

SUBJECTS OF RIGHTS IN ANOTHER *CITY OF GOD*:
VIOLENCE, SEXUALITY, AND THE NORMS OF
HUMAN RIGHTS

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Abstract

As the discourse of international human rights spreads and deepens in global and local political contexts, that discourse works by enunciating standards and norms. But are standards and norms fair to non-normative persons? Do human rights frameworks disrespect the rights, for example, of sexual and gender dissidents such as lesbians, bisexuals, gay men, and transgender persons? The poems and short stories of Gil Cuadros place these questions on the table for our consideration. This paper argues that Cuadros' writing provides the imaginative force to think of human rights not in terms of normative subjectivity but rather as universal rights grounded in respect for the specific conditions of individual human experience.

Keywords: literature; human rights; grupos não-normativos

Sixty years ago, the newly-formed United Nations issued a collective statement of faith in the collective capacity of the international system of states to prevent war among nations and promote justice

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within nations. I am referring of course to the Universal Declaration of Human Rights. In most histories of the contemporary “era of rights,” the Universal Declaration signals a point of origin. In retrospect, we might better consider 1948 not as the point in time from which a trickle of international human rights discourse began to rise into a wave that hasn’t yet crested, but rather as an apex in the credibility of states to issue such declarations. For while the past six decades have witnessed an astonishing increase in the volume of claims made in the name of human rights, and a saturation of rights frameworks into seemingly remote areas of social and political life, they have also witnessed the retreat of state capacity to guarantee rights. Indeed, the state itself has been understood to be in retreat, given a number of interlocking global economic and political developments: the imposition of “structural adjustment” programs across most of the Global South, the retraction of social democratic and welfare policies in the Global North, the disintegration of the Soviet Union, the willingness to compromise national sovereignty to promote free trade, and a concentration of wealth in the hands of the largest multinational corporations that vastly exceeds the wealth commanded by dozens of the world’s poorest nation-states.

In short, human rights frameworks have flourished during precisely the period when neoliberalism has gained ascendance.¹ And while neoliberalism does favor some negative rights as a sort of ideological cousin of free markets, it erodes historical commitments made by nation-states to promote positive rights (such as rights to health care, education, housing, and social security).² Human rights models understand individual persons to be the basic unit of humanity and states to be the universal mode of sovereign political organization. Communitarian refinements of rights models notwithstanding, liberalism constructs the individual as the rights holder and the state as the guarantor of those rights. The retreat of the neoliberal state during the very period when international human rights frameworks rapidly expand can at best be understood as a paradox. A less generous interpretation would consider the easy disingenuity of expanding commitments

to rights at a time when states understand their own capacity to be shrinking: in this interpretation, the idealism of rights balloons to fill the space evacuated by state spending.

The prevalence of rights frameworks in a wide range of political and social contexts in the early twenty first century is, therefore, not necessarily a sign that human rights promises are being fulfilled. But the mixed bag of human rights successes and setbacks is at the same time not necessarily a sign that human rights frameworks aren't working.³ The question, rather, is what kind of work they do. Among the many perspectives from which we could approach that question, my focus here is on the discursive work of human rights. That is to say, human rights declarations, conventions, and covenants launch into the world a lexicon of concepts that enter the world's languages and cultures with the potential to reorganize language, culture, and politics in both predictable and unpredictable ways. To narrow the focus further, human rights discourse both posits and produces a rights-bearing subject. The contemporary subject of rights, abstracted out of cultural specificity and posited as universal, is insistently normatized by the standards of human rights. Literature and criticism help us understand why this is the case, and why it matters. In this essay I turn to a literary source – the poems and short stories of Gil Cuadros – to explore what happens when literature raises suspicions about norms and normalization. Do the normative features of human rights standards undermine the human rights promise to protect all people – even people who are considered marginal or deviant by hegemonic social norms?

Joseph Slaughter, in a compelling critical study of the *bildungsroman*, argues that this specific form of the novel registers both the rise of human rights concepts in the seventeenth and eighteenth centuries, and their diffusion throughout the postcolonial world in the twentieth century. The story of the hero's coming of age in the *bildungsroman* is, in Slaughter's view, a story of the emergence of a bourgeois subject of rights. Furthermore, he argues that the *bildungsroman* operates in the realm of culture as a substitute for the

missing enforcement mechanisms in the contemporary regime of international human rights. Sovereign states, gathered under the umbrella of the United Nations, have been remarkably willing to agree that a wide range of human rights exist, and have been persistently unwilling to submit to measures that would require them to uphold those rights. But if solid and pervasive protections of human rights are hard to come by, claims made on those rights have proliferated geometrically. If the enthusiasm for rights witnessed over the past six decades cannot be explained by effective and widespread access to rights remedies, what fuels it? One possible answer, supported in part by Slaughter's work, is that rights discourse has been especially effective at producing rights-bearing subjects; moreover, the *bildungsroman* is at least a sign of this increase, if not in fact a cylinder in the human rights engine. In other words, the spread of human rights frameworks has been more effective at producing rights claims *and rights claimants* than it has been at ensuring that those claims are upheld. The global increase in claims and claimants may be the most effective work of human rights as a discourse.

I wish to underscore one other general feature of the expansion of human rights regimes over the past six decades, and then to turn to specific analysis of these features as they combine with domestic politics and culture in the United States. That feature is the normative character of rights. The expansion and diffusion of international human rights frameworks has been driven by member states of the United Nations, by the conventions and covenants negotiated through the U.N., and by U.N. conferences on focused topics at which NGOs as well as states have been able to influence debates and resolutions. All these venues of work attempt to articulate international norms and standards of human rights. This work is fundamental and inescapable for an international organization like the U.N. that aspires to articulate a universal vision of rights that has relevance for the world's diverse societies. If standards can't be agreed upon, in what sense could rights be thought of as universal? And if states aren't encouraged to behave

normatively in support of those rights, what hope could there be that rights frameworks will lead states to act more responsibly and justly toward the people they govern?

Standardization and normatization, however, implicates not only states, but also rights holders. In order to lay claim to rights, the rights holder/claimant must conform to a detailed articulation of norms. Most obviously, one must be a citizen of a state. Hannah Arendt explained this irony pointedly in the context of World War II and its aftermath. (Arendt, 1973, p. 300) Human rights might seem above all to be useful to stateless persons, who have no recourse to state protection. In fact, refugees and other stateless people receive little comfort from human rights, because no agency outside a state can effectively protect them; one must be recognized by a state – preferably as a citizen – in order to make a rights claim. Moreover, if all citizens are formally equal under the law, some of those citizens are, in George Orwell memorable words, more equal than others. If all citizens can claim formal citizenship, only some citizens can claim effective citizenship. These “more equal” citizens – that is to say, these socially and politically elevated citizens – conform to normative assumptions about the “proper” citizen/subject. In the case of the United States, “proper” usually signals membership in the middle or upper class, typically signals whiteness, and almost inevitably signals heterosexuality.

If the “proper” subject of rights is indeed a propertied subject, saturated with propriety, how are we to think of “bad subjects” in relation to human rights frameworks?⁴ In the United States, human rights concepts are leveraged by and in the name of poor and working people, racial and ethnic minorities, and sexual minorities; these and other groups have successfully claimed entry into rights politics and effective citizenship by challenging the exclusions that formerly limited the recognition of rights to wealth, whiteness, and sexual propriety. In this essay, however, I want to focus not so much on the expansion of effective citizenship to include previously marginalized groups, but rather on the challenge posed to propriety and normativity and rights by those

who remain on the margins – and especially by those for whom the margin is a place where life worlds of meaning are formed.

Wayne Morgan explores the contours of this landscape in his essay “Queering International Human Rights Law.” (cf. Morgan, 2001) Morgan argues that attempts to leverage human rights frameworks to advance the rights of sexual minorities (such as lesbians, bisexuals, and gay men) run the risk of realigning the sexual heterogeneity of homosexuality within the sexual homogeneity of heterosexuality. In other words, the “proper” citizen/subject of rights achieves propriety by demonstrating a “normal” sexuality – where “normality” is defined by a happily domestic and monogamous relation between two partners, in a family unit that may well extend to children as well as to parents, siblings, and so forth. The “gay marriage” movement in the United States perfectly expresses this logic. Efforts to extend to lesbian and gay couples the “rights” of marriage hinge upon the assertion that lesbians and gays are “just like” heterosexuals, and as affective and economic units foundational to society, they deserve the same legal recognitions and protections that opposite-sex couples receive. To be sure, many lesbians and many gay men in the United States would materially benefit from legal recognition of their partnerships as marriage. But in staking a rights claim to marriage upon the *similitude* of same-sex and opposite-sex relationships, a claim is also being made that same-sex relationships are “normal” in the same ways that opposite-sex relationships are. “Normality” here signals the norms of the bourgeois citizen/subject of rights. Morgan reminds us that queer theory has taught us to be wary of norms and normativity, for they call into being “normal” subjects by constructing a distinguishing category of the “abnormal.”⁵ Elevating some sexual expressions to the status of “normal” also involves constructing “proper” citizen/subjects by repudiating the life choices, desires, aspirations, accomplishments, intimacies, and pleasures of non-normative “queers.” Queer theory and activism has rescued the status of the queer from a place of abnegation and promoted it to a place of sexual dissidence, diversity, and heteroge-

neity that speaks its modes of being, meaning, and truth by remaining insistently on the margins of social propriety. Ultimately, Morgan argues that human rights approaches to non-normative sexuality ignore queer theory at their peril, for normative legal claims made on sexuality risk harmfully normalizing queers.

Morgan's argument references Australia and is also relevant for the United States. My analysis in the present essay does not extend beyond the frame of the United States, although his work may well be of interest in other contexts. The specificity of national or even more local frames of analysis matters when studying the puzzles of international human rights, even though human rights frameworks attempt to forge universal standards and norms. Specificity matters not only because the articulation of international standards arises out of national contexts (as sovereign states gather to negotiate conventions and covenants internationally) but also because the lexicons of rights norms must return to national contexts if they are to have any purchase on political and social struggles for rights. And when they return to national contexts, they gain that purchase by entering culture, including not only political culture in the narrow sense but also culture in a broader sense of symbolic meaning-making that replicates itself over time.

Focusing, then, on the United States, I wish to direct the discussion of human rights standards and the construction of a normative and "proper" subject of rights through the poems and short stories of Gil Cuadros. These poems and short stories are not in any immediate or overt way thematically concerned with human rights. They are, however, brilliantly concerned with personal and family life and the deepest complexities of human subjectivity forged within the social contradictions of American life. The characters in Cuadros's poems and short stories are subjects of human rights in the widest sense, for they have been inevitably formed by the hegemonic norms of liberal and neoliberal political discourse in the United States in the late twentieth century. Situated at various locations on the social margins of the United States, and in a skewed relation to the "norms" of citizenship and rights,

his characters uncover worlds of life meaning that challenge social and political norms. His single book, *City of God* (1994), collects stories and poems written in the face of desire, violence, ecstasy, illness, and death. In this volume, Cuadros remembers his childhood growing up Mexican American in Los Angeles, his initiations into childhood and adult sexuality, the alienation and discrimination he faced as a gay Latino man, and the violence wrecked on his loves and his life by ignorance, hatred, HIV and AIDS.

The violence represented in many of these stories and poems focuses our attention on both the particularity of violence and on the universality of its effects – and through an extended meditation on violence that shuttles back and forth between the particular and the universal, the stories and poems invite us to question the bifurcations between interior worlds of meaning (for example, the psychology of individual characters) and exterior worlds of meaning (for example, social notions of rightness and justice). Cuadros's stories and poems explore lives lived in the shadow of infinity and shaped by Catholic spirituality. But as much as the "City of God" is an elusive heavenly refuge sought by all persecuted persons, it is at the same time the very earthly "City of Angels" (Los Angeles) in which Cuadros fights his battle for life. He seeks refuge not by escaping this city, but by discovering the central truths of his existence in its messy realities. This tension between the universal City of God and the very real, very specific, very earthly City of Angels sets the stage for the dramas the book unfolds.

City of God begins with stories that enact a return to origins by remembering a childhood in which the family functions as a crucible of identity. Far from a romantic return, these childhood memories are steeped in violence. For example, "Indulgences" remembers the funeral of Papa, the family patriarch. The family had abandoned the old man to the care of his niece Evelyn, in spite of evidence that she physically abused him. After he dies of a heart attack, the family turns on her, beating her and blaming her for his death. Having witnessed the

collective guilt of the extended family and the vengeance they take on Evelyn, the fourteen-year-old narrator Gilberto wonders "if my family would ever turn on me, where would I go, who would I love" (14).

In the stories that follow, Cuadros explores the development of this childhood fear of rejection as he forges an adult identity among white gay men. "My Aztlan: White Place" explores the urgent need for a homeland in which there is no conflict between his biological family and his chosen family of gay friends and lovers. Ill with AIDS, the narrator finds limited solace from his mother, who considers his white lover an assassin. She sees only mortal disease in white gay men, but the narrator looks for life and love in their company. The kind of love he seeks, however, exacts a high price:

When [my lover] was alive, he made it easy to leave my folks behind. I became white too, uncolored by age in his over-forty crowd. For our sake, I kept Sleepy Lagoon, Indian massacres, and insecticides taboo subjects to avoid arguments and misunderstandings.... Like a disease-ridden blanket, revenge was on my parents, to be gay and not speak Spanish (56).

This is familiar terrain in literature, film and performance that represents the experience of lesbian and gay racial and ethnic minorities in the United States. The refusal to address racism in lesbian and gay communities can become manifest as demands placed on racial and ethnic minorities to "cover" or deemphasize their racial or ethnic identities.⁶ At the same time, stigma that some people (in this case, the character's mother) attaches to homosexuality can lead to demands to "cover" or even disavow one's sexual desires in the name of a purported ethnic solidarity. Understanding these imperatives as demands to "cover" emphasizes their normative quality. In other words, the norms of the affluent West Hollywood forty-something white gay male crowd in which the narrator finds himself call upon him to speak English and

downplay a Latino identity that is in this context construed as non-normative. When the narrator visits his mother, she expresses her own sense of social norms, and these do not include the capacity of men to love each other sexually.

Cuadros does not, however, represent homosexuality and ethnicity in simplistically dichotomous terms. His characters can't choose between sexual identity and ethnic identity; nor should they. The "should" is the normative demand, and Cuadros fashions characters and narratives that defy normative structures. The rupture of "normality" is consistently figured in the stories and poems by violence. In *City of God*, sexuality is married to violence, and that violence is expressed in both his adult gay male relationships and the family that gives meaning to ethnicity. In "Indulgences," the cousin Evelyn (who abuses the grandfather) sexually abuses the narrator with a violent, unwelcome, drunken kiss. In "My Aztlan: White Place," the narrator remembers how his mother would burn him with a hot iron and a cigarette lighter, and how his drunken father would express affection by tickling him until he screamed. When the adult Gilberto seeks comfort through sexual bondage at the hands of "West Hollywood bar types" (53), he is not, in the long run, escaping from his biological family. Rather, he is carrying forward an inheritance of violent sexuality bestowed upon him by that family.

In a more simplistic account, the violence associated with eros in *City of God* might be pathologized as childhood trauma become manifest in adult life. However, the poems and short stories frustrate such an oversimplified interpretation. For example, the sexual play between 14-year-old Gilberto and his cousin David is structured by violence and submission, but this play is represented as fun, as welcome, and as affirmative of adolescent sexuality ("Chivalry"). The narrator's adult sexual relationships with men are also affirmative, even though the pain of losing his partner to AIDS is a source of enormous grief and longing ("Letting Go"). The violent edge of the narrator's queer sexuality is neither stigmatized nor pathologized; it is also complexly bound to his understanding of masculinity and ethnicity.

In the poem "There Are Places You Don't Walk At Night, Alone" Cuadros explores one of the ways that homophobia within Mexican American communities is in fact constitutive of homoerotic desire between purportedly "gay" and "straight" men. The poem presents two groups of men: the narrator and his friends (gay men who cruise L.A. streets, bars and adult bookstores) and Chicano homeboys (who police the streets, enforcing the conventions of macho masculinity and defending gang territory). Enforcement is sudden and violent. In one section of the poem, the narrator's friend Marc is attacked with knives and broken bottles; in another, the narrator is forced to kiss the shoes of the men who beat him. The hatred, fear and violence of these scenes is complexly steeped in desire. The poem highlights the charged erotic bonds among the homeboys who, as they stake out a gay porn shop, "want to go in / but they're afraid they'd bleed" (114). The "straight" men (one of whom displays on his naked back a tattoo that reads "Viva La Raza") are excited and repelled by the gay men they threaten; the narrator reciprocates in turn:

I want to smash them into the windows, [of their car]
make them spread their legs,
my boots kicking them wide,
let my spit drip
into their ears,
seep into their brains,
tell them how much I love them. (114)

Such representations of non-normative sexuality frustrate the attempt to disentangle love from violence and ethnic identity from homosexuality. Moreover, as Cuadros demonstrates, even the police agents of Chicano machismo exhibit complex homoerotic rather than simplistic "straight" sexuality. The poem "There Are Places You Don't Walk At Night, Alone" offers two forms of violence that at first appear to present a paradox. On the one hand, violent hate crimes are rightly

repudiated. On the other hand, as Cuadros shows both in relation to the homeboys and the narrator, violence is constitutive of their desires. This is not a claim that violence in the former case is justified and nor is it a universal claim on the character of sexual desire as such; rather, it is a specific claim that the normative construction of an ethnically homogenous and sexually tranquil domestic/family life is an unfair, limited, and artificial representation of human experience. Cuadros trains our attention on aspects of lived human truths that defy conventional sexual moralities.

City of God challenges naive ideas about individual agency and violence by presenting us with forms of violence that are inseparable from the most intimate sexual desires of its narrator. Unwanted sexual violence is justly condemned, but in *City of God* erotic violence is both wanted and unwanted. It shapes desires sustained so centrally in the person of the narrator that they are necessarily part of his humanity—part of what makes him a human being deserving of dignity, respect, and human rights. The narrator's sexual desires help to create him as a person, and these desires are built not by the person but through him—through the specificity of his human experience in the social world. The narrator's childhood, his family, his ethnicity, his location in Los Angeles, his health, his friends and lovers all contribute to the personality and individuality through which he is constructed as a late twentieth-century subject of human rights. In *City of God*, the universal is born in the specific, and the specific is born in social context. Cuadros thus renews the urgency of universalism, but he does so by discrediting a naive and narrowly liberal understanding of "standardization" or "normalization." The individual subject of rights need not be—indeed cannot be—an abstraction of a norm that is construed to be autonomous from the social worlds (and desires) that create human subjectivity. *City of God* provides a model for thinking about international human rights in terms of universal rights grounded in respect for the specific conditions that shape individual human experience.

One could discuss some of the themes of *City of God*, such as access to healthcare and freedom from discrimination, as human rights concerns. But the human rights work of Cuadros's stories and poems operates at a more fundamental level than merely providing examples of rights violations. His writing allows us to clear a conceptual space to understand that even as international consensus on human rights norms is forged, the theory and practice of human rights must open its arms to non-normative subjects. Put another way, good human rights law must admit of "bad" human rights subjects if it is to be fair and inclusive of all human beings and the complex dynamics of human subject formation. The neoliberal models that have promoted rights rhetoric while retracting state capacity to promote rights remedies effect an ideological shift from state responsibility to personal responsibility. The stories and poems in *City of God* call upon us to discover a very different formation of responsibility—one that does not emerge from the abstract normative citizen/subject of rights, but rather from an unblinking analysis of the complexity of human desire and identity. This new responsibility asks us to disregard piety and propriety in favor of honesty regarding the complexities of human desire and affect and mortality. Cuadros invites us to imagine a responsibility that does not shrink from established commitments to provide health care and to combat discrimination as central needs of human flourishing, but that also expands the definition of human flourishing to include those who forge their lives and their loves on the margins of social propriety.

Notes

1. The literature on neoliberalism is vast; for a brief and accessible account, see Lisa Duggan, *The Twilight of Equality*. Neoliberal economic policies have gained global ascendance since the 1980s, principally through the influence of the Group of Seven (now Eight) leading industrialized nations, and the principle international financial and trade organizations (IMF, World Bank, WTO). These policies emphasize the advantages of global capital flows, the privatization of previously state owned or directed enterprises, and a retraction of state investments in social welfare, education, public health, etc. Neoliberal policies are supported by ideological

emphasis on the consumer rather than the citizen, whose political and civil freedom is linked rhetorically to consumption within free markets. Until the United States initiated two wars under two Bush presidencies to secure dominance over Middle East oil fields, many commentators speculated that the nation-state itself had begun to wither under neoliberal globalization. These wars underscore the continued centrality of states under neoliberalism, although the second Bush administration has attempted to privatize even the waging of war, by contracting both ancillary and essential military operations to mercenary corporations.

2. "Negative" rights refer to those rights secured by refraining from state action; the rights to free speech, to free assembly, to free exercise of religion, etc. can be construed as ideologically parallel with restraint from state regulation of the marketplace. "Positive" rights require state action, for example in the provision of schools, hospitals, housing, etc. This categorization of rights tends to be ideologically driven and breaks apart upon close scrutiny.
3. For a celebratory account of human rights successes, see Thomas Risse, *The Power of Human Rights*. For a critical account of how human rights are leveraged in local contexts, see Mark Goodale and Sally Engle Merry, *The Practice of Human Rights: Tracking Law Between the Global and the Local*.
4. The "bad subject" is, of course, an allusion to Louis Althusser in "Ideology and Ideological State Apparatuses."
5. Many other commentators have also articulated this critique of norms and normality, none more artfully than Michael Warner in *The Trouble With Normal*. The argument as fashioned by Warner, Morgan and others is made in anglophone contexts that have witnessed the reappropriation of the pejorative usage of "queer," which has historically been used to disparage dissident sexualities. The histories and usages of this word have been somewhat portable and appear in other linguistic and national contexts, but my interest in the present essay focuses on its uses in the United States.
6. Kenji Yoshino defines covering this way: "To cover is to tone down a disfavored identity to fit into the mainstream" (*Covering*, ix). Yoshino's account is crucial for explaining how discrimination can continue in a society that has made concerted efforts to make it illegal. For example, if it is illegal to dismiss from employment an employee because that person is Latino, it might still be legal to dismiss that person for speaking Spanish at the workplace. Anti-discrimination law in the United States addresses status, but demands to cover address behaviors and those demands attempt to coerce normative behaviors.

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