

THE SRPR REVIEW ESSAY:
FORM DYSFUNCTION

SPENCER SHORT

Forms: Whole, Rhythm, Hierarchy, Network

Caroline Levine

Princeton University Press, 2015

192 pages; paperback, \$19.95

American Sonnets for My Past and Future Assassin

Terrance Hayes

Penguin Books, 2018

112 pages; paperback, \$18.00

Widening Income Inequality: Poems

Frederick Seidel

Farrar, Straus and Giroux, 2016

128 pages; paperback, \$14.00

“A Judge cannot but lament, when such cases as the present are brought into judgment...” wrote the Honorable Thomas Ruffin in 1829, faced with a question of first impression, “whether a cruel and unreasonable battery on a slave, by the hirer, is indictable.”¹ Ruffin was only a year into what would become an esteemed thirty-year tenure on the North Carolina Supreme Court. The “hirer” was James Mann, a bankrupt ex-sea captain, and the slave, Lydia, was owned by a 15-year-old orphan named Elizabeth Jones, inherited on the death of Jones’s parents.² While being punished for a minor offense, Lydia broke free and Mann shot her nonfatally.³ Authorities, finding this

1. *State v. Mann*, 13 N.C. 263, 264 (1829).

2. Sally Greene, “*State v. Mann Exhumed*,” *North Carolina Law Review* 87, no. 3 (2009): 701, 714–19.

3. *Ibid.*

extreme, charged Mann with assault; an all-white jury convicted him.⁴ Although the law permitted slave owners to “correct” slave behavior however they saw fit (up to the point of death), it said nothing about the power of lessees like Mann.⁵ The question produced something of a *cri de couer* from Ruffin. Torn between “the feelings of the man, and the duty of the magistrate,” he determined it would be “criminal” to dodge a “responsibility which the laws impose.”⁶ That responsibility meant determining how much protection the law afforded Lydia—or how little, as it turned out.

Not much is known about Elizabeth Jones and less is known about Lydia. Ruffin’s history is well-documented, however. Born in Virginia, he went north for college, to what we now know as Princeton University.⁷ In letters home, Ruffin expressed misgivings about slavery—misgivings his father, a Methodist minister, rebuffed with the familiar shrug of the paterfamilias and the explanation that slavery was simply *how things are*.⁸ After college, Ruffin moved to North Carolina, where he acquired a farm, studied law, and rose to moderate social prominence. He served briefly as a state legislator, and then as a Superior Court judge, before rehabilitating the foundering state bank at the legislature’s request.⁹ In return, he was rewarded with an appointment to the state Supreme Court.¹⁰ Within three years he ascended to Chief Justice, a role he occupied for nearly three decades, dominating the court with his will and intellect while helping transform North Carolina law into an engine of economic progress.¹¹ His

4. *Ibid.*

5. Mann, 13 N.C. at 265–66.

6. *Ibid.*, 264.

7. Eric L. Muller, “Judging Thomas Ruffin and the Hindsight Defense,” *North Carolina Law Review* 87, no. 3 (2009): 757, 775–76.

8. *Ibid.*, 776.

9. *The Papers of Thomas Ruffin*, ed. Joseph Gregoire de Rouilhac Hamilton, Vol. 1 (Raleigh, NC: Publications of the North Carolina Historical Society, 1918), 6, 464–65.

10. *Ibid.*

11. Martin H. Brinkley, “Supreme Court of North Carolina: A Brief History,” originally published by the State of North Carolina, defunct web page currently available at <https://web.archive.org/web/20080321010321/http://www.aoc.state.nc.us/www/copyright/sc/facts.html>

reputation as a jurist extended well beyond North Carolina—in the early twentieth century, Roscoe Pound, the legendary legal scholar and dean of Harvard Law, placed Ruffin on a shortlist of the country's greatest jurists.¹²

Without a statute addressing Mann's actions, the State looked to the common law—judge-made, rooted in precedent and reasoning-by-analogy, the common law is backward-facing but forward-moving—arguing that Mann's relationship with Lydia was like that of a master and apprentice, or tutor and student, in which physical punishment was permitted but legally circumscribed. James Mann's counterargument was simple: he stood in the shoes of Lydia's owner and thus was entitled to use any amount of force he pleased. Ruffin was unconvinced by the State's argument, to say the least. There was "no likeness between the cases," he explained, only the "impassable gulf...between freedom and slavery."¹³ Without naming names, Ruffin addressed the dominant philosophical authorities of the day, describing an inexorable path to a single logical conclusion: Lydia was not protected by the law. If, as William Blackstone, the legendary English legal philosopher contended, the common law was divine in origin and rooted in timeless moral principles, then what could it say about power "conferred by the laws of man" but "not by the law of God"?¹⁴ If, per Locke, human freedom is defined by self-ownership, what do we call one "doomed in his own person," who lives "without the capacity to make any thing his own"?¹⁵ If personhood constitutes an "end-in-itself," as Kant contends, what is the slave, whose "end is the profit of the master"?¹⁶ Ruffin overturned Mann's conviction.

In doing so, Ruffin paid no attention to deterrence, retribution, or rehabilitation, the traditional concerns of criminal law. He sought instead to correct the "dangerous" uncertainty of the slave's status—"The slave, to remain a slave, must be made sensible," he wrote—by perfecting it through an "absolute," "uncontrolled authority over

12. "Introduction: *State v. Mann and Thomas Ruffin in History and Memory*," *North Carolina Law Review* 87, no. 3 (2009): 669–70.

13. Mann, *13 N.C. at 265–66*.

14. *Ibid.*, 267.

15. *Ibid.*, 266.

16. *Ibid.*

the body.”¹⁷ Finding no basis for this in the law, Ruffin justified it, as his father did years before, by pointing to the “actual condition of things.”¹⁸ By invoking principles of judicial restraint, Ruffin ensured his opinion would stand “until it shall seem fit to the Legislature to interpose express enactments to the contrary.”¹⁹

Response to *Mann* was complicated. Ruffin’s opinion pleased some abolitionists by laying bare the depravity of the slave economy. And it displeased many slave owners by removing a layer of legal protection. More than anything, the decision inured to the benefit of Ruffin; Harriet Beecher Stowe, taken with his “lament,” wrote that no one could read Ruffin’s opinion without “feeling at once deep respect for the man and horror for the system.”²⁰ Was his torment sincere? History casts doubt. Ruffin’s papers reveal he was not simply a slave owner but also a speculative investor in the slave trade.²¹ On at least one occasion, he savagely beat a slave because of the way she looked at him.²² These facts call into question the distance between the “man” and the “system.”

What cannot be doubted is Ruffin’s precocious ability to bend legal reasoning to his own ends. His narrow definition of the common law relieved society of moral responsibility for the suffering of slaves—a “mildness of treatment,” he wrote, had ameliorated their condition—by exiling them from society’s moral framework altogether.²³ He protected the institutional reputation of the court by refusing to “avoid” tough questions. He preserved the absolute authority of slave owners without explicitly approving of the practice. He leveraged judicial restraint to expand the power of slave owners. And he created a portrait of himself as a humane formalist at the mercy of merciless institutions.

In Ruffin’s refusal to extend the common law to the slave economy, his invocation of positive law, and his responsibility-shifting reifica-

17. *Ibid.*, 267.

18. *Ibid.*, 266.

19. *Ibid.*, 268.

20. David Lowenthal, “On Arraigning Ancestors: A Critique of Historical Contrition,” *North Carolina Law Review* 87, no. 3 (2009): 901, 904.

21. Muller, 786–88.

22. *Ibid.*, 780–84.

23. Mann, 13 *N.C. at* 267–68.

tion of the separation of powers, *State v. Mann* is littered with the kinds of formal “collisions” that Caroline Levine celebrates in her enthusiastic, if ironically amorphous, *Forms: Whole, Rhythm, Hierarchy, Network*. Levine’s proposal is ambitious: she seeks to turn loose on the extra-textual world an army of formalism-minded close readers. What distinguishes her project from New Criticism, semiotics, post-structuralism, and historicism is, essentially, its pragmatism—its refusal to rely on “deep structure” and *ex ante* principles. In spite of that pragmatism, Levine’s nascent movement remains a bit like concept art, its surfeit of bold ideas as yet more provisional than practical.

Levine’s vision is sweeping in scope, a practice capable of encompassing forms “aesthetic and social, spatial and temporal, ancient and modern, major and minor, like and unlike, punitive and narrative, material and metrical” (23). Even the “precise” definition of “institution” she cribbs from the social sciences elicits in a Whitman-esque explosion: “marriage, insurance policies, the weekly soccer game, church hierarchies, the department meeting, the codex, shipping routes, liberal democracy, racism, and the supermarket” (57). Anything goes, it seems, save for a modest list of *not*-forms: “fissures and interstices, vagueness and indeterminacy, boundary-crossing and dissolution” (9). But maybe those, too. As we saw in *Mann*, interstitial silence can be as intentional, and political, as form’s imposition.

By sheer necessity, then, Levine’s methodology is ravenous, incorporating concepts from the humanities, from the sciences, from the law, and from technology. And she provides some fascinating examples. She points out how the restrictive thirteenth-century religious doctrine of *clausura*—under which nuns were literally locked away from public contact—increased the nuns’ status in the church by cloaking them with “unique spiritual power and a feminine religious superiority” (37). Similarly, the “exclusionary” and “panoptic” seminar, a product of eighteenth century Germany, is now synonymous with “collective, open-ended thinking” (46–47). One can easily imagine a “bounded whole” analysis of the ethnocentric fetishization of border walls, or an interrogation of the relationship between seminar-like writing workshops and the self-obscuring, elliptical lyric poem that dominated MFA programs in the 1990s and 2000s.

But I have concerns. Given Levine’s scope and her reliance on concepts from nonliterary fields, how do we distinguish her call-to-arms

from a call-to-amateurism? After all, Levine admits that her attempt to coax literary scholars out of their carrels and into the real world is compromised by their habitual lack of “close attentiveness when it comes to social formations” (67–68). As characterized by Levine, this constitutes a troubling tendency to view real-world institutions as “singular, coordinated, and monolithic,” while admiring the “elusive and subtle structures that organize literary texts” (68). In essence, Levine accuses her peers of believing that the books they study are more complex than the world of *which those books are a part*. To err is human, but that is a logical error of epistemological scale.

Levine’s solution is a reading practice she describes as “close but not deep,” a method that prioritizes “pattern over meaning, the intricacy of relations over interpretive depth” (23). This kind of decontextualized approach relies on an assumption that our aesthetic and social forms have universal, intrinsic attributes—that, even if “meanings and values may change,” a “pattern or shape itself can remain surprisingly stable across contexts” (7). Levine characterizes her movement as a political one, and its political efficacy is predicated on her contention that social and aesthetic forms exist on a “common plane,” leaving each “capable of disturbing the other’s organizing power” (16–17). She reaches this “common plane” through a startling leap of logic: the fact that “no form, however seemingly powerful, causes, dominates, or organizes all others,” means that “literary forms can lay claim to an efficacy of their own” (16). What Levine generally describes is not the collision of literary texts with real-world institutions, however, but the way in which aesthetic forms “disturb” *aesthetic representations* of real-life institutions—art’s capacity to “theorize the social” through “generalizable rules” (134). She thus conflates a literary model of the world, with its necessarily reductive, expressive arrangement of patterns, with the world itself, where “forms” emanate from a plurality of sources and are often instrumental.

A literature scholar, it makes sense that Levine approaches the world as a received text. This has its own implications, however, including a Maslow’s hammer-like tendency to see form as determined and determining, and people as passive objects, “organized at once by multiple social, political, biological, and aesthetic rhythms...” (80). Levine’s attempt to distance her project from monolithic structuralism is commendable, but her readerly posture, stripped of any organizing principle—one benefit of “deep structure” is that it transforms

everything into the expression of an “authorizing” intent—leaves her searching for meaningful patterns within an impenetrably dense field of forms. Levine’s desire for political efficacy inevitably returns her to the cause-and-effect framework she seeks to avoid while leaving her unprepared for the bugbear of all cause-isolating methodologies: the separation of signal from noise.

Causation is not something that can be determined from the shallows. Levine’s “close reading” of *Brancusi v. United States*, a 1926 “art law” case before the United States Customs Court, shows why. There, the Modernist Romanian sculptor Constantin Brancusi challenged a government appraiser’s determination that his semifigurative *Bird in Space* was not a “sculpture” under federal tariff law—everyone is a critic, of course, but this critique was punctuated by a 40% duty.²⁴ The law at issue was paragraph 1704 of the Tariff Act of 1922, which carved out an exception to standard duties for “professional productions of sculptors,” provided they were “original” and not “articles of utility.”²⁵ Although Brancusi’s work received free passage for years, the appraiser’s rejection of *Bird* found colorable legal support in *United States v. Olivotti*, a ten-year-old decision in which the United States Court of Customs Appeals defined “sculpture” narrowly, as “imitations of natural objects, chiefly the human form,” that “represent... such objects in their true proportions of length, breadth, and thickness, or of length and breadth only.”²⁶ Because Brancusi’s “bird” did not represent a “natural object” in its “true proportions,” the argument went, it was not a “sculpture” under the Act.

From a legal standpoint, *Brancusi* is a minor decision, but an interesting one; an Antiques Roadshow-worthy teapot in which Levine locates a potential tempest of nationalism, populism, and elitism. Levine’s true focus resides elsewhere, however, in the symmetries and contradictions between “the tempo of the avant-garde” and the “rhythms of the common law.” The Tariff Act extended protection to “original” works only, she explains, and “originality” is, by definition,

24. Thomas L. Hartshorne, “Modernism on Trial: C. Brancusi v. United States (1928),” *Journal of American Studies* 20.1 (1986): 94.

25. *Brancusi v. United States*, 54 *Treas. Dec.* 428 (*Cus. Ct.* 1928).

26. *United States v. Olivotti*, 30 *Treas. Dec.* 586 (*Cus. Ct. App.* 1916).

forward-looking, marked by a “refusal to repeat the past” (69–70). The appellate court’s ruling in *Olivotti*, on the other hand, defined “sculpture” in naturalistic terms, implementing a *mimetic* standard that was retrospective and “repetitive” (69–70). This created something of a Catch-22, forcing Brancusi to convince the court that his work was novel but “not so new that it would cease to belong to the category of art” (72).

During two days of hearings, “expert” witnesses for both sides—professors, critics, curators, and artist-collectors—debated the definition of “art,” a back-and-forth that peaked when Brancusi’s witness, Jacob Epstein, an American sculptor and collector, left court to retrieve an ancient Egyptian image of a hawk that might illustrate the atavistic origins of Brancusi’s work (71). At the end of the trial, the Customs Court ruled in Brancusi’s favor, issuing a three-page opinion. Levine posits a causal nexus between the patterns she identifies and the court’s decision: “[i]n the end,” she writes, “it was a canny grasp of institutional tempos that won Brancusi the battle,” with Epstein’s testimony, in particular, exposing an unexpected sympathy between an “avant-garde originality” indebted to history and a retrospective “common law” willing to “overturn legal precedent” (73)

It is a charming story. As a matter of law, however, it is suspect. Although the common law *is* a great fit for Levine’s formalism, the Customs Court was an Article I court, a creature of federal legislation, with no “common law” to apply (the *Brancusi* court was tasked with interpreting a statute) and no power to overturn the appellate court’s decision in *Olivotti*. More problematically, Levine’s “originality” is nowhere to be found in the Act. The statute’s exception for “original sculptures” was quantitative, not qualitative, meant to distinguish “art” from “replicas or reproductions”—John Quinn, who lobbied for paragraph 1704 in his role as modernism’s unofficial in-house counsel, testified before Congress that he suggested the use of “original” as a means of “exclud[ing] copies and fakes and replicas or reproductions.”²⁷ As for the experts, the court’s opinion acknowledged the “fact

27. John Quinn, “Brief of John Quinn, Representing American Federation of the Fine Arts, New York City,” Hearings Before the Committee on Finance, United States Senate, on the Proposed Tariff Act of 1921 (H. R. 7456) (Washington, DC: Government Printing Office, 1922), 5023.

of their existence” but remained agnostic regarding their testimony, declining to declare “[w]hether or not we are in sympathy with these newer ideas and the schools which represent them.”²⁸ *Olivotti* received equally short shrift.²⁹ What seems to have mattered most to the court was the fact that *Bird* was bought, sold, and displayed like art—that its “use” was “the same as that of any piece of sculpture by the old masters.”³⁰ Legislative history suggests this result was never in doubt. The fact that Quinn, who practically wrote the relevant statutory language, owned multiple works by Brancusi is compelling evidence that *Bird* was *precisely* the kind of art the Act was intended to exempt. Levine’s meet-cute between the avant-garde and the common law more closely resembled an arranged marriage between moneyed interests.

Levine’s attempt to derive political insight from aesthetic forms proves equally problematic. She devotes the long, last chapter of *Forms* to David Simon’s *The Wire*, an analysis that is partly a methodological test-run and partly an attempt to illustrate how the series reconceptualizes the intersection of aesthetic and social forms. She zeroes in on a scene from the series’ fourth season, set in the public schools, in which a beleaguered vice principal suggests that a new teacher start a family, lest he begin thinking of one of his students, the tragic Duquan, as his own child: “you do your piece with them, and you let them go,” she warns, “because there’ll be plenty more coming up behind Duquan [sic], and they’re gonna need your help too” (147). As a pattern-hunting formalist, Levine sees a causal—and moral—nexus between the vice principal’s attempt to “separate the bounded spaces of home and school” and Duquan’s descent into abjection: “For [the vice principal], the teacher’s children belong in the middle-class home, whereas the children in the school are endlessly replaceable, interchangeable units in a perpetual process of institutional turnover” (147). She contrasts this with the formal fluency of one-time police major Bunny Colvin who, finding himself working in the schools as part of a university initiative, “successfully cross[es] the divide between the home and school” by taking a problem student

28. Brancusi, 430–31.

29. *Ibid.*, 430.

30. *Ibid.*, 431.

under his wing and then into his home (147). For Levine, Colvin is “heroic,” a “canny formalist,” and the vice principal “ignorant” and something of a villain (147–48).

Does the vice principal see a strict separation of school and home? Or does she see lines that blur easily, jeopardizing her teachers’ larger ethical obligations? As *The Wire* makes clear, educators are confronted with finite resources and radical uncertainty: the students’ needs are insatiable and teachers lack both an equitable basis for distributing their time and assistance and any guarantee that their efforts will be welcome (let alone successful). Viewed as an example of formal problem solving rather than aesthetic expression, the vice principal’s advice is its own brand of “formalism,” a satisficing heuristic designed to secure the *group’s* welfare even at the expense of an individual student. The world is a complicated place, an unimaginably large “collision” of competing and overlapping shapes, tempos, and values. We respond to it, invariably, with *form* upon *form*, an incessant line-drawing that can appear cold, or even heartless. Sometimes, as in *Mann*, claims of necessity conceal an intent to dehumanize. Other times, however, these heuristics are the only way we stay afloat. Unless Levine is suggesting that efforts to preserve work-life balance are to blame for the state of our public schools, or that the solution to our educational crisis is teacher-student adoption, her formalism provides little real-world value. More than anything, the vice principal’s dilemma illustrates the pernicious impact of institutional rot, forcing teachers to horse-trade “units” of welfare for the greater good while destroying our ability to isolate the cause of our schools’ decline.

Levine should be applauded for her attempt to illustrate that “form” is more complicated than we often assume. But she falls short on her most important task: persuading us that the skill of literary close reading—text-driven, ideologically motivated—is uniquely suited for understanding those complications. As any writing workshop graduate can tell you, the line between a close reading and a Rorschach test is a fine one. This is hardly damning criticism, given the bias that creeps into even our most “objective” fields. Reading *Forms*, I kept thinking about Emily Dickinson and the problem of lyric reading. In *Dickinson’s Misery*, Virginia Jackson makes a compelling case that Dickinson’s poetry should be read within the context of a period-specific sentimental lyric that commodified feminine subjectivity and turned it into a kind

of disembodied pain. According to Jackson, when we read Dickinson with contemporary preoccupations, sensitive to nineteenth-century sexism but harboring our own bias toward a reflexive lyric subjectivity, we construct a version of Dickinson that she never intended.³¹ If sophisticated readers with the best intentions can rewrite Dickinson's slippery dance of self-creation and deflection, what might they do to subjects outside their field?

Emily Dickinson is also on the mind of Terrance Hayes, it seems. "We suppose," he writes, in the fifteenth sonnet of *American Sonnets for My Past and Future Assassin*, "Ms. Dickinson is like the abandoned / Lover of Orpheus & too, that she loved to masturbate" (21). If we did not suppose so before, we do now, and we are left to tease out the implications. Is Hayes being literal? Figurative? His boldness makes it easy to miss the way *supposition* implicates the paradox of the lyric subject. On the one hand, there is its unknowability; on the other, the fact that, in Hannah Arendt's words, "Nothing and nobody exists in this world whose very being does not presuppose a spectator."³² The lyric is greedy for our attention but deflects our gaze; it longs for an audience and fears one as well.

This precariousness and contingency is not just the stuff of lyric anxiety, of course. As reflected in *Mann*—and as seen in recent protest movements focused on police violence—the demand to be *seen*, to be *recognized* in full, is essential to personhood. "Nothing saddens me more / Than N—, one whose master has no Lord," Hayes writes (44—my omission)—and so points, like a plumb line, to Ruffin's moral abnegation. *Assassin*, composed of 70 "American sonnets," all written in the year after the 2016 election, in a form adapted from Wanda Coleman's jazz-influenced template, is both haunted and animated by an ever-present past: "Like no / Culture before us, we relate the way the descendants / Of the raped relate to the descendants of their

31. Virginia Jackson, *Dickinson's Misery: A Theory of Lyric Reading* (Princeton, NJ: Princeton University Press, 2005). See especially pp. 228–34.

32. Hannah Arendt, *The Life of the Mind: The Groundbreaking Investigation on How We Think*, ed. Mary McCarthy, vol. 1 (New York: Harcourt Brace Jovanovich, 1977), 19.

rapists" (32). By choosing "the way" instead of "like," Hayes quietly establishes the violence of chattel slavery as something more than mere metaphor. There is figurative residue, as well, of course, as in the commodification and eroticization of the "black male review" performed by women at "ladies night," by "suits in the offices," and "in the weight rooms / Where coaches licked their whistles" (7).

In interviews, Hayes resists labels, describing *Assassin's* lyrics as "poems before sonnets"³³ and abandoning individual titles in protest of our tendency "to categorize [the poem], reduce it, and frame it."³⁴ As ever, resisting the regulating hand of the culture industry is a precondition of self-definition, from our "suppositions" regarding Dickinson, to William Logan's idea of just how "wrenching" Ocean Vuong's "dislocation" should sound, to Carl Phillips's description of the tendency of movement poetics to "arbitrate" what ethnicity "must be."³⁵ Ever restless, *Assassin* also frustrates this tendency by abandoning the sonnet's more regimental demands for a blend of internal rhyme, linguistic play, and oscillating legato and staccato rhythms. What is left—the fourteen-line length, the regular margins—accentuates the poems' *made-ness*, a shape determined by extrinsically imposed, inorganic, and even arbitrary rules. Though stripped of traditional circuitry, Hayes's poems are not empty: they shake and swell with a "rule breaking, bastardizing" energy capable of capturing "[r]esistance, contradiction, irregularness, pain, joy, life, death, and pursuits" all at once.³⁶ This, it turns out, *is* very much in the sonnet tradition, or at least that part that revels in metaphysical duality and erotic paradox.

For Petrarch and his disciples, the instability of the sonnet was

33. "The Rumpus Poetry Book Club Chat with Terrance Hayes," July 24, 2018, available at <https://therumpus.net/2018/07/the-rumpus-poetry-book-club-chat-with-terrance-hayes/>.

34. Terrance Hayes and Ann van Buren, "Interview with Terrance Hayes," *Katonah Poetry Series*, Sept. 21, 2017, available at <http://katonahpoetry.com/interviews/interview-terrance-hayes/>.

35. William Logan, "Old Wounds," *New Criterion* 36.10 (2018): 64. Carl Phillips, "A Politics of Mere Being," *Berfrois*, July 5, 2018, available at <https://www.berfrois.com/2018/07/a-politics-of-mere-being-by-carl-phillips/>.

36. "The Rumpus Poetry Book Club Chat with Terrance Hayes."

encoded in, and licensed by, the formal conventions of courtly love. By elevating an idealized beloved above her abject lover, those conventions mirror the socioeconomic relationship between vassal and lord; by granting the “abject” speaker full rhetorical control, they upend it. Through that inversion, a tradition that seems impossibly remote from contemporary issues of race instead provides a blueprint for antihierarchical, antiestablishment poetics. Like the always-already-thwarted courtly lover, Hayes’s poems turn the tables on, and silence, their otherwise voluble muse—our 45th president, who Hayes sometimes addresses directly, as Mr. Trumpet, but who more often hangs about the margins. *Assassin* reverses the eviscerating logic of *Mann*, forcing Trump, and the world he represents, to confront the poems on Hayes’s terms, to, as Hayes puts it, “love me simply because / Of what I say” (64).

The sonnet’s double life as psychosexual funhouse explains the abiding interest of theorists like Lacan and Žižek, who see in the speaker’s sublimating construction of a silent, passive Object something like the birth of a modern Subject. Although it initiates—or, given the decentered triangulation of Sapphic eros, reinstates—the kind of subject-object divide that has long dominated our lyric reading, the Petrarchan sonnet tradition is fundamentally static, denying reconciliation. Indeed, it is predicated on that denial. So, too, *Assassin*, where a “sermon” can “concern the dialectic / Blessings in transgression & transcendence” but not enact it, resulting, instead, in a perpetually mixed state:

We’re on the middle floor where the darkness
We bury is equal to the lightness we intend.
We stand in the valley & go to our knees
On the mountain. One rope pulls a body down
And into the earth, the other pulls up & after stars.
To be divided is to multiply. (27)

That the force driving these poems is recursive and centrifugal rather than linear is clearest when Hayes uses the traditional lyric turn, the volta, contrapuntally, folding the poems inward, back into their paradox. Such a gesture brackets the entire book, which begins with a myth of Orphic miscommunication and ends with the deflowered myth of a modern poet:

The orchid’s
Mouth is the shade of pussy, its leaves hang

As if listening to a lover whisper with her back
To you. Rumor that this flower first appeared
Near where Lorca is buried, I know to be untrue. (82)

The seeming modesty of Hayes's inward turn belies the stakes. "In a second I'll tell you how little / Writing rescues," Hayes writes in that Orphic poem (5), an echo of Paul de Man's assertion that the lyric "does not resolve the conflict" of our subject-object division, "it names it."³⁷ When de Man personifies this split as a *falling*—first, as a physical act that reminds us we are "purely instrumental" objects and, later, in its psychological reconfiguration as vertigo—he inserts vertical and temporal elements between our self-conception as subject and our self-realization as object.³⁸ In other words, the priority of the lyric subject is *presumed*, a privilege necessary to his (de)construction.

Hayes makes no such presumptions. "There never was a black male hysteria," Hayes writes, in a recurring line, and of course this is true: hysteria is too much of the very subjectivity Mann "doomed" black men to "live without."³⁹ Hayes's poems unleash his insurgent, equilibrium-seeking subject within their four-square structure and the result is less *vertigo* than constant oscillation, the lyric reimagined as a series of Gestalt switches. This is most fully realized in Hayes's sixty-seventh sonnet, where each line can be read individually, like a series of aphorisms, or enjambed into a different meaning altogether:

I only intend to send word to my future
Self perpetuation is a war against Time
Travel is essentially the aim of any religion
Is blindness the color one sees under water
Breath can be overshadowed in darkness
The benefits of blackness can seem radical
Black people in America are rarely compulsive (79)

Elsewhere, the tumbling logic and centrifugal pull—the subjective *wind* rattling Hayes's objective *box*—complicates basic binary assumptions, unearthing the "scent of rot at the heart / Of love-making" (8);

37. Paul de Man, *Blindness and Insight* (Minneapolis: University of Minnesota Press, 1983), 237.

38. *Ibid.*, 214–15.

39. Mann, *13 N.C.* at 266.

the state of “be[ing] dead & alive at the same time” (43); or “set[ting] the beauty of sin against the purity of dirt” (27). This whipsaw action is not ironic or deconstructive “play” but its shadow, a form of (dis-) articulation:

I lock you in an American sonnet that is part prison,
Part panic closet, a little room in a house set aflame.
I lock you in a form that is part music box, part meat
Grinder to separate the song of the bird from the bone. (11)

Hayes’s lyric subject seeks security and withdraws it, hides amid panoptic sight lines, locks out and gets locked down.

Looking outward, the rending power and beauty of Hayes’s poems is inextricable from the “terrible bewildering / Music” that can “break over & through & break down / A black woman’s voice,” or reduce “a train full of women” to “nose rings & thigh boots,” the “curved ass of a mother / With her toddler” (65). As in the Petrarchan tradition, the solution to being “overlooked” is to construct a hypothetical beloved (or ideal reader) out of parts and tropes:

Over-aged, over grave, overlooked brother
Seeks adjoining variable female structure
Covered in chocolate, cinnamon, molasses,
Freckled, sandy or sunset colored flesh
Expressively motored by a blend of intellectual
Fat & muscle while several complex and simple
Emotional frequencies pulse along her veins. (78)

When this same drive is turned selfward, as with DeMascas Jackson, a childhood frenemy who “named each part of his body, ‘n—a,’” the result is tragicomic alienation, as if the distancing act of disassociation might save him from his own pain: “‘I bit that n—a,’ he said once of his bitten lip / Over cafeteria hair in a salad of withered lettuce” (53—my omissions).

Nothing is beyond the reach of our objectifying impulse, not even Emmett Till, the 14-year-old Chicago boy brutally killed in 1955 by a white mob in a small Mississippi town called, remarkably, Money:

A rise in cargo takes, a till of bodies bobbed at the piers.
How much have black people been paid for naming
Emmett Till in poems? How much is owed? (49)

By pulling Till from the “till” of the dead, Hayes’s exhumation sug-

gests an African American history that, like Money, Mississippi, is split between the commercial (*till* as in “cash register”) and the terrestrial (*till* as in “glacial drift”). We may take pride in the fact that we “own our past,” but Hayes makes that cliché of ownership literal by making it figurative: when Martin Luther King Jr. is murdered, he writes, his “blood changed to change / Wherever it hit the floor,” collected by disciples “who gathered a few of the coins for themselves,” and a maid who “sold the penny she found for a pretty penny / On the black market” (73). Writing about history, *talking* about history, results in the empty choice between placing it back in circulation and placing it “in a display case” (73).

Assassin’s lyric tension—which implicates political, sexual, poetic, and capitalist economies—remains unresolved throughout. But it provides an opportunity for Hayes to find even in Trump an all-too-human ignorance and fear:

If you have never felt what is fluid
In a woman run warm along your thighs
And testicles, Mr. Trumpet if you do not know
The first man was in fact a woman whose clit
Grew so swollen with longing it hung like a finger
Pointing towards the lover stirring her meadows
Mister Trumpet what the fuck do you know
You are lonely because you could never unhitch
Your mother’s terrifying radiant woe (34)

At this sonnet’s volta, the *you* becomes an *I*, transforming indictment into self-indictment and then identification, pulling from the sonnet’s “folds” an imaginative act that—even if it cannot reach its muse and nemesis—transcends binary sexuality through sweeping generosity:

I mean my mother here she the crazy bitch in me
She the way I weep she the way I break she manly
Trumpet I can’t speak for you but men like me
Who have never made love to a man will always be
Somewhere in the folds of our longing ashamed of it (34)

If, as I contend, Levine’s formalism is betrayed by the schism between “expressive” forms and “cognitive” forms—i.e., those that communicate an idea and those that make an idea possible—then perhaps the lyric poem provides a point of connection. But it also suggests just how daunting Levine’s task is; Hayes’s speaker is just one of three

hundred million, each one both subject and object, both author and text, each one breaking down the world and being broken down, simultaneously, every day.

If Hayes challenges the privileges and presumptions underlying the lyric subject, Frederick Seidel is a poet *of* that privilege, and the difference—and his indifference to it—is the source of his considerable power:

I live a life of appetite and, yes, that's right,
I live a life of privilege in New York,
Eating buttered toast in bed with cunty fingers on Sunday morning.
Say that again?
I have a rule—
I never give to beggars in the street who hold their hands out. (116)

These six lines, from the title poem of *Widening Income Inequality*, capture the geometry and geography of his appetites: privilege and playground, sex and class, the arbitrary “rules” that our ruling class lords over us. Seidel prowls Manhattan as if it were a Thorstein Veblen fever dream; now 82, he simply prowls more slowly.

He comes by his appetites honestly. Seidel's father, a successful St. Louis businessman—he sold coal and coal-derived coke throughout the city—instilled in his son a sense that the primary moral obligation of wealth is impeccable taste.⁴⁰ And if the Poet Seidel feels a bit like an exercise in branding, it is not the first time: the Child Seidel saw his name spelled out in big white letters, endlessly circulating the city on the regal blue trucks of his father's fleet.⁴¹ His poems, with that same prim packaging of grimy content, likewise celebrate the sheer fact of being Seidel.

After producing just three books between 1963 and 1989, Seidel has published with increasing frequency, releasing eleven over the last twenty years. The poems have changed as the pace picked up, though his voice has not. The terseness and crispness of *My Tokyo*

40. Frederick Seidel and Jonathan Galassi, “The Art of Poetry, No. 95,” *The Paris Review* 190 (Fall 2009), available at <https://www.theparisreview.org/interviews/5952/frederick-seidel-the-art-of-poetry-no-95-frederick-seidel>.

41. *Ibid.*

(1993) and *Going Fast* (1998), with their ominous repetitions and erratic narratives, offered a glancing view into a world of wealth beyond our reach. Opulently furnished, populated by the strangely named and semifamous (Achilles Fang, one-eyed Reginald Fincke, Learned Hand), Seidel opened up a late-capitalist sublime by holding back, implementing what Edmund Burke called “the force of a judicious obscurity.”⁴² That sublimity is mostly gone. Seidel’s lines have grown longer, as extra syllables hang like loose skin about the *stuff* that crowds Seidel’s world: motorcycles and cars, social clubs, restaurants, hotels, noses (Greek, hooked, imperious, Updike’s big one, a shark’s fetal one), disembodied tits and ass, and the disembodied past. The poems still rhyme, of course, fitfully, mischievously flirting with the hackneyed. Getting old may not be graceful, they suggest, but their author can still bring the world to heel.

Is it worth bringing to heel? In his elegy for Karl Miller, the critic and editor, Seidel grumbles that “things on planet Earth get worse,” though it can be difficult to tell if he means geopolitically or simply that service at The Carlyle isn’t what it used to be. Either way, the planet’s demise seems indistinguishable from the dwindling membership of the boy’s club of Literary New York (“Plimpton, Mailer, Styron, Bobby Short—fellows have another drink” (4)), those fragrant men whose incessant chatter ensured “fragrant talk everywhere”:

We were the scene.
Now the floor has been swept clean.

Everyone’s gone.
Elaine and Elaine’s have vanished into the dawn.
Elaine the woman, who weighed hundreds of pounds, is floating
around—
Her ghost calls out: *Last round!* (4)

Inequality’s nostalgia bleeds into sentimentality; the rhymes of “Remembering Elaine’s” may mark the poem’s borders but fail to give it edge. This is not all bad. Seidel’s late poems flicker with the egalitar-

42. Edmund Burke, “A Philosophical Enquiry into the Origins of Our Ideas of the Sublime and Beautiful,” *The Portable Edmund Burke*, ed. Isaac Kramnick (New York: Penguin Putnam, 1999), 65.

ian realization that all lines converge in death—that, in the words of that other great American poet of wealth, James Merrill, “[n]ot one of us but will revert / To his original value in the vault.”⁴³ If Seidel still clings to virility as if to a buoy, there is nonetheless equity in his increasingly detailed attention to his advancing age, a sense that time is finally judging him as sharply as he judges others. In the meantime, his already dirty sense of humor has turned wildly scatological:

Stool cards pinch a smidge of a fecal specimen—you wanted to know—
And if there’s blood it will show in the sensitive paper window.
There ought to be a rule
That you have to think of Einstein when you examine your stool
In the toilet bowl... (110)

Even the potty humor strikes a Seidel-ian trifecta: the intimate and absurd medical detail in stark relief against a broad rhyme, chased by a cosmic joke. If it makes for a striking contrast to his dapper image, that, too, seems fitting, a nod to his father’s trucks, his own poems, and the Freudian identity between cupidity and shit.

Seidel’s return to prominence in the 1990s coincided with the high-water mark of New Formalism and the movement makes for an interesting point of comparison. As represented by its brand managers, New Formalism blurred literary history and biological imperative into moral destiny, asserting a natural *rightness* inextricably tied up with the free verse decadence it opposed: “the debasement of poetic language; the prolixity of the lyric; the bankruptcy of the confessional mode.”⁴⁴ The New Formalists diagnosed our cultural sickness thirty years after Merrill predicted the New Formalists’ own neurosis: “Perhaps it is being off the gold standard / Makes times particularly hard.”⁴⁵ The search for a solution to a self-inflicted crisis of representation, for the “gold standard” of a metrical universe, is antithetical to Seidel’s ethos—and Merrill’s too, for that matter. Both poets serve in Nietzsche’s “mobile army” (or at least his metaphysical M.A.S.H. unit), locating “truth” in “metaphors, metonymy, anthropomorphism.”⁴⁶

43. “*Economic Man*,” James Merrill: *Collected Poems*, eds. J. D. McClatchy and Stephen Yenser (New York: Knopf, 2002), 730.

44. Dana Gioia, “Notes on the New Formalism,” *The Hudson Review* 40, no. 3 (Autumn 1987): 408.

45. Merrill, “*Economic Man*.”

For Seidel, form is a matter of style, of will; it is not a magical wardrobe. His strong-armed use of rhyme and meter interjects itself *between* the “poem” and what it says, “a kind of acrobatic feat” that “force[s] the formal elements to become a character...insisting that you pay attention to them.”⁴⁷ Walling off his poems with rhyme, Seidel creates what Levine might call a “bounded whole” and Marx a “commodity,” an object that is at once Seidel and not-Seidel. Like any master of markets, Seidel seeks to profit from his poems’ success while disclaiming responsibility for their toxic excess. Having paid his bail in advance, Seidel’s “insistence” on our attention shares none of Hayes’s anxiety about a surveilling or carceral gaze. It is instead pure, privileged “appetite” and, to satisfy his craving, Seidel even imagines himself as a pigeon watching himself, an “old man at my computer, pecking away, cooing spring” (6). At some point, this kind of self-absorption threatens to become saturation:

The art of sanitation is to rhyme the slime.
Do not pasteurize the woman’s sewage. From my bed,
I look up at a sky that might as well be red.
I’m coming in my hand and I’m rhyming I’m. (107)

By “rhyming I’m,” he arrives full circle, boxing in the virulent, sometimes violent, but always vital paradox of his poems while simultaneously designating himself their muculent Alpha and Omega.

If Seidel’s mentor, Robert Lowell, ushered in an era of monumental narcissism by conflating the personal and the historical, Seidel seems willing to usher it out, the last lion of our neoliberal order. At his best, though, Seidel’s louche formalism gives new life to the New Critical notion of poetry as objectified paradox, or what Seidel calls a “vast complication of rival ideas, attitudes, and feeling.”⁴⁸ To take paradox seriously is to know there can be no good taste without bad taste, no acceptable politics without the disreputable. In contrast to the destructive force of Hayes’s sonnets, Seidel seeks to reify our most hierarchal and oppressive binaries—like

46. Friedrich Nietzsche, “Truth and Falsity in an Ultramoral Sense,” in *Critical Theory Since Plato*, ed. Hazard Adams (Fort Worth, TX: Harcourt Brace Jovanovich, 1993), 634–39.

47. Seidel, Paris Review interview.

the one imposed on the boy “under the softly falling snow,” who knows “You are either white or you are Negro”—and then suspend his poems between their poles (65). The poems in *Inequality* solicit scrutiny but withhold unity, startle and seduce but refuse to satisfy, implicate but rarely blame.

Seidel has never been more transparent about the link between this “suspension” and his appetites, his poetry, and his “toys”:

Movies and Ducatis and politics and girls
Are the tactics, while counting the tiles, Baudelaire employs.
Back at his desk, he devises toys
Whose bowel movements are a string of pearls. (107)

Poetry, then, is a kind of trickle-down beauty, both byproduct of, and justification for, his conspicuous consumption. The metaphor that captures this escapism arrives, predictably, on a motorbike:

The way I rode my motorcycles was a disgrace.
The Old Montauk Highway ripples violently with little hills
That want to launch you into space.
I did everything I could that kills.
Sometimes in midair
One could see the ocean right over there.
I didn't care
How blue the view (85)

Hedonistic, yes, but Seidel's poems also preach caution as they celebrate. In the passage above, the risks are implicit, but many. That the tricks we rely on to “live” will begin to obscure life itself. That, once “launched into space,” we will be lost, like the dying astronaut of “Contents Under Pressure,” whose “long tether back to the mother-ship” has “sheared off at the end.”⁴⁹ That, for writer and reader and playboy and biker, these moments of aesthetic and erotic dilation will beget a cycle of hunger and consumption (“Every day I don't die is February 30th, / And more sex is possible” (8)), that is *predicated* on its inability to satisfy:

48. Seidel, Paris Review interview.

49. Frederick Seidel, “Contents Under Pressure,” *Poems: 1959–2009* (New York: Farrar, Straus and Giroux, 2009), 245.

Just grill my tuna caught off Montauk raw to rare.

What's going on?

The tuna's in my mouth now!

(I caught you, life!) Going, going, gone. (85)

If these philosophical concerns make Seidel's poems political, he is not politically engaged; rather, the political, even political tragedy, passes through his poems only as a new manifestation of age-old power, a reiteration in an ongoing legacy of violence. Often, he bends it into bald, bad rhyme; always, it becomes an opportunity for self-reflection. In *Inequality*, news footage from the protests in Ferguson triggers a memory of Martin Luther King Jr. which triggers the rhapsodic memory of Bobby Kennedy announcing King's death to a "largely black audience" in Indianapolis. As Hayes predicted, history and tragedy become commodity. Seidel knows this, of course; his King *also* becomes "change": "Some victims change from a corpse to a cause. / You can change" (80). Seidel admits he is a spendthrift. He challenges us to admit the same.

By unleashing a rapacious appetite checked only by his discretionary application of rules, Seidel models a liberal subject in its neoliberal dotage. Hayes, on the other hand, models a resistant (but not radical) subject *under* neoliberalism, reconfiguring Seidel's same tensions through the lens of dehumanizing regulation. For all their differences, Hayes and Seidel share an appreciation of the way lyric rhetoric dramatizes cognitive work, and, more, that this work is based in *form*, in *objectification*. From opposite directions, but for similar reasons, they write in a heightened anticipation that their poems will, in response, be objectified, and they employ elaborate strategies to shape what their spectators see. Does this mark them as unique? Wrapping up, I am left to wonder how much of what I discovered in Hayes's and Seidel's poems was "discovery" and how much simply confirmation of my preconceptions and preoccupations. How much was the product of the poets' heliotropic tendencies and how much the offspring of the kudzu-like culture of "lyric reading"? And, in the absence of any good answers, what, if anything, do these poems tell us about *actual* neoliberalism? Levine's project is worthy of support, but these are questions it must answer.