings herself onto the huge paddle wheel, which, the pilot tells them, in beautifully composed lines of mournful polysyndeton, 'caught her, and hurled her, and crushed her, | And in the foaming water plunged her, and hid her forever' (p. 325).

During his narration of the story, the pilot remains standing, as Howells's speaker indicates in the poem's first line, 'with his back to his hearers'. Twice more during the poem, the reader is reminded of this unusual configuration of storyteller and audience ('Still with his back to us standing'; 'Still with his back to us all the pilot stood' (p. 325)). The whole scene thus sustains a penitential air, as if the pilot's story were one that could not be told face to face. The pilot's story is as much the story of his own traumatization as it is the story of the slave's suicide. Indeed, the most harrowing passage in the poem is the one in which, poised on the brink of self-destruction, the slave occupies something like the position of the storytelling pilot:

Straight to the stern of the boat, where the wheel was, she ran, and the people
 Followed her fast till she turned and stood at bay for a moment,
 Looking them in the face, and in the face of the gambler.
 Not one to save her,—not one of all the compassionate people!
 Not one to save her, of all the pitying angels in heaven!
 Not one bolt of God to strike him dead there before her!
 Wildly she waved him back, we waiting in silence and horror.
 Over the swarthy face of the gambler a pallor of passion
 Passed, like a gleam of lightning over the west in the night-time.
 White, she stood, and mute, till he put forth his hand to secure her;
 Then she turned and leaped. . . . (p. 325)

The attentive crowd to which she turns her back while standing by the paddle wheel is referred to several times as 'the people'—a locution that reads as overdetermined in a poem written on the very brink of national collapse (or national 'suicide,' as Abraham Lincoln prophesied in an 1838 speech (1989: 29)). This allusion to 'We the people' of the Preamble comports with Howells's own later characterisation of the poem as being about 'the national tragedy of slavery' (Howells 1900: 34).

In Howells's elegy, slavery makes the suicide of an unnamed woman a tragedy of national significance—a tragedy that thus seems very far indeed from the suicide of the fictional subject of E. A. Robinson's elegy, 'Richard Cory.' Whereas 'The Pilot's

Story' concerns a state of abjection almost impossible to imagine, 'Richard Cory' is about someone with every conceivable social and material advantage. Whereas 'The Pilot's Story' plunges us into national sin, 'Richard Cory' glances at a world of individual privilege. And, whereas 'The Pilot's Story' is long, luxuriant, and plangent, 'Richard Cory' is short and pitiless:

Whenever Richard Cory went down town,
We people on the pavement looked at him:
He was a gentleman from sole to crown,
Clean favored, and imperially slim.

And he was always quietly arrayed,
And he was always human when he talked;
But still he fluttered pulses when he said,
'Good-morning,' and he glittered when he walked.

And he was rich—yes, richer than a king—
And admirably schooled in every grace:
In fine, we thought that he was everything,
To make us wish that we were in his place.

So on we worked, and waited for the light,
And went without the meat, and cursed the bread;
And Richard Cory, one calm summer night,
Went home and put a bullet through his head.

(Robinson 1997: 9)

This is a startlingly effective poem about the mystery of private despair. Less easy to recognize, perhaps, is the extent to which it is also a very effective poem about the lingering seductions of kingship in American life. More than a century after the overthrow of George III, the name Richard Cory—an apparent allusion to Richard Couer de Lion—still resonates strongly with English monarchy (the poem gives us the words 'crown' and 'king' to reinforce the association). In 1897, the year the poem was written and published, Richard Cory's Gilded-Age, monarchical glory would have made a particularly sharp contrast with the circumstances of most Americans, who were just beginning to recover from the deep economic depression caused by the Panic of 1893. 'We people on the pavement' were not a minority underclass but rather a national people who, from coast to coast, city to city, and farm to farm, had been crushed by poverty or by fear of what their neighbors' poverty might lead to. The voice of 'We [the] people' expresses not only adulation and jealousy but also rage: the curses explicitly directed at the meager 'bread' of the antepenultimate line, and implicitly directed at Richard Cory himself. The final line shocks, but Robinson's use of anaphora throughout the poem ('And . . .'; 'And . . .'; 'And . . .') elegantly links the suicide to the details of the story of class division that make up the bulk of the poem. Anaphora, and rhyme as well, help generate a feeling of inexorable logic, a sentiment of *inevitability*, that is part and parcel of the shock we experience upon reaching what is so often referred to as the 'surprise ending'. Part of the surprise is

that the overthrow of kings and kingship is not only in the past, but also an ongoing part of the republican project.

That project has always involved a complex accommodation with violent rebellion. The last drop of blood shed in the American Revolution was hardly dry before Shays' Rebellion prompted Thomas Jefferson to write in defense of the Massachusetts anarchists:

God forbid we should ever be 20 years without such a rebellion. The people cannot be all, & always, well informed. The part which is wrong will be discontented in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions it is a lethargy, the forerunner of death to the public liberty. . . . what country can preserve it's [sic] liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? . . . The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants. It is it's [sic] natural manure. (Jefferson 1984: 911)

Jefferson's defense of anarchism spoke loudly, not just to Americans but to the entire world, almost a century and a half later, during the seven years leading up to the execution of Nicola Sacco and Bartolomeo Vanzetti in 1927. Their conviction was, for many mourners, tantamount to what Jefferson called 'the forerunner of death to the public liberty,' and in the hundreds of elegies written for them a common leitmotif is the redemptive value of proletarian uprising. Among the finest of these elegies, John Dos Passos' 'They Are Dead Now' imagines the transcontinental wafting of the two men's incinerated remains:

Ten thousand towns have breathed them in
and stood up beside workbenches
dropped tools
flung plows out of the furrow
and shouted
into the fierce wind from Massachusetts.
In that shout's hoarse throat
is the rumble of millions of men marching in order
is the roar of one song in a thousand lingoos.

(1928: 83)

Not since Walt Whitman's great elegy for Abraham Lincoln, 'When Lilacs Last in the Dooryard Bloom'd' (1865), had an American poet painted such a vivid picture of a nation in mourning—a nation of 'a thousand lingoos' in which the living share in a kind of secular communion, literally incorporating the two executed men through the inhalation of their particulated ash.

Dos Passos' elegy, first published in *The New Masses* in 1927, is a particularly self-conscious poem. Its first line claims 'This isn't a poem,' and its last line threatens 'Make a poem of this if you dare!' (pp. 82, 84). This is more than mere Marxist machismo, a Red artist's anxiety about the material purposefulness of poetry. It is an avowal of the ambivalence upon which the politics of elegy, in the broadest sense, perpetually turns. On one hand, the work of elegy is to counsel submission, not merely to its own generic conventions, but also to socially regimented protocols for

grieving and mourning, which commonly entail the suppression or sublimation of unruly affects and impulses. On the other hand, it is also the work of elegy to activate subjective identifications among mourners that affirm, shift, or revise social alliances, which may include alliances among revolutionaries and anarchists as well as those among patriarchalists and traditionalists. Making a poem out of the state's murder of two anarchists is a dangerous thing to do because it risks the sentimentalism and banality that may dull the urge to resist and oppose the state *and* because it may very efficiently organize and channel violent energies in a way that conventional political rhetoric may not. Dos Passos' 'Make a poem of this if you dare!' is an invitation as well as a threat, an invitation to do precisely what Plato warned you should not do in a republic: allow poetry to unfit the citizen for rational political life by appealing to the anarchic imagination.

Plato associated the anarchic imagination with the mourning of women and its alleged feminization of male citizens. Millennia later, this durable association has continued to be one of many provocations to rights-based dissent in the U.S. Attitudes toward race, gender, and sexual orientation have continued to be at the center of struggles both to remediate and to defend the Constitution in the interest of promoting rights-based democracy. African-American elegy from Wheatley to Langston Hughes to Michael Harper has been a challenge to racial dominance written under the sign of lamentation. American women's elegy from Wheatley (again) to Edna St. Vincent Millay to Adrienne Rich has helped to school the genre's practitioners in the publicness of private life, including the political uses of grief. And gay and lesbian American elegists from Whitman to Allen Ginsberg to Marilyn Hacker have mourned the losses due directly or indirectly to denials of equal protection, free speech, and political participation.

Few American poets have succeeded as well as Audre Lorde—African-American, feminist, lesbian—at illuminating the complex dynamics of oppression that often divide as well as unify different rights-based movements. In 1979, she wrote 'Need: A Choral of Black Women's Voices' not simply to mourn but to interpret the murders of a dozen black women in Boston during the first half of that year. Three voices give the poem shape: that of the poet's 'I' and those of two of the murdered women, Patricia Cowan and Bobbie Jean Graham. The title echoes Countee Cullen's 'Threnody for a Brown Girl' with its concluding line: 'We need elegies' (Cullen 1927: 7). And the 'need' for elegies is in both poems an ambivalent one. It's partly an urgent one, a need of the living rather than of the dead. But neither poet is ready to relinquish the notion that there is also a need on the part of the dead—their need to be remembered, longed for, explained, vindicated, above all heard:

This woman is Black
so her blood is shed into silence
this woman is Black
so her death falls to earth
like the drippings of birds
to be washed away with silence and rain.

(Lorde 1982: 111)

After these opening lines spoken by the poet's 'I,' the voices of Cowan and Graham are each heard in turn, describing their respective murders. The remaining sections of the poem alternate between these three individuated voices and the choral 'ALL'.

All choral poetry carries with it an association with the choruses of ancient, especially Athenian, tragedy and thus with the common understanding that the chorus speaks as or on behalf of a democratic citizenry. This formal allusion in Lorde's elegy helps point up the discrepancy between the public resonance of 'we the people'—the exclusively male and white democratic citizenry of both ancient Athens and the early U.S.—and the enforced silence of Cowan, Graham, and 'the hundreds of other mangled black women' to whom the poem is dedicated. 'Need' also critiques the violent disunion of gender and gender roles within overlapping feminist and civil rights movements, alerting the poem's readers to what Alexis De Veaux has sharply characterized as 'the futility of an unexamined racial solidarity with black men who wore the faces of black women's abusers and killers' (2004: 244). Along with the need for elegies to memorialize the specific losses and grievances of black women, Lorde's poem also reflects upon a very different, sinister need for the blood of black women that she attributes to black men. In Part II of the poem, Lorde speaks, in Graham's voice, of this counter-memorial need:

And what do you need me for, brother,
to move for you, feel for you, die for you?
You have a grave need for me
but your eyes are thirsty for vengeance
dressed in the easiest blood
and I am closest.

(Lorde 1982: 113)

Violence against black women in Boston in 1979, Lorde says, is misapprehended, and therefore misremembered and inadequately mourned, as long as it is imagined that race-hatred and gender-hatred operate independently of one another in their violent reactions against American rights-based movements.

The danger of being 'closest' that Lorde pinpoints in 'Need' is also one of the insights of Marilyn Hacker's elegy for Matthew Shepard and Barnett Slepian, called 'Embittered Elegy'—an elegy that begins by putting directly into question the authority and the safety of the elegist herself:

Sheltered by womanhood and middle age
from their opinionated ignorance
since I'm their teacher, since they're my students,
I try to wedge bars of their local cage
Open. . . . But what they're freed to voice is rage
against every adjacent difference.

(Hacker 2003: 26)

Her students come across as garden-variety bigots, who 'roast' (figuratively, but the plausibility of the literal act is what motivates the word choice) drag queens and write

slur-laced pro-life sestinas. But the sheltering attributes that womanhood and middle age may or may not be for the author of this elegy for two men—the 21-year-old college student murdered by gay-bashers and the 52-year-old doctor murdered by an anti-abortionist—constitute the profound crisis her students force her to confront with their own unthinking exposés of ignorance, fear, and pain:

A pile grows on my desk, page upon page,
in which, against the odds, may be a poem,
instead of calumnies from which I'm not
sheltered by womanhood and middle age. (p. 27)

'Who's keen to flagellate and crucify?' Hacker asks, ostensibly of her bigoted students, but no less urgently of herself and her readers. Hacker dwells on Shepard and Slepian's undeserved and brutal deaths while muttering vengeance under her breath. Can the elegist settle the score? Can the teacher? Perhaps not. But then how is one to measure the difference—the 'adjacent difference'—between poetry and calumny, between free speech and hate speech? Is mourning a form of tolerance, or of intolerance?

In the U.S., legislative and judicial protection of such cherished freedoms as privacy, religious liberty, and free speech turns on the question of toleration—the question of what frustrations, offenses, secrets, fears, revelations, and disappointments ought to be endured by the people, with their many clashing beliefs, commitments, and sensibilities, on behalf of these freedoms. On behalf of her students, Hacker tries 'to wedge bars of their local cage | open,' only to find (did she not anticipate?) that she's opened a Pandora's box of intolerance. 'Rage | against every adjacent difference'—a refusal to sympathize with the griefs and grievances of others—is their *materia poetica*, the substance of the pages they pile on her desk. Their rage, in turn, becomes the source of Hacker's grievance (her embitterment) not only against them but also against the imperfect expressive resources of poetry, and of elegy in particular.

And yet Hacker, like so many other brave poets, continues to write and to publish elegies, and in doing so continues to discover, for herself and for her reader, one of mourning's bitterest lessons: that other people's sense of what is tolerable in life is almost always different from our own. Our grief is always incommensurate with our losses: excessive, meager, distracting, obsessive, incapacitating, exhilarating, hypocritical, hypervigilant, haughty, abject, even lethal. And we feel, if we let ourselves feel anything, this lack of commensuration not only in relation to the deceased, but also as the condition of our relationships with the living, relationships we very commonly understand, or are encouraged to understand, in national terms. Hacker's 'Embittered Elegy' for two martyred Americans throws up many casual signs of its national as well as local-pedagogical setting: the details of the two murders, bridging Wyoming and New York; an allusion to the great California-immigrant poet, Thom Gunn; slang terms and epithets such as 'feminazi,' 'frat boy,' 'right-wing Christians,' and 'Pizza Hut evangelists'. Without directly invoking the Constitution, Hacker has written a 'constitutional elegy' in the great American tradition whose history I've

briefly sketched here, a tradition that continues to challenge our principled commitment to the legal and symbolic bonds of 'adjacent difference' in a rights-based national polity.

REFERENCES

- BOWLBY, JOHN (1980), *Loss: Sadness and Depression* (New York: Basic Books).
- CAVITCH, MAX (2007), *American Elegy: The Poetry of Mourning from the Puritans to Whitman* (Minneapolis: University of Minnesota Press).
- CAMPBELL, ALFRED GIBBS (1883), *Poems* (Newark, NJ: Advertiser Printing House).
- CULLEN, COUNTEE (1927), *Copper Sun* (New York: Harper & Brothers).
- DE VEAUX, ALEXIS (2004), *Warrior Poet: A Biography of Audre Lorde* (New York: Norton).
- DOS PASSOS, JOHN (1928), 'They Are Dead Now,' *America Arraigned!*, ed. Lucia Trent and Ralph Cheney (New York: Dean and Company).
- FRENEAU, PHILIP (1986), *The Newspaper Verse of Philip Freneau: An Edition and Bibliographical Survey*, ed. Judith R. Hiltner (Troy, NY: Whitston Publishing).
- GARRISON, WILLIAM LLOYD (1845), 'Disunion: The American Union,' *The Liberator* 15: 2: 1.
- HACKER, MARILYN (2003), *Desesperanto: Poems 1999–2002* (New York: Norton).
- HOLMES, OLIVER WENDELL, JR. (1920), *Missouri v. Holland*, 252 U.S. 416.
- HOWELLS, WILLIAM DEAN (1900), *Literary Friends and Acquaintances: A Personal Retrospect of American Authorship* (New York: Harper & Brothers).
- (1860), 'The Pilot's Story,' *The Atlantic Monthly* 6: 323–5.
- JEFFERSON, THOMAS (1984), *Writings*, ed. MERRILL D. PETERSON (New York: Library of America).
- LINCOLN, ABRAHAM (1989), *Speeches and Writings, 1832–1858*, ed. Don E. Fehrenbacher (New York: Library of America).
- LORDE, AUDRE (1982), *Chosen Poems Old and New* (New York: Norton).
- MADISON, JAMES, ALEXANDER HAMILTON, and JOHN JAY (1987), *The Federalist Papers*, ed. Isaac Kramnick (New York: Penguin).
- RAMAZANI, JAHAN (1994), *Poetry of Mourning: The Modern Elegy from Hardy to Heaney* (Chicago: University of Chicago Press).
- ROBINSON, EDWARD ARLINGTON (1997), *Selected Poems*, ed. Robert Faggen (New York: Penguin).