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Queer Diasporas? Literary Diaspora Studies and the Law

This essay aims to examine encounters between the discourses of law, queerness and diaspora through reference to literary representation in three novels: Hanif Kureishi's *Buddha of Suburbia* (1990), Shyam Selvadurai's *Funny Boy* (1994), and Lloyd Jones's *Hand Me Down World* (2010). The purpose of bringing the interdisciplinary movement of law and literature into dialogue with the field of diaspora in its critical alignment with gay studies is to identify the part the law plays in fictional representations of the alternative structures of experience that queerness and diaspora point to. These can be traced to movements of scattering and fracturing and a positioning between various binaries such as nation and diaspora, heterosexuality and homosexuality, original and copy. The social and national exclusions due to the geographical movement and migration that identify diaspora, and the sexual difference and non-heteronormativity that define queerness, can be summarized as a shared sense of being 'unhomed.'

Queer theory and diaspora studies are able to be conjoined through the theorization of a 'queer diaspora,'¹ seen as functioning under the terms of contemporary globalization, transnationalism and other kinds of geographical mobility that involve "unwriting the nation."² Such a link can be made because, as Cindy Patton says, "queer theories offer new ways of imagining novel relations among space, nation and politics" and gay civil rights discourses have activated such relations through developing a globalized queer politics.³ The mobile cultures of diaspora offer similar re-imaginings of and alternatives to the category of the nation. Significantly theorisations of diaspora are continually brought into dialogue with those of queerness, most notably around questioning and revising concepts of home, whether these be domestic or the national spaces of the

¹ See Meg Wesling, "Why Queer Diaspora?," *Feminist Review* 90 (2008): 30–45; Cindy Patton, Benigno Sanchez-Eppler, ed., *Queer Diasporas* (Durham, London: Duke UP, 2000); Arnoldo Cruz-Malave, Martin F. Manalansam IV, ed., *Queer Globalizations: citizenship and the afterlife of colonialism* (New York, London: New York UP, 2002).

² Rosemary Marangoly George, *The Politics of Home: Postcolonial relocations and twentieth century fiction* [1996] (Cambridge: Cambridge UP, 1992): 83.

³ Cindy Patton, "Stealth Bombers of Desire: the globalization of alterity in emerging democracies," in *Queer Globalizations: Citizenship and the Afterlife of Colonialism*, ed. Arnoldo Cruz-Malave, Martin F. Manalansam IV (New York, London: New York UP, 2002): 195–218, 198.

homeland.⁴ Andreas Huyssen's comment that today's "hyphenated and migratory cultures develop different structure of experience which may make the traditional understanding of diaspora as linked to roots, soil and kinship indeed highly questionable,"⁵ can be paralleled to the way that queer communities, driven by their alternative experiences of sexual difference, contest notions of purity and authenticity as linked to the heterosexual norm within the nation state. Gayatri Gopinath develops these parallels into a framework to argue that the sites of the national and the diasporic are "interdependent and mutually constitutive," and that their essentialised identity concepts of originality and authenticity based on a privileging of heterosexuality and the nation state can be contested from a "'queer diasporic' positionality."⁶ Both categories highlight alternative constructions of kinship, community and society, are sensitive to issues of exclusion and assimilation, and in a global era move between transnational and translocal filiations as well as between local and community ones.

The parallels between queer and diasporic discourses in being eccentric to normative structures and models of social and national autonomy extend to their often tenuous relationship to the law in its normative function. Subjects who fall into these categories may undertake transgressive acts of doubtful legality that require some legal adjudication over and validation of their legitimacy; that is, they question, transgress or reassert legal boundaries through various enactments and infringements. In novels and other, non-fictional and literary genres, representations of the law and legal practices that refer to the interdisciplinary relationship between literature and law can be read in relation to the parallels between queerness and diaspora. Legal discourses, practices and terminology, that is, mark the tensions between the alienated and outsider position of diaspora/gay subjects and their shifting allegiances to family, community, social

4 See for example, Anne-Marie Fortier's link between queer migrations and Avtar Brah's concept of "homing desires" (*Cartographies of Diaspora: Contesting Identities* [London: Routledge, 1996]: 180) in "Making Home: Queer Migrations and Notions of Attachment," in *Uprootings/re-groundings: Question of Home and Migration*, ed. Sara Ahmed (Oxford: Berg, 2003): 115–124, 115.

5 Andreas Huyssen, "Diaspora and Nation; Migration into Other Pasts," *New German Critique* 88 (2003): 147–64, 151; qtd. in Fatima El-Tayeb, *European Others: Queering Ethnicity in Post-national Europe* (Minneapolis: U of Minnesota P, 2011): 52–53; El-Tayeb critiques conventional models of diaspora which posit the homeland as a geographical center and nostalgia for return as key to the diaspora experience, by contrasting these models which see the homeland as a site for the making and enactment of citizenship. See Francois Kral, *Critical Identities in Contemporary Anglophone Diasporic Literature* (London: Palgrave, 2009): 12–14.

6 Gayatri Gopinath, "Local Sites/Global Contexts: The transnational trajectories of Deepa Mehta's *Fire*," in *Queer Globalizations*, 149–161, 150.

milieu to which they can claim to belong. Both groups are subject to discrimination from mainstream positions of ethnicity, gender, and nationality; and both are also conscious of their potentially transgressive nature, because of the confusion over rights of belonging, and the need for legitimation of their position.

The readings that follow focus on narrative constructions of personal identifications with and/or political imaginings of diasporic queerness: those which lead to transgression and exposure of the flaws in normative family and sexual constructions (Hanif Kureishi's *The Buddha of Suburbia*), or which accompany the crisis of belonging caused by the breakdown of law and order in parallel with the individual discovery of homosexuality (Shyam Selvadurai's *Funny Boy*), or which provide a metaphorical dimension to such frameworks by way of approaching the borderline state of the illegitimate, stateless refugee (Lloyd Jones's *Hand Me Down World*).

The queer diaspora model which challenges essentialist non-historical constructions of national belonging through foregrounding a diaspora positionality (or state of being) alongside sexual ambiguity, and which explores tensions and complexities arising from being eccentric to norms of home and belonging, is illustrated and contested in Hanif Kureishi's self-reflexive, satirical novel, *The Buddha of Suburbia*. Heterosexual relationships and marriages are seen to be at odds or in collapse, offering elliptical images of family life and the life of the nation because examined from the perspectives of marginal gender and ethnic positions, albeit ones that are rooted in the domain of popular culture. The ethnically hybrid and bisexual protagonist, Karim, born of a British mother and Indian father, provides the dominant point of view by which Kureishi satirizes British society of the 1980s. Karim's sexual experimentation through a brief liaison with Charlie, the son of his father's mistress, Eva, and the 'queering' of his family life through the breakup of his parents, is explored further through the sub-plot concerning an arranged marriage between Karim's cousin Jamila and a newly arrived migrant, Anwar, a Muslim friend of her father. The fraught relationship between Jamila and Anwar gives into an alternative family group that eventually offers Karim a form of 'belonging.'

Karim's social and ethnic repositioning in the more challenging metropolitan milieu takes the form of a mini-migration from the suburb of Bromley where he was brought up, to London's West Kensington. His newly cosmopolitan life style is overshadowed by the loss of his family, which disintegrates at the same time as his father abandons his mother and moves in to live with Eva. Karim has to come to terms with displacement and uprooting caused by his parents' failed marriage as well as his decision to pursue an increasingly mobile life which in the course of the novel takes him from London to New York and back again. The reversals and contradictions of Karim's position in living outside

or at odds with his family and temporarily as a transnational subject, extend to his Oriental heritage when, as a fledgling actor, he has to play the part of Mowgli in a stage adaptation of Rudyard Kipling's *The Jungle Book*. The role introduces him to his Indian ethnic and cultural filiations although he has never visited his ancestral 'homeland'; that it has no meaning for him other than through his father's posturing as a font of Oriental wisdom (as the novel's title "the Buddha of Suburbia" confirms) to middle-class, left-wing couples, once more reinforces the skewed identity referencing that takes place for the second generation diaspora subject.

Through Karim and his sometime lover, Jamila (as the daughter of his father's closest friend she is seen as his cousin), Kureishi challenges the bourgeois values, religious nationalism and sexualized discourses that are reproduced in the Asian diaspora as hegemonic structures of belonging. The 'queer' alternative family is effected through Jamila's opting for a same sex relationship after bearing a child (to someone who is not her husband) and, more improbably, Changez' unconditional and unconsummated love for her despite this rejection of his affections and his potential to father a child. Described as a "disabled immigrant"⁷ because he is handicapped in one arm, and caricatured as an ineffectual husband and son-in-law, Changez adjusts to this sexual dismissal and Jamila's overturning of the patriarchal hierarchy. The novel's contesting of the values of purity and authentic origins inherent in the value system of arranged marriages is reinforced by the communal living arrangements with his wife and new partner as he moves in to support Jamila's alternative lifestyle by taking up the role of child carer. It ends on a positive note with the reassurance of a new norm of stability. For Karim these transformations are acceptable, if not welcome, because, paradoxically, it is only with Jamila and Changez that he can feel "part of a family."⁸

Kureishi's queer diaspora constructs a divergent social practice and foregrounds tensions between the traditional customs of South Asian society and second generation British-Asian diasporans' rejection of them. It reconfigures the stigmatised patriarchal values of Indian society with the experimental sexuality of the protagonist's own generation in its radical answer to Karim's need to come to terms with his "homing instinct."⁹ Although his own search remains outside the boundaries of the novel and his sense of loss and nostalgia involves ambivalence about his current state of unbelonging, the new family

7 Hanif Kureishi, *The Buddha of Suburbia* (London: Faber and Faber, 1990): 222.

8 Kureishi, *Buddha of Suburbia*, 214.

9 See Avtar Brah, *Cartographies of Diaspora: Contesting Identities* (London, New York: Routledge, 1996): 180, 193.

structure representing a reinventing of home, is a provisional solution. More generally the novel is indicative of the era of Thatcher's Britain when the second generation of British Asian migrants was finding a voice to deal with racial discrimination and was gaining cultural ascendancy. Sexual fluidity is one aspect of this mobility while the incompleteness and pluralism of cosmopolitan identity maps onto the diasporic experience of living between cultures: namely that identities, because innately displaced and multiple, can be made and remade while living diasporically, the experiences of which, as Stuart Hall says, are neither essential nor pure, but heterogeneous and diverse.¹⁰ Kureishi's acceptance of difference lies in acknowledging the transformative nature of diasporic identities in terms of gender, ethnicity and culture, and this is extended to disability as Karim looks upon the unfortunate Changez with affection and endorses him in his new role at the end.

Syam Selvadurai's *Funny Boy* (1994) and Lloyd Jones's *Hand Me Down World* (2010) are novels in which representations of exile, migration or living in diaspora raise issues of gender and sexuality, civil rights and citizenship that can be read from a legal perspective: that is, the law counterpoints the activities of sexuality and diaspora and provides a determining context for them. As narratives of exile and migration their 'queer diasporas' bypass the conventional diasporic model based on the pull of return to the homeland and they challenge the constructions of belonging that are associated with the standard model of citizenship. As with *The Buddha of Suburbia*, the compulsions that mobilize their protagonists into exile and unhomeliness lead to a queered sense of home and belonging; this involves implicit critique of assumptions about genealogies of origins and original purity, the destabilising of notions of authentic place, and the introduction of affiliative ties and new or alternative constructions of national belonging.

The texts can be paired in that they both concern expulsion from an ordinary point of belonging: *Funny Boy*, a novel about the protagonist's dawning awareness of his homosexuality, pivots on his "traumatic displacement from the lost heterosexual 'origin'," which is metaphorically a queer migration.¹¹ In *Hand Me Down World* the heroine abandons her home to search for her child,

¹⁰ Stuart Hall, "Negotiating Caribbean Identities," in *New Caribbean Thought: A Reader*, ed. Brian Meeks, Folke Lindahl (Kingston: U of the West Indies P, 2001): 24–39, 27. Daniela Carpi, "Focus: Identity," *Polemos: Journal of Law, Literature and Culture* 6.2 (2012): 145–48, 145.

¹¹ See David Eng, "Out Here and Over There: Queerness and Diaspora in Asian American Studies," *Social Text* 15.3–4 (1997): 31–52, 32.

‘queering’ the heterosexual norm by alienation, loss and illegitimacy: that is, she exists symbolically outside the boundaries of nation, home and family in ways similar to non-heteronormative sexuality where such positioning is often criminalized because seen as deviant:¹² in the novel this is literally realized, for she is imprisoned on allegations of murder whether they raise questions about the efficacy of the law when it is suspended in the state of emergency as in *Funny Boy*, and when it demonstrates a lack of understanding of cases of illegal immigration, domestic drama and personal abuse as in *Hand Me Down World*.

In the six interlinked episodes of *Funny Boy* by Shyam Selvadurai, the protagonist, Arjoe’s emerging sense of his homosexuality and potential displacement from the nuclear family is paralleled in the breakdown of national order following the Tamil-Sinhalese riots in the early 1980s and in the novel the burning of the family home, expulsion from Colombo, and the family’s migration to Canada in 1983. Naturalized models of family, kinship and nation come under question; for the novel unravels local, essentialised discourses on gender to expose their dependence on certain exclusions and marginalizations; the foregrounding of the violence, sabotage and atrocity occurring in the Tamil-Sinhalese struggle for political power suggests that nationality is non-filiative.

In contextualising this personal crisis as a parallel narrative to the political drama of civil war – the collapse of the law, and struggle for complete nationhood – Selvadurai rewrites the narratives of exile and ‘coming out’ which are usually associated with Anglo-American writers like Alan Hollingshurst and Edmund White, as Gayatri Gopinath shows in her reading of this novel.¹³ The bildungsroman-type narrative develops convergences between Arjun’s discovery of his own psycho-sexual nature and the growing racial and religious tensions between Sinhalese and Tamil in Chapter Five, “The Best School of All.” The rigid colonial ideologies and punitive practices of the teachers at The Queen Victoria Academy coexist with the anarchic but equally brutal behaviour of the boys. Racial standoffs and ethnic clashes between teachers as well as between boys and teachers and between different factions of boys, allow other forms of difference to carry on below the surface. To the innocent Arjun, the exclusions of gender epitomised by homosexual acts are little different from other racial and ethnic exclusions and forms of marginalization apparent in the simmering feuds within the school. The beginnings of his self-discovery – of his emotional core, sexuality, and voice – occur in a violent outburst after he is caned for being unable to

¹² Gayatri Gopinath, “Nostalgia, Desire, Diaspora: South Asian Sexualities in Motion,” *Uprootings/Regroundings: Question of Home and Migration*, ed. Sara Ahmed (Oxford: Berg, 2003): 137 – 154, 138.

¹³ Gopinath, “Nostalgia, Desire, Diaspora: South Asian Sexualities in Motion,” 137, 142 – 146.

recite by heart the lines of Henry Newbold's poems "The Best School of All" and "Vitae Lampada." He rips the poems into pieces yelling, "I don't care... I hate them. I hate them."¹⁴ His rebellion continues when he mangles the poems at a recital at the school prize-giving, "reducing them to disjointed nonsense" (*FB*, 281), so betraying his school's and his parents' principles and values.

In the scenes of homosexual awakening which follow, Arjoe's confused emotions alternate between horror at being physically invaded, and a growing love for his more sexually experienced school-friend, Soyza. A legal discourse from this point synthesises the different strands of personal and political change: Arjoe's subsequent self-recrimination at breaking the moral code and betraying his family's values – "I had committed a terrible crime against them, against the trust and love they had given me [...]. I wanted to cry out what I had done, beg to be absolved of my crime" (*FB*, 262) – is paralleled to the worsening political crisis in Sri Lanka, as a curfew and ongoing atrocities and acts of criminality become commonplace. Divisions widen as the police and army collude with the destruction they witness and "just stood by, watching and some of them even cheered the mobs and joined in the looting and burning" of Tamil shops (*FB*, 291). Arjun's guilt and fear of domestic disintegration are correlated to the destruction of values of citizenship and social ties at the macro level: "I was no longer a part of my family in the same way. I now inhabited a world in which they did not understand and into which they could not follow me" (*FB*, 285). His distress at his departure from a heterosexual norm becomes metonymic of the national crisis that culminates in the family's exile to Canada.

In the final chapter, "Riot Journal: An Epilogue," multiple discourses, gendered, familial and national – overlap and converge in a new discourse of diaspora that foregrounds unbelonging and alienation: his father's realisation – "it is very clear we no longer belong in this country" – is echoed in Arjoe's diary entry: "I long to be out of this country: I don't feel at home in Sri Lanka any longer, will never feel safe again" (*FB*, 304). The process of becoming 'other' to himself, sexually as well as ethnically, in comprehending marginalization and difference, makes Arjoe acutely alive to the new dangers surrounding them: "every sound makes me realize how frighteningly different this day has been so far" (*FB*, 287). In a parallel scene to his earlier rebellion of ripping up the colonial poems, this recognition of losing the family home forces his own voice to emerge.

¹⁴ Shyam Selvadurai, *Fruit of the Loom* (Harmondsworth: Penguin, 1994): 238. Further references in the text, abbreviated with *FB*.

[H]ot angry tears began to well up in me as I saw this final violation. Then, for the first time, I began to cry for our house. I sat on the veranda steps and wept for the loss of my home, for the loss of everything that I held to be precious. I tried to muffle the sound of my weeping, but my voice cried out loudly as if it were the only weapon I had against those who had destroyed my life. (FB, 311)

The protagonist's complexly-gendered sexual identity remains uncertain by the end of the book as he realizes that his life has been destroyed as much by large, impersonal forces as his own psycho-sexuality. Likewise his parents, whose social rank, ethnic belonging and belief system are destabilized in the crisis, as their stake in the nation is threatened, decide to emigrate. The new space of Canada is gestured to in the ending as a point of arrival that opens up a world of difference rather than of habitation: of belonging among strangers, denunciation of the ethnic, religious absolutism of the Civil War, greater toleration of ethnic and sexual difference than in Sri Lanka. Arjoe's final glimpse of the charred ruins of the family house anticipates a type of boundary crossing, as a form of change rather than the legal transgression into the exile of the refugee heroine of *Hand Me Down World*. This displacement in diaspora foregrounds in Selvadurai's narratives, a heightened awareness of the processes of memory, imagination and identity formation, often occluded in national narratives, in his bringing back and coming to terms with the violent past.¹⁵

Both *Funny Boy* and *Hand Me Down World* focus on the violent moment of expulsion, demarcated as equivalent to an irrecoverable break with the past. This conforms to a model of diaspora theorized as a thetic break (in Kristevan terms), a moment of permanent rupture from the homeland which creates "a trauma based on an absence,"¹⁶ and it contrasts to the model of transnational mobility in *The Buddha of Suburbia* and novels about transmigration (such as Kamila Shamsie's *Kartography*), which feature second generation diaspora subjects who can "span and transgress borders and specific localities with new means of transportation and communication" and reinvent themselves in diaspora.¹⁷ Whereas in *Funny Boy*, psychic shock and traumatic dispossession leading to exile is analysed by Sri Lankan social upheaval prior to the Civil War, in *Hand Me Down World* exile is due to private and domestic causes, and

¹⁵ El-Tayeb, *European Others*, 77.

¹⁶ Vijay Mishra, *The Literature of the Indian Diaspora: Theorizing the Diasporic Imaginary* (London, New York: Routledge, 2007): 16.

¹⁷ Martin F. Manalansan IV, "Diasporic Deviants/Divas: How Filipino Gay Transmigrants 'Play with the World'," in *Queer Diasporas*, ed. Cindy Patton, Benigno Sanchez-Eppler (Durham, London: Duke UP, 2000); 183–203, 184.

is triggered by the abduction of the protagonist's child. Her search for her son begins in the illegal journey across the Mediterranean from Tunisia on a refugee boat to Sicily where she swims to shore, experiencing this as a rebirth: "I was not the same person who boarded the board with its human cargo. When I crawled ashore I had shed that skin, I had changed in all sorts of ways."¹⁸ Despite the hint of transformation, this comment presages the shock of exile with its material and psychic losses, its "loss of the sense of self and of history,"¹⁹ and the problem of reconstructing a new cultural identity. It also recalls Kristeva's concept of the rootless foreigner's state of abjection due to such radical fragmentation.²⁰

Jones's novel can be interpreted through the dual optic of a queer diaspora and a legal study, as a fictional representation of legal processes. The dispossession and homelessness of the protagonist, whose name is eventually given as Ines, due to the illegal abduction of her child by adoptive parents, is the model of queerness labelled by David Eng as "queer kinship," that is, the realignment of family relations through adoption. Jones's novel's new alignment of parents and 'adopted' child is undermined by the actions of Ines's bereft biological mother.²¹ Her physical dislocation as an illegitimate, wandering refugee provides a metaphorical framework of legal transgression due to the 'queering' of personal and social norms. In this story of covert oppression and exploitation, the theft of Ines's child catalyses actions of dubious legality that are eventually subjected to legal processes and judgments. At the same time it is a reassessment of the meaning of home as the deception over surrogacy and adoption suggests that the domestic ideal of home as represented by the nuclear family unit is available only for the privileged elite.²² For Ines the structures

¹⁸ Lloyd Jones, *Hand Made in World* (London: John Murray, 2011): 193. Further references in the text, abbreviated with "JM".

¹⁹ Delys Bird, "The 'Settling' of English," *The Oxford History of Australia*, ed. Bruce Bennett, Jennifer Strauss (Melbourne: Oxford UP, 1998): 21–43, 21.

²⁰ Julia Kristeva, *Strangers to Ourselves* (New York: Columbia UP, 1991): 2 (translation of Julia Kristeva, *Étrangers à soi-même* (Paris: Fayard, 1988)); Anna Smith, *Julia Kristeva: Readings of Exile and Estrangement* (London: MacMillan, 1996): 22. I am indebted to Anna Smith for reading and commenting on a draft of this article.

²¹ David Eng, "Transnational Adoption and Queer Diasporas," in *The Routledge Queer Studies Reader*, ed. Donald E. Hall, Annamarie Jagose, Andrea Bebell, Susan Potter (London, New York: Routledge, 2013): 301–323, 310.

²² Lucinda Newns, "Homelessness and the Refugee: De-valoring displacement in Abdulrazak Gurnah's *By the Sea*," (30 July, 2015), *Journal of Postcolonial Writing*, <http://www.tandfonline.com/doi/full/10.1080/17449855.2015.1070007>> (acc. 12 September, 2015): 2. Newns argues the need to revalue home in cases of forcible displacement.

of home and belonging are undermined after she is unknowingly utilised as an incubator for a childless couple, and the baby is abducted after birth by the father, Jermayne. The loss of the maternal relationship destabilises other normativities of gender, sexuality and belonging such as citizenship and nationhood.

David Eng defines the “queer kinship” model used of transnational adoption, as a privileged form of contemporary immigration²³ arising from “new social formations and identities” enabled by transnational movements and the aspirations of wealthy upper-class subjects. But the “queer reorganization of familial norms”²⁴ that adoption subjects are challenged by Ines as she intervenes to gain access to her child. Her story is one in which illegal migration allegedly involves murder: the narrative structure consists of the evidence of witnesses – those whom she meets on her way to find the child – in the form of first person narrative voices collected by an inspector, a functionary of the court. Ines’s own account, written from prison, acts as a personal form of testimony. When read from the interdisciplinary angle of ‘law in literature’ (as a fictional version of a case study that mediates legal issues), therefore, her story of wrongful imprisonment suggests the limitations of the law in individual cases where subjects are situated outside their social and national boundaries.

The narrative foregrounds the issue of human rights because Ines, ignorant of her entitlements (she signed the adoption papers without realizing her surrogacy status, she did not go to the police, she lacks ID or passport), decides to search for her child by following the adoptive parents and illegally migrating to Germany. After she arrives in Europe from Tunisia, making her way from Stuttgart to Berlin where she sleeps rough among other social strays and outcasts, eventually locating Daniel, her son, and his father. Her nomadic existence, hand to mouth survival, and directionless riding the trains and wandering in parks and other public places make her little different from the Roma with whom she mingles in the Alexanderplatz.

Ines’s destitution and illegitimacy can be compared to the chosen anonymity of many refugees and asylum seekers who abandon all personal possessions, including their official identity so these cannot be used against them.²⁵ In existential terms, she is like Kristeva’s rootless foreigner who acquires different guises and appears as different personas.²⁶ In the first section of the novel Lloyd Jones presents Ines as a psychological study of depersonalization by stressing her anonymity to all those she meets on the road. Her refusal to give

²³ Eng, “Transnational Adoption and Queer Diasporas,” 314.

²⁴ Eng, “Transnational Adoption and Queer Diasporas,” 304.

²⁵ News, “Homelessness and the Refugee,”

²⁶ John Lechte, *Julia Kristeva* (London, New York: Routledge, 1990): 24.

a name at first, her uncertain ethnicity and unknown origin, the aura of mystery, her invisibility and blankness which, it is discovered, come from a shutting down of communication – “she would go silent and it would be as though she were no longer there present” (*DW*, 107) – are all suggestive of the shock of exile. Abjection for Ines takes the form of partial silence, the asocial “polymorphic mutism” of the alien who is unable to reflect on her position;²⁷ silence also suggests passive resistance to power structures and a willing dehumanization in order to recover her child. Information about her is also withheld in the testimonials and first hand reports given to the inspector by the men who assist her in her journey from Sicily to Berlin and those she meets there, because these witnesses do not want to reveal their exploitation of her.

That Ines reaches her human limit in the obsession to recover her child as his ‘real’ mother, appears in her prioritizing of motherhood in a hierarchy of need and economy of desire: she bestows sexual favours for cash in order to pay her fare from North Africa, and then in Berlin steals objects d’art from her employer, trading them for money to pay the hourly fee that Jermayne extorts from her in order to see the boy. She says:

The goal of seeing my boy, of getting my boy back in my arms. A need such as that obscures everything else. Even physical pain will bend to its will. ... That kind of feeling [masculine desire] is nothing compared to the need I felt, and so I could satisfy him. (*DW*, 214–15)

Ines’s alienation from the conventional structures of morality, citizenship and belonging due to her separation from her child gives her a symbolic status. Cut off from her space of national origin and unable to consider any return, she negates the woman’s symbolic role as an emblem of ‘home’ in the constitution of the nation; instead she resembles the non-heteronormative subject whose sexuality is “criminalized, disavowed or elided” because it constitutes “a threat to national integrity.”²⁸ Her value system means she locates herself outside national categories: “But what is more important than one’s own child. Countries don’t mean anything. Not to me they don’t” (*DW*, 188). Home instead is an uncanny space of difference, made meaningful only through being with her child, in contrast to places where she was sheltering that provide no sense of ‘homeliness’, and what Lucinda Newns calls “non-homes.”²⁹ Significantly, after her first brief contact with her son, Ines condemns those refugees and asylum

²⁷ Kristeva, *Strangers to Ourselves*, 16.

²⁸ Gopinath, “Nostalgia, Desire, Diaspora: South Asian Sexualities in Motion,” 138.

²⁹ Newns, “Homelessness and the Refugee,” 7.

seekers among whom she was earlier living as “stupid people. They don’t have homes” (*DW*, 240).

The social and legal risks that Ines incurs by living outside the normal categories of citizenship lead to a complete overturning of her precarious arrangements to recover her role in her son’s life. In section three, the novel turns her imprisonment into her first person voice in the form of a “prison narrative”: she is carrying out a sentence for manslaughter for allegedly killing a woman who befriended her in Sicily, because having fled the scene of accidental death, she laid herself open to arrest, trial and imprisonment. This legal dimension concerning her current incarceration, revealed only in this section, offers a retrospective reading of the entire novel which is conceived as the reconstruction of a case of unjust conviction: the first two parts consist of testimony given by those who meet Ines on her journey, including the inspector who collects the evidence, to represent the extenuating circumstances which ‘explain’ how the crime occurred and its lack of reporting. The inspector’s sympathetic presence suggests a human rights angle; for the novel raises questions about the efficacy of the public law and its procedures in cases of illegal immigration, domestic drama and personal abuse which involve diminished subjecthood, loss of official identity and familial ties. It asks not only how far the public law and its regulations are able to meet the individual’s experience related to their personal and domestic life; it further, in terms of international law, how effectively cases involving refugees or illegal migrants who lack the protection of the law and live outside their national boundaries are arbitrated. Such issues might be framed by the alternative citizen-based model of diaspora based on an “individual’s universal personhood rather than her passport” that critics Yasemin Soysal and Fatima El-Tayeb propose in their renegotiations of belonging.³¹

Such legalities are brushed aside in Ines’s account and the skewing of justice is implied in the narrative emphasis on the haunting effect she has on those around her, notably on the inspector who had “the impossible task to try and piece everything back together again” (*DW*, 296), who in Ines’s words “sometimes said he’d felt inhabited by me” and who followed “my footsteps between Sicily

30 Maria Donata Panforti, “The Home and the Law. A Comparative Law Contribution,” in *Constructions of Home. Interdisciplinary Studies in Architecture, Law, and Literature*, ed. Klaus Stierstorfer (New York: AMS Press, 2010): 3–12, 12.

31 Yasemin N. Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: Chicago UP, 1994), qtd. in El-Tayeb, *European Others*, 53. Kristeva, invoking French universalism, also advocates a universal transnational principle of humanity above the historical realities of nation and citizenship; see *Nations without Nationalism* (New York: Colombia UP, 1993): 26.

and Berlin” (*DW*, 298). His role becomes a personal, humanitarian one as he visits Abebi, Jermayne’s wife and Daniel’s adopted mother, who by then has asked her unscrupulous, materialistic husband to leave. As an advocate for Ines, he pleads for her access to the child upon release. The conclusion, therefore, suggests that prison, along with other hardships and deprivations that Ines has suffered from is, from her point of view, only one more obstacle in her way, and that her ability to endure the sentence overcomes questions of injustice and illegality.

In terms of Ines’s desire for essentialised gendered belonging through the mother-child relationship, the novel can be read as simultaneously a reaffirmation of filiative relations, and a critique of patriarchal power. Yet its focus remains on the queering of social norms and values when perceived through one individual’s struggle in exile/diaspora against insurmountable class differences and an indifferent legal system: Ines’s illegality as a refugee and her imprisonment, Jermayne’s exploitation, and the concluding hinted-at reunion with the child, show ‘queerness’ as ongoing. In this sense it illustrates what David Eng describes as “issues of queerness, affiliation and social contingency that define contemporary diasporas.”³² More indirectly the novel can be read as a critique of the law for its failure to acknowledge the circumstances of victimized individuals involved in domestic abuse who have abandoned their homelands, and are driven to take unnecessary risks. The inspector who visits Abebi to talk about Ines might represent the human side of the law that seeks for more tolerance and flexibility in ways argued by legal commentators like Peter Fitzpatrick and Eve Darian-Smith who claim that the law should become less autonomously determined and more “responsive and indeterminate, capable of extending to the infinite variety that constantly confronts it.”³³

Examining these three texts through the dual lens of a queer diaspora and using a law in literature approach suggests new ways of nuancing current reading practices. All three show how national structures are being ‘queered,’ rejected, challenged or reformulated by new global mobilities, trans migratory processes and migratory patterns that lead to the contestation of legal boundaries and exclusions, as diasporas themselves take contradictory and incompatible forms. The constitutive tensions in the relationship between diaspora and the nation state dominate *Funny Boy*, in which the ethnically divisive Sri Lankan civil war for power over the nation-state, a turbulent decolonising process, invokes

³² Eng, “Transnational Adoption and Queer Diasporas,” 318.

³³ Peter Fitzpatrick, Eve Darian-Smith, “Laws of the Postcolonial: An Insistent Intervention,” in *Laws of the Postcolonial*, ed. Peter Fitzpatrick, Eve Darian-Smith (Ann Arbor: University of Michigan P, 1999): 1–15, 3.

conservative notions of the diaspora as mobilized by roots, soil and kinship. *The Buddha of Suburbia* provides evidence of a cosmopolitan diaspora from the perspective of the second generation diasporan subject for whom all structures are queered – family, community, sexual, national; it overturns traditional laws of custom and heritage such as Muslim or Hindu wedding practices, and introduces performativity and the stage as emblems of the transformative consequences of migration. Finally *Hand me down World* draws on the mobility associated with globalization and transmigration, exposing the widening gap between the affluent elites advantaged by new entitlements such as international adoption, and the impoverished and homeless who lack the legality, power and wealth to benefit from the law's protection. The law is instrumental in the surveillance of movements of refugees who might acquire new identities, for living outside the law necessarily raises questions about individual motivation: significantly Ines is arrested not just for alleged murder but for taking her 'victim's' name. Queering and the 'queer kin' argument align her story with other prison narratives spoken by or of women in prison – such as Ines's fellow prisoner who has killed her husband – as their desperation and desire for self agency in domestic situations drives them to commit punishable offences.³⁴

In the end *Hand Me Down World* raises issues that are relevant to all diasporas in asking how rights are guaranteed for those outside the frontiers of their homeland, and suggests that some redefinition of subjecthood is required of the status of subjects who lack full citizenship because living in host countries away from their community and at the mercy of unfamiliar legal and justice systems.³⁵ This study of literary queer diasporas suggests the growing presence of new formations of community and identity which, while critical of the patriarchal and sexual norms endorsed by the law within and beyond the nation state, nevertheless remain exposed and vulnerable to the conformist pressures they exert.

³⁴ See for example, the Arabic novel by Salwa Bakr, *The Golden Chariot*, trans. Dinah Manisty (Cairo: The American U in Cairo P, 2008 [1991]).

³⁵ Kral, *Critical Identities in Contemporary Anglophone Diasporic Literature*, 100.