

**The Excessive Present of Abolition:
The Afterlife of Slavery in Law, Literature, and
Performance**

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THE EXCESSIVE PRESENT OF ABOLITION: THE AFTERLIFE OF SLAVERY IN LAW,
LITERATURE, AND PERFORMANCE

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The Excessive Present of Abolition reframes timescales of black radical imaginaries, arguing that Black Atlantic literary and performative texts and traditions resist periodization into past, present, and future. Their temporalities create an excessive present, in which the past persists alongside a future that emerges concurrently through forms of daily practice. I intervene in debates in black studies scholarship between a pessimistic view that points backward, arguing that blackness is marked by social death, and an optimistic view that points forward, insisting that blackness exceeds slavery's reach. Holding both views in tension, I illuminate the "excess" that undermines this binary. The law's violence in its rendering of black bodies as fungible exceeds its capacity for justice, and yet blackness exceeds the reach of the law, never reducible to only the state of abjection conjured by the structuring power of white supremacy.

I theorize the excessive present through literature and performance in contrast to legal discourse – notably the 1783 British case *Gregson v Gilbert*, which is striking because it records a massacre of 131 people as an insurance case, not a murder case. The 1781 *Zong* Massacre recurs through each of my chapters, via J.M.W. Turner's 1840 painting *The Slave Ship*, David Dabydeen's 1995 poem, "Turner," M. NourbeSe Philip's 2008 book of poetry *Zong!*, and Fred D'Aguiar's 1997 novel *Feeding the Ghosts*. My first chapter examines the presence of Turner's painting within Claudia Rankine's 2014 *Citizen: An American Lyric* to understand how processes of subjection and abolition exceed the periodization of history. The second chapter meditates on the murder of Eric Garner to concretely situate periodization in relation to law and reads Dabydeen's poem and Angelina Weld Grimke's 1916 play *Rachel* through debates about queer

futurity. The third chapter develops an understanding of futurity and liberatory potentials in Philip's *Zong!* alongside texts by Harriet Jacobs and Sutton Griggs. Finally, the fourth chapter examines neo-slave narratives by Toni Morrison, Sherley Anne Williams, and D'Aguiar to show how these novels articulate the excessive present as an ethical problem which calls for readers to enact abolitionist politics after the moment of reading ends.

BIOGRAPHICAL SKETCH

Jesse A. Goldberg grew up in de facto racially segregated Long Island, New York before moving upstate to attend the State University of New York College at Geneseo in 2008. At Geneseo, he pursued a double-major in English and philosophy as well as a minor in the Edgar Fellows Honors Program. He graduated from Geneseo in 2012 as a Geneseo Presidential Scholar and an awardee of the SUNY Chancellor's Award and began graduate school at Cornell University. At Cornell, he was an active member of shared governance at the department and university levels, as well as a longtime member of the graduate student union, Cornell Graduate Students United. He served as President of the Americanist Reading Group from 2015-2017 and was an enthusiastic member of the Race and Ethnic Studies Reading Group. Finally, in addition to teaching in the English department and the American Studies program at Cornell, he was an instructor with the Cornell Prison Education Program, through which he taught at Five Points prison, Cayuga prison, and Elmira prison.

*For my students,
whatever the shape of the classroom in which we may have met.*

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Introduction

It is Always Now

How do we who are doing work in black studies tend to, care for, comfort, and defend the dead, the dying, and those living consigned, in aftermath of legal chattel slavery, to death that is always-imminent and immanent? How might theorizing black studies in the wake – a conscious mode of inhabitation of that imminence and immanence (revealed every day in multiple quotidian ways) ground our work as we map relations between the past and present, map the ways that the past haunts the present? The existence of black studies as an object of study does not ameliorate the quotidian experiences of terror in black lives lived in an anti-black world. To do that, I argue that we must be about the work of what I am calling ‘wake work.’

-Christina Sharpe¹

You can't just fly on off and leave a body.

-Toni Morrison²

Lacking the certitude of a definitive partition between slavery and freedom, and in the absence of a consummate breach through which freedom might unambivalently announce itself, there is at best a transient and fleeting expression of possibility that cannot ensconce itself as a durable temporal marker. If periodization is a barrier imposed from above that obscures the involuntary servitude and legal subjection that followed in the wake of slavery, then attempts to assert absolutist distinctions between slavery and freedom are untenable.

-Saidiya Hartman³

In any given year it feels as if we are living in all the years.

-Hortense J. Spillers⁴

On June 17, 2015, Dylan Roof walked into the historical Emanuel African Methodist Episcopal Church in Charleston, South Carolina, sat in a Bible study with a dozen black churchgoers, and then as prayer began opened fire, killing nine people because “You [black people] rape our [white] women. You’re taking over the country, and you have to go.” Roof’s obvious reiteration of the figure of the “black rapist” used to justify lynchings in the early and

¹ Sharpe, Christina. “Black Studies: In the Wake.” *The Black Scholar* 44.2 (2014): 59-60.

² Morrison, Toni. *Song of Solomon*. New York, NY: Random House, 1977.

³ Hartman, Saidiya V. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York, NY: Oxford University Press, 1997): 12-13.

⁴ Bagues, Anthony, Michael Chaney, Hortense Spillers, and Soyica Diggs Colbert. “How has afro-pessimism reconfigured African American studies?” Plenary session at The Futures of American Studies Institute. June 24, 2015.

mid-twentieth century calls specters of the United States' past into the present, and his charge that black people are taking over the country – an articulation of fear of inversed racial domination – speaks to the ghost of Denmark Vesey, one of the co-founders of the church who in the early nineteenth century was suspected of planning a slave rebellion and so was hanged to death, even as it speaks to the living people Roof targeted with his bullets. The violence of this attack is both singular in its particularity and reiterative of the violence of the anti-blackness that underpins the U.S. social contract – and not only because this was not the first time that racist terrorism targeted a black church. (Before it happened, it had happened and happened.) But the singularity of this particular moment of violence is itself excessively full of the past – of the ghosts of Denmark Vesey and the 34 others who were hanged with him and the nameless ghosts of enslaved people who might not have physically fought in a recognizable rebellion.

One week after this act of mass murder committed in a state which at the time flew the Confederate flag over its capital, on June 24, Soyica Diggs Colbert, Anthony Bogues, Michael Chaney, and Hortense Spillers convened a plenary session at The Futures of American Studies Institute at Dartmouth College organized around the question, “How has afro-pessimism refigured African American studies?” This plenary exemplified what Sharpe would call a “Black Studies in the wake,” as the speakers grappled with the reality of the previous week’s terrorist attack in their attempts to deliver papers that were likely written beforehand. The speakers focused most of their energy on critiquing what they saw as the over-determined totalizing quality of scholarship labeled as “afro-pessimism,” especially that of Frank Wilderson, and seemed to seek ways to refigure black radicalism without granting a totalizing force to the history of slavery – an event that the panelists in their prepared remarks relegated to a knowable past. For example, while unequivocally recognizing the necessity to think through the

particularly anti-black violence of the terrorist attack in Charleston the week before, Bogue was equally unequivocal about rejecting what he articulated as the diagnosis offered by afro-pessimism that “slavery is not over.” “I am a tenured professor at Brown University, so I cannot stand here and say that nothing has changed since slavery,” he stated. Spillers quickly affirmed Bogue’s position and articulated her own disagreement with the assertion of slavery’s continuity after the end of the Civil War. During the question-and-answer period of the session, however, as the panelists were pushed further into the waters troubled by the wake left by Roof’s bullets, discussion about the temporality of slavery became less certain, and more ambivalent. At one point, Spillers began to discuss with the audience the debate following the terrorist attack about whether the Confederate flag should be removed from public buildings. During this discussion, she remarked to the audience, “I woke up and heard about this debate and just thought to myself, *is this 2015 or 1865?*” While remarking on the absurdity of the debate, Spillers came back to the idea of not knowing which year one was living in when confronted with discourses that seem to be from another time. Observing the consistency with which this occurs regarding race in the United States, Spillers paused before saying, “In any given year it feels as if we are living in all the years.”

It is this feeling “in any given year [...] as if we are living in all the years” that is the seed of *The Excessive Present of Abolition*’s observations on temporality. Without leaving behind Bogue’s observation about the difference between legal slavery and the post-emancipation and post-civil rights eras, Spillers’s off the cuff remark gives simple entry into what I name as the excessive present. Within the context of black studies – specifically a black studies committed to wake work – the excessive present is an attempt to simultaneously cling to and let go of slavery, to both insist on the incompleteness of abolition and resist the force of an essentializing history

which would reduce blackness to an ontology of the capital-S Slave. It names the haunted-ness of the present as it has been pre-sent by the past, but also how ghosts of those who have and that which has died still linger, materially, in the world with claims of obligation and responsibility on the living. The idea that the past is not over but lingers in the present is a familiar one indeed, whether it be Toni Morrison's "rememory,"⁵ Suzan-Lori Parks's "rep & rev,"⁶ M. NourbeSe Philip's "Song of the untold story,"⁷ Hortense Spillers's "varied temporalities that arrive on the space of the now,"⁸ Harvey Young's abstracted "Black Body,"⁹ Michelle Wright's "epiphenomenal time,"¹⁰ Jacques Derrida's "inheritance,"¹¹ Avery Gordon's "ghostly matter,"¹² Joseph Roach's "memory imperfectly deferred,"¹³ Richard Schechner's "restored behavior,"¹⁴ Rebecca Schneider's "performing remains,"¹⁵ Ian Baucom's "accumulating" history,¹⁶ Christina Sharpe's "wake,"¹⁷ Jared Sexton's "logic of change as permutation,"¹⁸ Fred Moten's "ontological exhaustion,"¹⁹ or Saidiya Hartman's "afterlife of slavery,"²⁰ to name only a slice of the theorizations of non-standard timelines and non-teleological history which pre-exist my project and deeply influence my own modest contributions to this discourse. I offer the excessive present not as a radically new way of considering time and/or history as non-linear, but as a way

⁵ Morrison, *Beloved*.

⁶ Parks, "Elements of Style."

⁷ Phillip, *Zong!*.

⁸ Spillers, "Peter's Pans: Eating in the Diaspora."

⁹ Young, *Embodying Black Performance: Stillness, Critical Memory, and the Black Body*.

¹⁰ Wright, *Physics of Blackness: Beyond the Middle Passage Epistemology*.

¹¹ Derrida, *Specters of Marx: the state of the debt, the work of mourning, and the new international*.

¹² Gordon, *Ghostly Matters: Haunting and the Sociological Imagination*.

¹³ Roach, *Cities of the Dead: Circum-Atlantic Performance*.

¹⁴ Schechner, *Between Theater and Anthropology*.

¹⁵ Schneider, *Performing Remains: Art and War in Times of Theatrical Reenactment*.

¹⁶ Baucom, *Specters of the Atlantic: Finance Capital, Slavery, and the Philosophy of History*.

¹⁷ Sharpe, "Black Studies: In the Wake."

¹⁸ Sexton, "The Social Life of Social Death: On Afro-Pessimism and Black Optimism."

¹⁹ Moten, "Blackness and Nothingness (Mysticism in the Flesh)."

²⁰ Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* and *Lose Your Mother*.

to frame this model of time by collapsing the distinction, rather than closing the distance, between the past and the present, in order to ground questions of time in questions of ethics. The second chapter will demonstrate that part of this insistence on theorizations of temporality being theorizations of ethics means that the focus cannot only be on the relationship between past and present, but also must include what is thought of as the future. If ethics requires an irresponsible responsibility to an impossible demand, as we might glean from Derrida's account of Abraham's willingness to kill his son in *The Gift of Death*, then the presence of the past in our present necessitates the production of futurity within – as opposed to beyond the horizon of – this present as well.

While closing the distance between the past and the present would retain their distinctive concepts but refigure their relationship – that is, the past and present exist simultaneously, or the past accumulates within the present, or the past appears at various points on the surface of the present, or the past ruptures the present, or the past is buried under the ground of the present – collapsing the distinction dissolves the two into each other, leaving one temporality where previously there had been two. Thus, the excessive present names the way in which the present contains within it that which is thought of as past such that in our day-to-day lives, we are held responsible to the past not merely as that which has come before and therefore that for which we must account, but we are held responsible to the past as that which gives us life and meaning in the first place, as that which we ourselves are. We can think of Derrida in *Specters of Marx*: “The being of what we are is first if all inheritance, whether we like it or know it or not.”²¹ This is why the present is *excessive*. There is *too much* history here, *too much* for which to account, *too much* to be distilled by the tools of any single academic discipline or theoretical methodology, *too*

²¹ Derrida, *Specters of Marx*, 54.

much for which to be responsible, and *too much* that the law cannot manage and which the archive cannot contain. Simply put, it is impossible to select a point in the run-on sentence of history at which to insert a period that would separate the past and the present, no matter what law is passed or what court opinion is written which attempts to do just that. In a way, then, the excessive present is a movement against the grammar of periodization and towards the anti-grammar of ghosts. These ghosts know no periods and have no respect for the ordering laws of a structuring grammar of time. These ghosts cannot be contained.

I do not mean to throw the baby of historicity out with the bathwater of periodization, but rather to extend the work done by Saidiya Hartman in *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* to theorize an afterlife of slavery that attends rigorously to historicity while insisting against periodization. *The Excessive Present of Abolition* takes up the project of thinking what Hartman calls “the nonevent of emancipation,” or the “liberation” that Spillers puts in scare quotes in “Mama’s Baby/Papa’s Maybe: An American Grammar Book,”²² as contradictions that refuse Aristotle’s Law of Non-contradiction and therefore resist linear analysis.²³ Like Hartman, “It is not my intention to argue that the differences between slavery and freedom were[/are] negligible; certainly such an assertion would be ridiculous.”²⁴ For this reason I read texts written during what are commonly regarded in literary studies as different periods both appositionally and comparatively. I intentionally resist traditional periodization by placing Pauline Hopkins next to Suzan-Lori Parks or Angelina Weld

²² Hartman, *Scenes*, 116; Spillers, “Mama’s Baby/Papa’s Maybe,” 208.

²³ In *Racial Blackness and the Dis-Continuity of Western Modernity*, Lindon Barrett argues that racial blackness itself is a conceptual impossibility that nonetheless discursively underpins western modernity’s apparent cohesion. For him, it should be conceptually impossible to formulate the contradiction of blackness as both fiction and reality, and yet this impossibility makes possible an entire realm of discourse.

²⁴ *Scenes*, 116. (This was of course Bogue’s point in the plenary discussion I referenced earlier.)

Grimke next to David Dabydeen or Harriet Jacobs next to M. NourbeSe Philip, but I also situate these authors within their respective historical moments.

While Hartman definitively writes about events and texts of the nineteenth century, as her seemingly periodized title to her book signals, and while she is rigorous in situating the events, texts, and court cases she reads within their particular historical contexts, her book erupts time and again with assertions against the possibility of quarantining moments in time away from each other. In the introduction, Hartman articulates what is at stake in the moments when she rigorously historicizes her objects of study while refusing to periodize them:

Lacking the certitude of a definitive partition between slavery and freedom, and in the absence of a consummate breach through which freedom might unambivalently announce itself, there is at best a transient and fleeting expression of possibility that cannot ensconce itself as a durable temporal marker. If periodization is a barrier imposed from above that obscures the involuntary servitude and legal subjection that followed in the wake of slavery, then attempts to assert absolutist distinctions between slavery and freedom are untenable.²⁵

Neither an optimistic account of how far we have come since the end of slavery, nor a defeatist account of how absolutely nothing has changed since 1865, *Scenes* argues that slavery both ends and does not end, that historicity matters but History with a capital H might just get it wrong. Living in the wake of this impossibility of periodization demands that blackness be theorized across, inside, and out of time. It is in this neither/nor of optimism and pessimism that the both/and of the excessive present's insistence on simultaneity emerges. Neither optimistic that there has been progress from the past towards a promised future nor a pessimistic charge that the

²⁵ Hartman, *Scenes of Subjection*, 12-13.

past overdetermines those of us alive in the present in a way that precludes possibilities for intervention, resistance, or simple joy under the heels of oppression, *The Excessive Present of Abolition* rather asserts that it is both the case that slavery still structures the formal and informal laws of the social fabric of modernity and that life yet exceeds slavery in various forms. This is why it is titled *The Excessive Present of Abolition* rather than *The Excessive Present of Slavery*. Because while the latter would have captured the ways in which the paradigm of slavery still structures the present, it would miss the actual emphasis of my project. That is, at the bottom of all of this, is the reiteration that not only does slavery exceed a temporal confinement, but so does the political project of abolition. The 19th-century movement is not only a 19th-century movement, but a transtemporal ethical engagement with slavery *and* slavery's afterlife.

Abolitionism is a politics that inscribes the possibility of justice in excess of the law within the daily practices of those whom the law would ostensibly objectify; abolitionism is the radical vision of a future justice to come within the present still structured by violence. Abolitionism is what orients my project away from reiterating a familiar thread in black studies on memory. I began this project thinking it was going to be a memory studies project, but my work with prison abolitionists resisting jail expansions in real time has reoriented my thinking about memory, history, and ethics. I am thus indebted to black studies work on memory even as I make a departure in focus and emphasis.

Exceeding Memory

In an essay published five years after *Scenes of Subjection* titled "The Time of Slavery," Hartman recalls encountering three teenage boys at Elmina Castle in Ghana. The three boys each give her a letter requesting money and/or a promise of continued written correspondence after she returns to the U.S., and in each letter there is reference to their "senior sister" losing her

mother.²⁶ “I lose my mother again and again, not in the past, but today,” Hartman writes. “Kwesi, Isaac, Francis, and I exist in the painful present of the slave trade.”²⁷ While we cannot sweep away Bogue’s contention, it would also be disingenuous to sweep away Hartman’s claim here as simply a display of histrionics or hand-wringing. After all, “the point here is not to deny the abolition of slavery or to assert the identity or continuity of racism over the course of centuries.”²⁸ Rather, to recognize that she and the three boys she encounters exist in the painful present of the slave trade is to recognize, I would insist, the excessive present, the present which contains within it that which is thought of as past. It is necessary to historicize the conditions that make Hartman and the three boys different from the captive Africans passing through *The Door of No Return*, as she herself clarifies again and again in recognizing the potentiality for erasure as tourists substitute themselves in for the absent ancestors at these “sites of slavery,” but it is also necessary to witness the contemporaneity of the tourists with their ancestors which makes the trip to *The Door* the pilgrimage that it is in the first place. Hartman calls this “the time of slavery”: “the ‘time of slavery’ negates the common-sense intuition of time as continuity or progression, then and now coexist; we are coeval with the dead.”²⁹

Coevality moves my project from one of memory or memorialization to one of obligation to those with whom one is coeval. The excessive present is not a theory of memory. Sethe’s famous definition of “rememory” in Toni Morrison’s *Beloved* offers the most vivid illustration of the distinction and relatedness of the excessive present and memory. There are countless ways to interpret Sethe’s explanation and warning to Denver, but one very literal reading of her speech is that the persistence of the past is not itself “rememory,” but actually exceeds it. “Some things go.

²⁶ This scene repeats in Hartman’s 2012 book, *Lose Your Mother: A Journey Along the Atlantic Slave Route*.

²⁷ “The Time of Slavery,” 762.

²⁸ *Ibid.*, 758.

²⁹ *Ibid.*, 759.

Pass on. Some things just stay. I *used to think* it was my rememory. You know. Some things you forget. Other things you never do. *But it's not.*"³⁰

For the longest time I read this passage as meaning that “rememory” is the name for all that persists through forgetting, but reading it again alongside Hartman’s essay shifted my interpretive emphasis as I fixated on Sethe’s words, “But it’s not.” I am not interested here in claiming that my emphasis on these three words reveals the “true” meaning of “rememory,” but rather in what happens to the questions we might ask once this emphasis is made. What happens if questions about the relationship between the present and the past become questions about something other than memory? What if slavery is not only something remembered or forgotten, but rather also is something that “even though it’s all over – over and done with – it’s going to always be there waiting for you.” As in, not something to be remembered, or something in the imagination, or the return of the repressed, but rather something that did not disappear, something that is actually right over there, something that can be encountered by anyone? Sethe distinguishes between a picture she remembers and the place where the picture lingers: “If a house burns down, it’s gone, but the place – the picture of it – stays, *and not just in my rememory*, but out there, in the world.” There are two spaces being distinguished in this line. One is Sethe’s rememory, in which “the picture of it” stays, and the other is “out there, in the world,” which is perhaps something external to Sethe and her rememory. Dwelling with this distinction might open the possibility for thinking the past through a frame other than memory. The past might not only be buried in flesh, bodies, and minds, but in the world inhabited by that flesh, those bodies, those minds. Rememory, this one interpretation goes, is the individual encounter with the past as excessive present. The excessive present is the “out there” which is excessively

³⁰ Morrison, *Beloved*, 35-36, my emphasis.

filled with pictures of things which are “over and done.” It is not dependent on how events are remembered or forgotten. To give a concrete illustration, the prison is a material afterlife of slavery, and no amount of monuments to, or public acknowledgements of, or apologies for slavery will change that materiality. The result of viewing the past as being present by way of a materiality which is not reducible to memory is the enormous excess articulated (without proper grammar and punctuation) by Beloved herself: “All of it is now it is always now.”³¹

Yet while the excessive present is distinct from Hartman’s “time of slavery” and Morrison’s “rememory,” all three concepts are deeply invested in the politics of memory. Perhaps most important for my project is the way in which all three terms push back against what Sara Ahmed so eloquently calls “overing”: “In assuming we are over certain kinds of critique, [those who implement the genre of argumentation that we might call “overing”] create the impression that we are over what is being critiqued.”³² For Ahmed, overing is a rhetorical move which relegates problems to the past and therefore casts any present attempts to articulate or solve those problems as blockages or even reversals of the progress of history. For example, in asserting that identity politics is something “we” (who?) are “over,” it is also asserted that anyone who mobilizes language or strategies or critiques from a place of identity politics is the actual problem, not the overwhelming whiteness or masculinity of an institutional order. My concept of the excessive present is explicitly positioned to oppose overing assertions both politically and theoretically. It is not intended to be an abstract or generalizable theory of temporality, but rather one which is always referencing the material politics of resisting overing. It is always a temporality positioned against the law.

³¹ Ibid., 210.

³² Ahmed, Sara. *On Being Included: Racism and Diversity in Institutional Life* (Durham, NC: Duke University Press, 2012): 179.

Law's Periodizing Force

In 2013, the United States Supreme Court ruled in *Shelby County, Alabama v. Eric Holder, Attorney General* that Section 4b of the 1965 Voting Rights Act (VRA) was unconstitutional. Writing for the Opinion of the Court, Chief Justice John Roberts asserts that “history did not end in 1965” in arguing that the historical progress on the issue of voting rights for historically disenfranchised people ameliorates the continued relevance of parts of the VRA.³³ Writing for the Dissent, Justice Ruth Bader Ginsberg quotes both William Shakespeare and George Santayana when she retorts, “The Court criticizes Congress for failing to recognize that ‘history did not end in 1965.’ But the court ignores that ‘what’s past is prologue.’ And ‘[t]hose who cannot remember the past are condemned to repeat it.’”³⁴ There are myriad layers one could dig through if they³⁵ want to parse the technical legal disagreements between Roberts and Ginsberg, from differing readings of precedent cases, to the meaning of the Fourteenth and Fifteenth Amendments, to differing interpretations of what counts as relevant data, to deep disagreement over the principle of equal sovereignty. But my present interest is in how, despite disagreeing about how much progress has been made or how that progress was and will continue to be achieved, Roberts and Ginsberg are arguing vehemently with each other about *time*.

The VRA was passed in 1965 in order to combat racist discrimination against African Americans at the polls across the southern U.S. during the era of Jim Crow segregation. Section 2 of the Act contains the general proclamation that no government body may pass any law or enact any policy that would result in racial discrimination in voting (the act has a strong and proper focus on *results* rather than on just mere *intentions*, which is one reason it has been one of

³³ Roberts, John. Opinion of the Court. *Shelby v. Holder*. 2013: 20.

³⁴ Ginsberg, Ruth Bader. Dissenting. *Shelby v. Holder*. 2013: 19.

³⁵ Throughout my dissertation, I use “they” as a gender-neutral singular pronoun.

the most successful pieces of civil rights legislation passed at the federal level in the U.S.). This general proclamation applies to all government bodies in all parts of the U.S. In addition to this general principle, Section 5 of the Act imposes what is called “preclearance” requirements for certain specific states and districts. The districts covered by Section 5 are determined by the “coverage formula” in Section 4b, which sets the parameters for how the Department of Justice will determine which districts need to preclear any proposed changes to voting policies and procedures with the DOJ before enacting them. It was this final section, the preclearance formula, which Roberts and the Court ruled unconstitutional. However, while Section 5 remains technically untouched, the invalidity of S 4b makes S 5 unenforceable and therefore essentially ineffectual, since as Derrida argues in “Force of Law: The Mystical Foundations of Authority” the law is meaningless without enforceability.

According to Roberts, the coverage formula is unconstitutional because in the VRA’s 2006 re-authorization, it was not sufficiently updated to reflect the realities on the ground that have been changed for the better in history’s progress from the discrimination of the past to the improved conditions of the present. “If Congress had started from scratch in 2006,” Roberts writes, invoking perhaps one of the boldest conditional *ifs* in legal writing, “it plainly could not have enacted the present coverage formula.”³⁶ His temporal argument is essentially that because conditions have changed – that is, because racist discrimination in voting has been mitigated so much, in his view, that it cannot possibly be considered “pervasive,” “flagrant,” “widespread” or “rampant” anymore – the coverage formula, which subjects historically racist districts to extra levels of federal enforcement over and above their state and local sovereignty over elections, cannot continue to target districts for their sins of the past.³⁷ For Roberts, Jim Crow is

³⁶ Roberts, 23.

³⁷ *Ibid.*, 21.

definitively over, and so the VRA's coverage formula's focus on Jim Crow districts is unfair. I see this as a form of what Ahmed calls overing. We are so over the problem of racist voting discrimination, Roberts asserts, that he wants to sever past and future completely: "The [Fifteenth] Amendment is not designed to punish for the past; its purpose is to ensure a better future."³⁸ For Roberts and his concurring colleagues (Antonin Scalia, Clarence Thomas, Samuel Alito and Anthony Kennedy), ensuring a better future is a radically distinct venture from punishing perpetrators of past injustices.

This severing of past and future, wherein a just future is a radical departure from an unjust past, is part of what I call law's periodizing force. That is, the law claims for itself the ability to declare moments in time over and new moments begun, essentially designating the periodization of history into discrete moments. We can think of the ways in which certain historical moments begin or end with signal acts of law. There was slavery until 1865, and then the Thirteenth Amendment passes and there is not. There was Jim Crow until the Civil Rights Act and the Voting Rights Act ended it in 1965, and then there was not. Now there is something different, something new – a *new* Jim Crow in the form of mass incarceration. We can think of these moments as the law penciling in a period in a run-on sentence of history in order to impose a discernable meaning, thus landing us on the grammar of periodization, of imposing endings and beginnings to make sense of language.

(I should pause to note that throughout my dissertation I understand "law" to be the totality of legislative acts, judicial rules, and enforcement practices which structure and give discernable order to society, where "order" refers both to the organization and structures of authority which govern the direction in which "orders" are directed.)

³⁸ Ibid., 20.

In academia, critical theory has for the better part of three-plus decades been taking to task the concept of linear, neatly periodized history. It is almost taken for granted that there is not a clean break between past and present. But in the halls of the most powerful court of law in the United States, the Chief Justice writes with the conviction that history is linear, progressive, and teleological, decades of critical theory – be it post-structuralism, deconstruction, black feminism, critical race theory, queer theory, or anything else – be damned. I believe this is not merely a problem with Roberts, or this current right-leaning court, however. While Ginsberg and her liberal co-dissenters in *Shelby v. Holder* (Sonia Sotomayor, Elena Kagan, and Stephen Breyer) see the past as continuing to influence the present, as Ginsberg’s language in her dissent shows, there is still a pervasive faith that the law can do the job of getting us to the next phase, the new promised land that will be different from before (Renisa Mawani would call this the law’s “alibi of progress”³⁹). While Ginsberg recognizes that “the court does not write on a clean slate,”⁴⁰ the core of her argument most fundamentally rests on the idea that the VRA has successfully pulled us forward from an unjust, egregious past into an improved, though still imperfect present, and so it can be the tool which continues to propel us forward, away from “second-generation” barriers to voting to a more just future where racial discrimination is eliminated and Jim Crow is truly a dead thing of the past. She writes, “If the statute was working, there would be less evidence of discrimination, so opponents might argue that Congress should not be allowed to renew the statute,” capturing the absurd logic of the Court’s opinion as authored by Roberts. Ginsberg continues, “In contrast, if the statute was not working, there would be plenty of evidence of discrimination, but scant reason to renew a failed regulatory regime.”⁴¹ This catch-

³⁹ Renisa Mawani, “Law’s Archive.” *Annual Review of Law and Social Science* 8 (2012): 354.

⁴⁰ Ginsberg, 8.

⁴¹ *Ibid.*, 12.

22 emerges out of a conception of history wherein the law's very responsibility is to act as a periodizing force. If it does its job correctly, then the law inaugurates a new era in which a problem has been solved, and so evidence of the problem depletes, and if it fails, then the law does not get us over a problem, and evidence of the problem persists. The question for Ginsberg is whether a law which has successfully done its job of dragging time forward from the past towards a more just future should stand, or whether its very effectiveness warrants its obsolescence. In any case, Ginsberg is, like Roberts, still assuming a linear, periodized conception of time and history. She just disagrees about what should be done when the law approaches successful enactment of its periodizing force.

It is in direct opposition to the periodizing force of law that I posit the excessive present as an account of temporality that collapses distinctions between past, present, and future. It is time against the law. My goal in articulating the excessive present is therefore less about providing a definitive, overarching theory of time in all possible contexts, than it is about opening space for considering ethical and political questions. More than making a theoretical intervention or positing a new, better interpretation of any particular literary text or cultural object or event, my goal throughout this dissertation is always grounded in reaching for an ethics and politics of responsibility that crosses temporal distance and overwhelms overing. I want it to be impossible to imply that ethical responsibility to an event has extinguished because the event is over.

I should say that I do not understand "ethics" here or throughout my project as a set of rules we might discover in order to provide definitive answers to the problems of violence and domination. Instead, ethics is a project of seeking justice with the knowledge that something must be done, but with the knowledge of what that something is remains, necessarily, uncertain,

“if only to avoid the arrogance of so many clean consciences.”⁴² Collapsing past, present, and future results not in simplified clarity because there are fewer pieces to the time puzzle to consider, but rather results in more confusion because the ordering grammar of period(ization)s is removed, making it harder, not easier, to interpret the language of history. To think justice in excess of the law is not posited as a task with a definite answer, where ethics is a crude list of good and bad imperatives. Rather, to think justice in excess of the law is the messy project of abolition.

I wrote earlier that it was my work with fellow prison abolitionists that fully convinced me that my project was not a memory studies project, but about something else, a different inflection of thinking about time and history. In working with returning citizens in particular to organize opposition to jail expansion in our local community, as well as in teaching incarcerated students, I was taught that the task is not necessarily to demonstrate that the afterlife of slavery continues in, for example, mass incarceration. Both the incarcerated and those manning the mechanizations of carcerality know this. The task, in the words of Mariame Kaba, the abolitionist writer and activist whose work first helped shaped my thinking down this path, “is unleashing people’s imaginations while getting concrete – so that we have to imagine while we build, always both.”⁴³ The excessive present is an attempt at framing a space for imaging new possibilities through the concrete work of building. If the future is not only something out there on the horizon that we cannot quite grasp, but if it is something we can touch through what we do, today, how can we imagine it differently from the past in which we still live during this present?

⁴² Derrida, *The Gift of Death*, 27.

⁴³ Mariame Kaba and John Duda. “Towards the Horizon of Abolition: A conversation with Mariame Kaba.” *The Next System Project*. November 2017. <https://thenextsystem.org/learn/stories/towards-horizon-abolition-conversation-mariame-kaba>

Literature and Abolitionist Imagination

That question about imagination returns me to 2008, the first time I ever read Toni Morrison's *Song of Solomon*. I have since read the novel maybe a half-dozen times; it is my favorite piece of fiction. But each time I read it, the same paradox rings out and sits with me that has been reverberating since first time I read it, and it is the paradox which continues to haunt my thinking, literally every day: Pilate flies without ever leaving the ground.

In a book with so many references to flight, in which a number of characters are described as flying, both literally and metaphorically, this paradox proposed by the protagonist Milkman about his aunt Pilate intrigues me as a starting point for thinking ethics. Without delving into a close-reading of the novel, I want to suggest that while Milkman is so deeply impressed by the titular Solomon's literal flight, the novel critiques this extraordinary leap into the air by emphasizing all of the kin – his partner and their children – that he left behind. It is Pilate, not Solomon, whose flight emerges, I believe, as an ethical center of the novel, not because she has a definite answer, but precisely because she offers a paradox. As she repeats throughout the novel, “you can't just fly on off and leave a body,” and yet, it seems, you still have to fly. So how to fly without leaving behind a body? Well, Milkman notes as he holds Pilate's dying body, you fly without leaving the ground.

A decade later and I still do not know how to answer the question of what it means, concretely, to fly without ever leaving the ground. But I think abolitionism has something to do with it. Abolitionism asks us to imagine the world anew, structured completely outside the existing terms of social order, and then demands that that imagination take the form of grassroots organizing and concrete action in the world as it currently exists. Abolitionism is the demand to make real that which is imagined as existing beyond the real. It is itself a paradox: Create the

future world, one in which the present constrictions of power no longer hold, within the very terms of those present constrictions of power which have been sent forth by the injustice of the so-called past. How do we think, imagine, and enact a future in a present that is the past?

Because the thinking demanded by an ethics of abolitionist politics is fundamentally paradoxical, I turn in my dissertation to literature and performance as sites for thinking the messiness of the excessive present. The texts that I examine in this project are written by writers across the Black Atlantic and range in date of publication from 1858 to 2014, and they are not grouped into chapters organized by nationality or period. This is because this is not a project interested in constructing an argument about what an entire body of literature does, or how it works. It is not even interested in positing a reading strategy that applies especially to certain kinds of texts. Indeed, if there is an overarching theory of African American or Black Atlantic literature and performance in my project it is that these literary and performance traditions should always be spoken of in the plural because they are aesthetically and politically heterogeneous. I therefore read the texts and events that I do because they do particularly vivid work in articulating time against the law, though I would not posit that this is an attribute essential to any body of literature or kind of performance. Some cultural objects will reinscribe traditional timelines and will not seek to challenge progressive linear history, and that is alright. What I am concerned with here is how texts like *Song of Solomon* help us imagine justice differently, through an ethics in excess of the law.

Having made that clear, there is one thread which runs through all of the ensuing chapters of this dissertation which organizes my selection of texts: the *Zong* Massacre. In 1781 the captain of a British slave ship authorizing the jettisoning of 132 enslaved Africans⁴⁴ from his slave ship,

⁴⁴ The historical archive is not definitive on the number of enslaved people thrown overboard. Most sources claim 131 or 132, but I have also come across accounts putting the number at 142 or 144.

and this became a rallying cry among late-18th century abolitionists, gaining further notoriety through a legal case in 1783. This historical event emerges in different cultural objects throughout history, including a painting by J.M.W. Turner, poetry by David Dabydeen, Claudia Rankine, and M. NourbeSe Philip, and a novel by Fred D'Aguiar. Each of these texts grapples with this historical event in different ways, and I arrange them thematically across my four chapters, selecting other literary and performance texts that cluster with them as I lay out my overall argument that black life exceeds slavery's reach even as slavery remains the structuring paradigm of the present.

My first chapter, "The Excessive Present: Time, Ethics, and Events," argues for a theory of "the event" in which beginnings and endings bleed into each other such that slavery and emancipation exceed their own "event-ness." I introduce the one historical "event" which materializes in each of my subsequent chapters: the 1781 *Zong* massacre. While 132 enslaved Africans were thrown overboard a slave ship to drown to their deaths, *Gregson v Gilbert* is not a murder trial, but an insurance case. The question of financial liability was decided by the end of the trial, but the morally unaccounted-for deaths of those 132 human bodies remain as ghosts which outlive the event, carrying it across time. I meditate on the presence of J.M.W. Turner's 1840 painting, *The Slave Ship*, inspired by the massacre, at the end of Claudia Rankine's 2014 book *Citizen: An American Lyric* to articulate the excessive present as a temporality that, in the case of this legal event, highlights how a refusal of periodization raises ethical questions. The excessive present is thus not only a conception of time, but a field for ethical investigation, and the chapter concludes with close-readings of three plays – William Wells Brown's *The Escape; or, A Leap for Freedom* (1858), Pauline Hopkins's *Peculiar Sam; or, The Underground Railroad*

(1879), and Suzan-Lori Parks's *Imperceptible Mutabilities in the Third Kingdom* (1986) – which perform ethical possibilities opened by shifting temporalities.

Chapter two, “Breathing Unbreathable Air: The Here and Now of an Ethics Before Law,” synthesizes the two main points from chapter one: (1) the excessive present re-opens beginnings and endings and (2) this temporal dislocation makes possible ethical practices that approximate justice in ways the law cannot. While emphasizing the futurity-aimed capacity of breath, I consider Eric Garner’s final repetitions of “I can’t breathe” while being murdered by an NYPD officer alongside David Dabydeen’s invocation of the thoughts of one of the 132 drowned Africans from the *Zong* massacre in his poem “Turner” (1996) and the protagonist’s assertion against birthing black babies to draw breath in a world set up to destroy them in Angelina Weld Grimke’s play *Rachel* (1916). Both texts complicate conceptions of motherhood. In “Turner” an enslaved African man fantasizes about mothering a drowned child, and in *Rachel* a young woman refuses marriage because she sees birthing black children into the world as a morally reprehensible act, but she dedicates herself to performing the work of mothering for black children who are not biologically “hers.” With these reconceptions of motherhood, I bring Sharpe’s concept of “aspiration” to intervene in the debate over queer futurity by Lee Edelman and José Muñoz. Ultimately I argue that black radical imaginings of an excessive present situate futurity and utopia not in an as yet beyond our reach “then and there,” but as potentialities in the here and now conjured by care work which queers heteronormative kinship that is rendered apart via the violence of the Middle Passage.

Chapter three, “Towards a Theory of Perforation: The Vulnerable Body of Law’s Archive,” turns the force of violence in the excessive present back on law itself to articulate how futurity resides in the now. This chapter begins at the image in Harriet Jacobs’s *Incidents in the*

Life of a Slave Girl (1861) of Linda Brent carving holes in the wall of the garret in which she hides in close proximity to her enslaver's plantation. While Linda's holes do not actually destroy the power structure of white supremacy, they do open the possibility for black life to be sustained and for resistance to be mobilized. Taking the carving of holes seriously, I trace the etymology of perforation as noun and verb between its descriptions of paper and human bodies to demonstrate the inseparability of materiality and discourse within law's encoding of power structures. Using black feminist theorizing on the body as well as deconstructive legal scholarship, I argue that the law can be thought to have a body – its archive. If the law has a body, then it, too, is vulnerable, and resistance is not only possible, but it is as immanent within the structure of law as is law's violence of domination. I read Jacobs's *Incidents* and Sutton Griggs's *Imperium in Imperio* (1899) for articulations of the perforation of law's boundaries. The chapter also examines M. NourbeSe Philip's *Zong!* (2008) both as poetic text and as live performance to show how the periodization imposed by legal documents between "pre" and "post" moments is a futile illusion, just like the ostensible omnipotence of structures of domination.

Chapter four, "Abolition (Then and) Now (and Always): The Excessive Demand of Witnessing in Neo-Slave Narratives," examines 20th and 21st-century novels about slavery as texts which, through generic conventions from the 19th-century inflected through post-modernism, call for action which perforates the law of white supremacy. After reconsidering the key scene in Toni Morrison's *Beloved* (1987) when Baby Suggs's ghost tells Denver she needs to "know [that white people will try to destroy her], and go on out the yard," I offer readings of Sherley Anne Williams's *Dessa Rose* (1986), Morrison's *A Mercy* (2008), and Fred D'Aguiar's *Feeding the Ghosts* (1997) to argue that neo-slave narratives are not preoccupied with a

traumatic past as an unhealthy pathological hold, but rather that the blurring of past and present conjures a futurity that can be enacted by readers who take up the old call for abolition in their own contemporary moments. These novels exceed their pages.

Ultimately, my dissertation is invested in the power of literature and performance to exceed structures of domination, even as the law itself remains excessive in its capacity for violence. At its most ambitious, my project posits abolition as both theory and practice, and irreducible to linear resistance. *The Excessive Present of Abolition* attempts to do what Sharpe calls “wake work” by thinking blackness as undeniably marked by systematic, gratuitous violence but also undeniably *not* reduced to only a state of abjection or ontological slavery. “Excessive” thus has two meanings for my project. I emphasize that law’s force of violence demarcating racial blackness as a category of expendable persons exceeds its capacity for justice, while at the same time blackness exceeds the law’s reach and time exceeds the archive’s walls.

Chapter 1

The Excessive Present: Time, Ethics, and Events

What is at stake here is more than exposing the artifice of historical barricades or the tenuousness of temporal markers like the past and the present. By seizing hold of the past, one illuminates the broken promises and violated contracts of the present.

-Saidiya V. Hartman¹

There is a before and an after to the earthquake: but there is no before the ongoing event of the disaster. How, after all, to split time?

-Christina Sharpe²

The Zong is on the high seas. Men, women, and children are thrown overboard by the captain and his crew. One of them is me. One of them is you. One of them is doing the throwing, the other is being thrown. I'm not sure who is who, you or I. There is no fear, nor shame in this information. There is only the fact of the Zong and its unending voyage and those deaths that cannot be undone. Where death has begun but remains unfinished because it recurs. Where there is only the record of the sea. Those spirits are fled into wood. The ghosts feed on the story of themselves. The past is laid to rest when it is told.

-Fred D'Aguiar³

In the winter of 1781, a slave ship called the *Zong* was sailing the Caribbean Sea on its way to Jamaica with a hold full over its “capacity” of enslaved people taken months before from Accra on the west coast of Africa. Near the end of November, after a navigation error which added precious weeks onto the time it would take the *Zong* to reach Jamaica, the ship’s water supply was running low, and the crew of sailors collectively decided to jettison some of the “cargo” of enslaved Africans in order to conserve what was left. The decision to throw human cargo overboard had an additional financial motivation, since it was assumed by the crew that insurers would cover the cost of each jettisoned body, thus keeping them financially not liable for the lost value. In all, about 132 enslaved Africans were killed in what would come to be

¹ Hartman, Saidiya. “The Time of Slavery.” *South Atlantic Quarterly* 101.4 (2002): 763.

² Sharpe, Christina. *In the Wake: On Blackness and Being* (Durham, NC: Duke University Press, 2016): 130.

³ D’Aguiar, Fred. *Feeding the Ghosts* (New York, NY: Harper Collins, 1997): 229.

known as the *Zong* massacre. The event gained notoriety in Britain in the years following the massacre because of the court battle *Gregson v Gilbert*, in which the Liverpool-based insurers fought against having to pay out any value for the jettisoned cargo. At the first trial, the insurers were found liable, but upon appeal and a second trial in which new evidence (of rainfall and miscalculations by the crew) was introduced, the original ruling was overturned and the insurers never had to pay the owners of the *Zong* for the enslaved people thrown overboard. While the insurers' legal team reportedly appealed to arguments about the humanity of the enslaved, and while abolitionist Granville Sharpe likely pressured legal teams to prosecute the crew for murder, there never was a murder trial for the massacre. The deaths of these 132 Africans only enter the historical archive through a legal trial deciding what to do about their monetary value as "goods," not their personhood. As they were thrown into the sea, blackness was jettisoned from the purview of the Human.

Every chapter of *The Excessive Present of Abolition* returns to the *Zong* massacre by way of a literary representation or investigation into the event. In his novel *Feeding the Ghosts*, which I read in my final chapter, Fred D'Aguiar writes a fictional account of the massacre which he ends with the claim that the *Zong*'s voyage is "unending." For him, this massacre is without beginning or end. It cannot be relegated to the past because it recurs "in your community." When he writes, "Men, women, and children are thrown overboard by the captain and his crew. One of them is me. One of them is you. One of them is doing the throwing, the other is being thrown. I'm not sure who is who, you or I," D'Aguiar articulates the ethical stakes of accounting for the time and history of slavery. People are still being "thrown overboard," and people are still "doing the throwing," and since this violence must be halted precisely because it has not yet ceased,

there is an ethical imperative to intervene in the violent afterlives of slavery.⁴ This is not a plea to intervene in history – to recover or “remember” the past. It is not even just a plea to see that the past is with us in the present. It is a plea to understand that the temporal fact of the past existing in the present without periodization between the two is by necessity an *ethical* fact. If the past of slavery is present in the contemporary, that is not merely a piece of information, but the inauguration of an ethical obligation to intercede in the violence that is not over. And insofar as these ethical stakes are born out of engagement with an event recorded into history’s archive via a legal case, there is no better occasion for beginning my own articulation of my current project’s theorization of time in relation to law.

“The excessive present” thus names a temporality that collapses distinct periods – the past, present, and future – into a single, dynamic *now* with the explicit purpose of opening up a space for ethics. If, as I will discuss, all events are by definition “incomplete” and thus without end, how is it possible to responsibly encounter the event of an unending massacre, for example? In the excessive present, it is impossible to relinquish responsibility for an event which precedes one’s (grandparent’s) birth or one’s (grandparent’s) immigration into a particular nation. Time ceases to be a mediating force between the self and other of the so-called past, in spite of legal claims for the periodization of past and present. While the Thirteenth Amendment to the U.S. Constitution declares slavery over in 1865 and thus a thing of the past, the excessive present demands that attending to the moral failure of the Atlantic Slave Trade means exceeding the framework set by the law and its claims on a periodizing force. I am aware that in numerous strands of critical theory for the past few decades, notions that the past and present can be separated by periodization techniques have been taken to task and demonstrated as untenable.

⁴ D’Aguiar, 229.

However, this has not stopped the dominant mode of periodization as organizing concept for academic jobs, course titles, monographs, and sometimes even criticism in literary studies. More relevant to my project is the way in which this argument against a singular, rigid, teleological, and universal temporality has still, after all of these years of development, not deeply penetrated public discourse on ethical obligations to “the past,” be it in the form of the names of buildings on college campuses or public roads in cities or methods of memorialization and public history. And as I iterated in the introduction, the Supreme Court of the U.S. is still making decisions based on linear, periodized temporality. Thus, the familiarity of my argument’s general point that the past cannot be separated from the present is not only acknowledged, but should be emphasized. What I hope to do is offer a slightly different figuration of the anti-telos arguments by attending specifically to the law and literary and performative texts in conjunction together. This will allow me in the following chapters to expand on this chapter’s focus on the presence of the past into an account of the presence of the future, which is a less frequently discussed form of collapsing periodization that speaks directly to the ethical and legal dimensions of theorizing temporality.

The Zong’s Eruption: Claudia Rankine and J.M.W. Turner

The world is wrong. You can’t put the past behind you. It’s buried in you; it’s turned your flesh into its own cupboard.

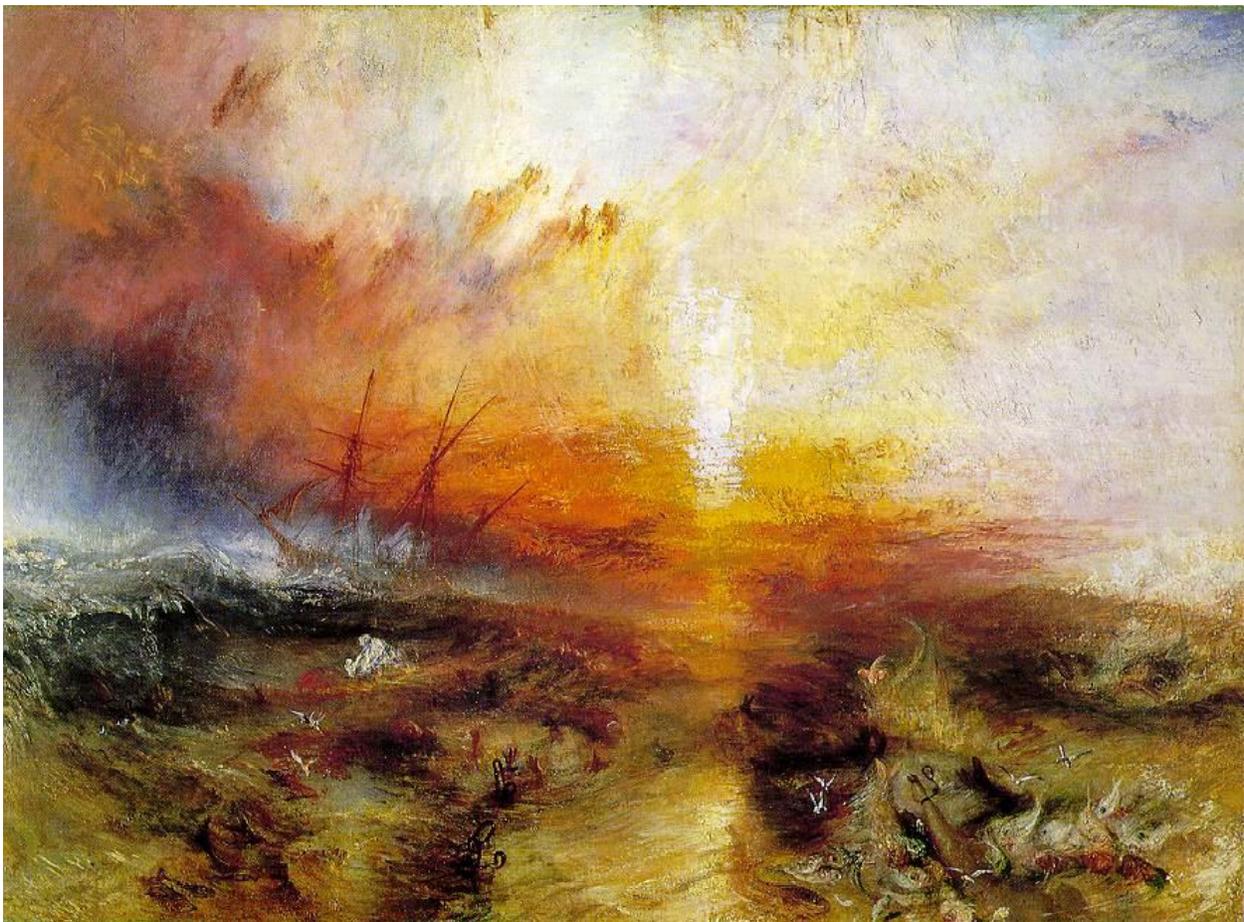
-Claudia Rankine⁵

When we take for granted that the past is a constitutive part of the present – that, as Christina Sharpe shows in *In the Wake: On Blackness and Being*, “the past that is not past reappears, always, to rupture the present”⁶ – it is perhaps not so surprising that Claudia Rankine’s *Citizen: An American Lyric* ends with the image of a slave ship. But even still, it

⁵ Rankine, Claudia. *Citizen: An American Lyric* (Graywolf Press, 2014): 63.

⁶ Christina Sharpe, *In the Wake*, 9.

might be jarring to reach the end of a book published in 2014 and heralded as an insight into contemporary phenomenologies of racism only to meet J.M.W. Turner's 1840 painting *The Slave Ship*. Why does a text which announces itself as a specifically *American* lyric end with an image painted by a British artist, inspired by the account of a British abolitionist, which was itself heavily inspired by a British legal case; or, why does a poetic rendering of the complex modes of domination inscribed within American citizenship trace itself through this painting to British law? How can it be that a text often cited for its precise rendering of what get called "microaggressions" in the language of the "post-Civil Rights era" erupts in its final pages into the image of enslaved Africans drowning in the Atlantic after being jettisoned from a slave ship?



There is nothing micro about this image, and its violent eruption of the contemporaneity of *Citizen* with the pain and horror of the past interrupts the sequence of self-consciously hyper-current occasions of poetic reflection contained in the pages of Rankine's book. This interruption invites a return to Saidiya Hartman's observation of the "lack[...] of a definitive partition between slavery and freedom"⁷ in order to read *Citizen* as a text that exceeds the parameters of its own title and publication date.

Turner's famous anti-slavery painting places Rankine's book in a troubled line, if it can be said to be a line at all, of historical contexts. Turner painted *The Slave Ship* after reading the 1839 reprint edition of Thomas Clarkson's 1808 book *The History of the Rise, Progress, and the Accomplishment of the Abolition of the Slave Trade* in 1840. Among the overwhelming accounts of the legal and political path toward abolition in British law, Clarkson's book includes reflection on the infamous 1783 British court case, *Gregson v Gilbert*.⁸ While the *Zong* massacre is the most famous, it was not the only case of slave ship captains throwing enslaved people overboard during the trans-Atlantic voyage on the genocidal foundation of Western Modernity archived as the Middle Passage. As Sharpe writes, "Turner's unnamed slave ship stands in for the entire enterprise."⁹ Yet, the historian James Walvin reflects on the relationship between Turner's painting, the *Zong* massacre, and the repetition of throwing enslaved Africans overboard to drown in the Atlantic ocean, that "It was as if, fifty years after the event itself, the dead souls from the *Zong* still hovered over the slave ships which continued to cross the Atlantic crowded

⁷ Hartman, Saidiya. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York, NY: Oxford University Press, 1997): 12-13.

⁸ Walvin, James. *The Zong: A Massacre, The Law, and The End of Slavery* (New Haven, CN: Yale University Press). See pages 202-205 as well as all of chapter 1, "A Painting and a Slave Ship," for more on the influences on Turner's painting and his ideological relationship to Clarkson.

⁹ Sharpe, 36.

with Africans.”¹⁰ In the excessive present, what might seem a romanticization of haunting becomes an ethical problem, as the eruption of Turner’s painting at the end of *Citizen* is prefigured by the presence of the “ghosts” of the Middle Passage lurking in the text’s accounts of racism, even when slavery is not named.

As an exemplary text of contemporary African American literature,¹¹ *Citizen* performs the excessive history packed into the space between “African” and “American” as the compound modifier of the noun “literature.” More complex than a simple way of saying that all African American literature is always already literature of the African Diaspora – a statement that would indeed enact Michelle Wright’s conception of a “Middle Passage epistemology” in the most fully negative sense she articulates¹² – this is a reminder that any study of the relationship between racial blackness and law in the U.S. will necessarily encounter the limits of national boundaries as enslaved bodies cross between different national archives, from African societies whose laws remained unrecognized by western powers to British slave law to U.S. American slave law and all of its excessive aftermath. “An American Lyric” will always exceed the boundaries of a nation or land-based definition of “America” in this account, even as America takes a central position. As such, Rankine’s book’s interrogation of what it means to be a “citizen” of “America” necessarily invokes British legal frameworks in its closing moment, a moment that sees writing about the present collide against images of the past. Not only does Turner’s painting reveal the always already ethically troubled waters of American (legal) belonging that Rankine

¹⁰ Walvin, 205.

¹¹ *Citizen* has at the time of this writing won the National Book Critics Circle Awards for poetry, the PEN/Open Book Award, the PEN Center USA Poetry Award, the NAACP Image Award for Poetry, the *Los Angeles Times* Book Award, and the Forward Prize, and Rankine herself has been awarded a MacArthur Genius Grant. I am less invested in evaluating the book itself than I am in taking seriously its sheer popularity and indeed the phenomenon it has become as a cultural object held up as an example of good work on the question of racism.

¹² Wright, Michelle. *Physics of Blackness: Beyond the Middle Passage Epistemology* (Minneapolis, MN: University of Minnesota Press, 2015).

navigates, but it also reveals the always already troubled temporality of the present with which Rankine's poetics wrestle.

In fact, while *The Slave Ship* appears in full only at the end of *Citizen*, its presence explicitly surfaces in the text much earlier. In section II, an extended meditation on black anger thought through the public experiences of Serena Williams, one of the greatest tennis players in the history of the sport who has time and again come up against anti-black racism as her most frequent opponent, Rankine uses Turner's painting to make sense of Williams's situation. She writes,

For years you attribute to Serena Williams a kind of resilience appropriate only to those who exist in celluloid. Neither her father nor her mother nor her sister nor Jehovah her God nor NIKE camp could shield her ultimately from people who felt her black body didn't belong on their court, in their world. From the start many made it clear Serena would have done better struggling to survive in the two-dimensionality of a Millet painting, rather than on their tennis court – better to put all that strength to work in their fantasy of her working the land, rather than be caught up in the turbulence of our ancient dramas, *like a ship fighting a storm in a Turner seascape*.¹³

In this passage Rankine uses the second-person “you” to bring together readers with “people who felt [Serena Williams's] black body didn't belong on their court” who would prefer to relegate Williams to a nineteenth-century French painting of a peasant farming scene that could remain removed from the “ancient dramas” continuing to cause turbulence as the wake of Turner's nineteenth-century *Slave Ship* sends waves through the waters of the twenty-first century. This

¹³ Rankine 26, my emphasis.

passage thus conjures an excessive present in which the “now” of Serena Williams playing tennis contains within it the storm of a Turner seascape because, as Rankine writes in section IV, “the world is wrong. You can’t put the past behind you. It’s buried in you. It’s turned your flesh into its own cupboard.” Williams’s black flesh has the past buried in it as a constituent part, not as an externality or a momentary remembrance.

The excessive present is not only a temporality of blackness, though, or some academic rendering of “CPT.” The past is buried, too, in white flesh. I recall a discussion with a white colleague about Sharpe’s *In the Wake* shortly after it came out. We were discussing the book in a reading group and she was articulating that white people “aren’t in the wake,” and I perhaps too quickly asserted “white people absolutely exist in the wake of slavery.” I insufficiently explained myself during that discussion, but moving through this reading of *Citizen* clarifies for me that what is at stake is the way in which slavery inaugurates anti-blackness by inaugurating race itself, and so whiteness is also born from the hold of the ship. Of course, historically white bodies were not subject to enslavement in the same way as black bodies, and whiteness was not excluded from the ontological category of the capital-H Human in the way that blackness was by Enlightenment philosophers. As a humanities and law scholar I am well aware of the material conditions which make any kind of equalization between white experiences and black experiences of slavery’s afterlife a fallacy. In slavery’s afterlife/wake white bodies thus do not bear *the same kind of* relationship to the past, but that does not mean that white flesh escapes the so-called past of slavery. As one dimension of the excessive present, the obvious idea that the past is in the present applies not only to black people, because slavery does not structure the world only as black people experience it. Slavery, as one of the twin foundations of Western Modernity – the other being attempted indigenous genocide and colonial dispossession –

structures the world that all people live in, and to reduce it to only the purview of black subjects is to erroneously essentialize blackness while at the same time capitulating to some of whiteness's most vicious myths about itself. Therefore, in *Citizen*, the referees and the fans and the commentators all exist along with Serena Williams in the excessive present, and therefore all swim in the wake of Turner's *Slave Ship*. Rankine concludes the second section of *Citizen* with an image of Danish tennis player Caroline Wozniacki at an exhibition match in 2012 with her top and shorts stuffed with towels in imitation of Serena Williams's purportedly "excessive" physique. "Wozniacki [...] finally gives the people what they have wanted all along by embodying Serena's attributes while leaving Serena's 'angry nigger exterior' behind."¹⁴ In a performance of "love and theft" that recalls blackface minstrelsy without the makeup but with the logic of substitution that Joseph Roach and others name as central to that mode,¹⁵ Wozniacki not only grants pleasure to the white gaze in the way Rankine so clearly explains, but also reveals one way in which the white body is marked by slavery in the excessive present.

In the obvious sense rendered by over one-hundred and fifty of years of critical whiteness studies writing ranging from the work of Harriet Jacobs, W.E.B. DuBois, and James Baldwin to David Roediger, Peggy McIntosh and Ian Haney-Lopez, Wozniacki's performance uses stereotype and cruel humor that highlight how whiteness is constructed in opposition to blackness. One step more, in exaggerating her breasts and buttocks to make her comparison to Williams, Wozniacki invokes particular bodily stereotypes about black women that are structured by what Frank Wilderson identifies as "grammar and ghosts" of every gesture of every

¹⁴ Ibid., 36.

¹⁵ See Eric Lott's *Love & Theft: Blackface Minstrelsy and the American Working Class* and Joseph Roach's *Cities of the Dead: Circum-Atlantic Performance*.

black body, namely, “violence and captivity.”¹⁶ Wozniacki’s performance re-calls the figure of the hypersexualized black woman traceable to American slavery, and her white body stands in as a reminder of the “monstrous intimacy”¹⁷ between the figuring of white womanhood in relation to blackness and black womanhood – if such a thing is figure-able in the first place, which is doubtful, as Hartman, Hortense Spillers, and others remind us. Therefore, while Wozniacki is able to give the (white) people what they want by separating Williams’s ostensibly excessive body from its excessive blackness and all of the excess rage imagined onto it, she is also marked herself by slavery insofar as her performance reveals the conceptual inseparability between slavery and freedom since her whiteness, the very thing which gives her the freedom to act so offensively, is in its very enactment made possible only by its relation to the blackness against which it is performing. If blackness as a legal-racial concept is solidified in the U.S. through the Middle Passage and slavery, then whiteness, too, as a legal-racial concept is solidified through the Middle Passage and slavery.¹⁸ Again, because the excessive present is an ethical framing of temporality, this observation about the genealogy of whiteness is not only an historical assertion, but an ethical one. If whiteness is produced through the hold, and if it is marked by the afterlife of slavery, then the task of abolishing the structuring paradigm of slavery as political and social force is a task without an avenue for opting out. It is also a task which necessitates the abolition of whiteness itself, thus demanding that white people take up the ethical obligation of self-

¹⁶ Wilderson III, Frank B. “Grammar & Ghosts: The Performative Limits of African Freedom.” *Theater Survey* 50 (2009): 119.

¹⁷ See Christina Sharpe’s *Monstrous Intimacies: Making Post-Slavery Subjects*.

¹⁸ I hope it is clear that throughout this project I am more concerned with “whiteness” and blackness” or “white” and “black” as *positionalities* within legal/social power structures, rather than as *identities*. This is not to say that identity is not an important frame through which to think these concepts, but rather only to highlight that when I write something like “blackness [or whiteness] is *solidified*,” I am not under the illusion that blackness ever became one solid, unitary, unmoving identity category, or that it is today a knowable, definable, or fixed-in-place concept. Rather, I am referring to the construction of a social and political fabric in which blackness as a position, despite its vibrant multiplicity of experiences and identities, is structured by mechanisms of domination which construct power hierarchies against the existence of blackness as their bottom.

reconfiguration. This is not only a task of naming what is so often unnamed, as whiteness studies has been claiming for decades, but of unthinking whiteness as part of the project of abolition.

I will have more to say about the project of abolition in chapter four, but for now what I would emphasize is that the excessive present's emphasis on the presence of the past is always explicitly an ethical assertion, and that once the temporal observation is made the argument turns to the necessity of abolitionist politics taken up as what Sharpe calls "wake work": "In short, I mean wake work to be a mode of inhabiting *and* rupturing this episteme with our known lived and un/imaginable lives. With that analytic we might imagine otherwise from what we know *now* in the wake of slavery."¹⁹ The *Zong*'s voyage, and the massacre, are not over. The killings repeat, even and especially in moments less spectacular than a Turner seascape.

This excessive present which contains the past within it as part of itself rather than as an extra, separate thing runs throughout the second section of *Citizen*, underlining Rankine's meditations on Williams's publicly scrutinized reactions to racism. Writing about Williams's outburst at a referee in a 2009 U.S. Open semifinal match, Rankine observes, "Serena's behavior, on this particular Sunday afternoon, suggests that all the injustice she has played through all the years of her illustrious career flashes before her and she decides finally to respond to all of it with a string of invectives."²⁰ This particular day, Rankine suggests, overflows with the excesses of an accumulation of injustice, such that while Williams's outburst is read as excessive – to commentators, she showed *too much* emotion, went *too far*, or did not properly control herself – it is only because the "now" in which it occurs is itself excessive. What appears to be one bad call is itself haunted by the ghosts of phantom calls past – Rankine writes specifically about Williams's experience with referee Mariana Alves in a 2004 U.S. Open

¹⁹ Sharpe, *In the Wake*, 18.

²⁰ *Ibid*, 25.

semifinal match – which themselves contain the specters of the Atlantic that move Rankine to make sense of Williams by way of Turner’s painting. This is where Ian Baucom’s sense of an accumulating history in *Specters of the Atlantic: Finance Capital, Slavery, and the Philosophy of History* collides with Toni Morrison’s sense that all of it is always now in *Beloved*: the relationship between past and present for Williams is not between two different temporal objects, but a relation within one temporality continuously accumulating within itself. This is why “[Williams] says in 2009, belatedly, the words that should have been said to the umpire in 2004,”²¹ not because they went away and came back, but because those words have been there, accumulating, and so in 2009 their release exceeds the temporal container imposed by the parameters of the beginning and ending of a particular tennis match or a particular year. As Hartman observes, “if periodization is a barrier imposed from above,”²² and if that barrier obscures the continuity between an event and its aftermath – between the ship’s cruising through the water and the wake it leaves behind – then that barrier is only an illusory container that fails to suppress the excess of the present.

In section VI of *Citizen*, Rankine presents readers with a series of pieces in the forms of scripts for video performances, poetic essays, and memorial reflections which take the often mortal violence against black people as their occasions. Throughout the section, the names of the dead accumulate across numerous different specified dates from the early twenty-first century. The section then ends with a catalog poem of “In memory” statements, where the first few iterations (exactly how many differs according to which physical print of the book one gets their hands on) are completed with the names of black people killed by police and the latter iterations remain uncompleted or, more accurately, yet-to-be completed, with the text becoming more

²¹ Ibid, 30.

²² Hartman, *Scenes*, 12-13.

transparent as the eye travels down the page. There are numerous ways to read this printing technique, from the obviousness of the yet-to-be completed in memory statements implying that police killings of black people will continue with new names as well as the observation that over time such repetition can cause memory to fade into the unremarkableness of the quotidian. It is also possible, in light of *Citizen's* engagement with the excessive present's refusal of a past/present distinction in favor of a temporality that folds into itself through layers of accumulation, to see the increasing transparency of "In memory" as the bleeding of the ink into the white space of the page, such that what is remembered – that future which is yet to be remembered as past – comes to exceed memory itself and seep into the fabric of everyday meaning-making. At the end of these reflections on black death, Rankine's poetic voice exceeds the language of discernable reflection, and words fade back into the blankness of the page, revealing just how not blank that blank space is. Rather, the ghosts of deaths to come haunt the spaces of the page untouched by grammar. They are the ghosts of the excessive present.

Exceeding the Event: Staging Slavery, Emancipation, and the Middle Passage

But how, then, does one mark time and think historicity, how does one engage the iterability of the performative, if nothing ends? How to orient or make sense of lived experience, the lived experience of the black no less, without break or interval or punctuation in the fact of (anti)blackness?

–Jared Sexton²³

In the sixth section of *Citizen*, Rankine includes a scene "In Memory of Mark Duggan," a black Londoner killed by police in 2011 whose death was followed by protests and riots against police violence. During an exchange with a white British writer, Rankine's speaker recalls, a comparison is made to the beating of Rodney King in the United States. "A similar accumulation

²³ Jared Sexton, "The Social Life of Social Death: On Afro-Pessimism and Black Optimism," 6.

and release drove many Americans to respond to the Rodney King beating,” Rankine writes. “Before it happened, it had happened and happened.”²⁴

Before it had happened, it had happened and happened. Accumulation. Release. Again. And again. If that is the case, how would it be possible to begin without these repetitions?

In *On Being Included: Racism and Diversity in Everyday Life*, Sara Ahmed poses “overing” as a rhetorical strategy invoked to relegate certain questions, problems, or phenomena to the past. She writes: “In assuming we are over certain kinds of critique, [those who implement the genre of argumentation that we might call “overing”] create the impression that we are over what is being critiqued.”²⁵ For Ahmed, overing is a rhetorical move which relegates problems to the past and therefore casts any present attempts to articulate or solve those problems as blockages or even reversals of the progress of history. Thinking Ahmed alongside Hartman brings “overing” to bear on the specific cases of slavery and emancipation. In *Scenes of Subjection*, as she begins to turn from legal enslavement to the afterlife of slavery, Hartman writes, “Ultimately, I am trying to grapple with the changes wrought in the social fabric after the abolition of slavery and with the *nonevent of emancipation* insinuated by the perpetuation of the plantation system and the refiguration of subjection.”²⁶ I want to continue this project by lingering with Hartman’s naming of emancipation as a “nonevent” to ask what might be in this naming in addition to a qualification of the “freedom” (as Hortense Spillers would say, no need to pretend that the quotation marks there do not matter²⁷) that followed the end of the Civil War and the passage of the Thirteenth Amendment? What does it mean to call emancipation a

²⁴ Rankine, 116.

²⁵ Ahmed, Sara. *On Being Included: Racism and Diversity in Institutional Life* (Durham, NC: Duke University Press, 2012): 179.

²⁶ Hartman, *Scenes*, 116, my emphasis.

²⁷ Hortense Spillers, “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” 208.

nonevent? I suggest that there are two ways in which emancipation might register as nonevent: first, in that it does not bring about the drastic change that the event is supposed to enact, and second, in that while it happens, it does not cease happening. In suggesting these two possibilities for the “nonevent” of emancipation, I argue that what Hartman identifies as a nonevent *is* an event, because the very structure of events themselves implies incompleteness and repetition. Emancipation yet simultaneously registers as a nonevent because we have failed to fulfill the ethics of obligation to the event as an opening of potentiality. This ethical failure thus makes what is otherwise, at least metaphysically, an event register phenomenologically as a nonevent because of its failure to fulfill its own promise. That is, the term “nonevent” is in my reading an ethical rather than metaphysical diagnosis.

Morrison has called slavery, “the largest forced transfer of people in the history of the world,” the “defining event of the modern world.”²⁸ In a number of ways, slavery does seem to signal an event that changes everything insofar as it inaugurates modernity. And as an event, it seems bounded by the event of its ending – emancipation. Again, insofar as slavery was structured by law, the event of the legal inscription of its ending – the Thirteenth Amendment to the Constitution in the case of the U.S. – certainly matters and certainly changes something. But what, then, to make of Hartman calling emancipation a “nonevent”? In an interview with Fabien Tarby, Alain Badiou explains, “The event creates a possibility but there, then, has to be an effort [...] for this possibility to become real; that is, for it to be inscribed, step by step, in the world.”²⁹ If this is the case, then the aftermath of slavery could be described as a problem of “infidelity” – to use Badiou’s Derridean term – to the event of emancipation. The law could end slavery within its terms, but the excesses of slavery – those material and discursive conditions, foundations, and

²⁸ Morrison, “Home.” *The House that Race Built*. Ed. Wahneema Lubiano. New York, NY: Vintage Books, 1998: 10.

²⁹ Badiou, Alain with Fabien Tarby. *Philosophy and the Event* (Malden, MA: Polity Press, 2013): 10.

traces – have an afterlife and continue to haunt via the presence of ghosts who speak the demand to fulfill the possibility opened by the event of emancipation. The Thirteenth Amendment inscribes emancipation as both event and nonevent, then. In abolishing the legal right to hold a human being in bondage, it enacts the law’s power to conjure an event – to literally change the world. But in including its own exception clause – “except as punishment for a crime” – the Amendment inscribes the law’s failure to eradicate slavery from both the material and discursive landscapes of modernity. This is because, to quote Grant Farred in *In Motion, At Rest: The Event of the Athletic Body*:

The event not only marks the opening up of the system but also announces – makes dramatically visible – the system’s limits. The moment at which the system opens up is opened up by the movement toward subtraction (there can be no subtraction that is not preceded, produced by, movement), is opened up by the object’s refusal to move, is the juncture at which the system reflexively seeks to close off the opening. It is at this moment that the system not only seeks to reimpose itself as the whole but also seeks its (re)validation; this is the moment at which the system turns, as swiftly as possible, to the law.³⁰

The Thirteenth Amendment seeks to both intervene in the world to literally, in Badiou’s words, “transform what has been declared impossible into a possibility,” and, as an act of law, preserve the State’s “monopoly of possibilities.”³¹ The opening up of possibility has occurred, and thus there has been an event. But the “effort” necessary “for this possibility to become real” has not been realized; the event of realization has not occurred. In that sense, the “result” which would

³⁰ Farred, Grant. *In Motion, At Rest: The Event of the Athletic Body* (Minneapolis, MN: University of Minnesota Press, 2014): 55.

³¹ Badiou, 11.

be brought about by fidelity to the event has yet to become real. It is as yet a nonevent even as its potentiality is contained in the event. Emancipation is both the death of slavery and the afterlife of slavery; it is both event and nonevent.

Different literary and performative texts take up different framings of “the event” and the movement of history. For example, William Wells Brown’s play *The Escape; or, A Leap for Freedom* and Pauline Hopkins’s *Peculiar Sam; or, The Underground Railroad* were both written during the nineteenth century and both employ comic melodrama to tell the story of enslaved people escaping their enslavers via the Underground Railroad. But while *The Escape*, first performed in 1858,³² represents the emancipation of its characters as a dramatic, violent, and rupturing event, *Peculiar Sam*, first performed in 1880, represents the process of escape without centering the event of emancipation itself. This difference is striking to observe both appositionally, considering the plays alongside each other to think the question of the (non)event of emancipation, and comparatively, since historicizing these two plays with similar themes and plots reveals stark differences between the political possibilities surrounding the initial performances of the two theatrical texts.

The Escape portrays the journey of Glen and Melinda – two enslaved people who are in love with each other but whom are legally property of two different white men – as well as Cato, another enslaved man on the same plantation as Melinda, from the American South along the Underground Railroad and across the Niagara River into Canada. While there is much to say about the problems and possibilities of performativity, the signification of sexual violence, and the representation of dialect in Brown’s play, what is most pertinent to this chapter is the play’s representation of the event of emancipation – what its title calls “a leap for freedom.” There are

³² While it was not performed with a full cast, Brown often read the play aloud in lieu of giving a lecture on slavery.

of course two literal “leaps” in the play: first, when Glen strikes Dr. Gaines’s overseer over the head when he is sent to whip him and leaps out of the window of a tobacco house to flee north; and second, in the play’s closing moment when Glen, Melinda, and Cato seize an opportunity during a fight with Dr. Gaines and some policemen to leap into a ferry crossing the Niagara River into Canada. Recalling Frederick Douglass’s fight with the poor white man Covey in his 1845 *Narrative*, a text with which Brown was certainly familiar, the first f(1)ight is a paradigmatic enactment of bodily self-defense as catalyst toward emancipation. The second leap occurs at the very end of the play when Glen, Melinda, and Cato have made it to Buffalo, New York, and are just about to take a ferry to Canada. Dr. Gaines and some police officers find the self-emancipated characters and attempt to re-capture them, and Mr. White, a white northern man who was earlier portrayed in the play as a well-meaning but somewhat ineffective abolitionist, runs to help prevent this. The final words of the play’s text are stage directions:

The fight commences, in which Glen, Cato, Dr. Gaines, Scragg, White, and the Officers take part.—Ferryman enters, and runs to his boat.—Dr. Gaines, Scragg, and the Officers are knocked down, Glen, Melinda, and Cato jump into the boat, and as it leaves the shore and floats away, Gen and Cato wave their hats, and shout loudly for freedom.—Curtain Falls. THE END.³³

This second leap, like the first, is preceded by violence, this time in a collective fight between enslavers and the formerly enslaved assisted by a white abolitionist, as opposed to the singular act of self-defense Glen takes up in the first. Significantly, this final set of stage directions signifies the first instance of staged physical violence in the play, since previously Glen’s self-defense is rendered in flashback and the whipping, beating, and raping of enslaved

³³ Brown, William Wells. *The Escape; or, A Leap for Freedom* (Boston, MA: 1858): 51.

characters is pushed off-stage. This in itself begins to register, if it does not alone establish, the event-ness of the event. Inscribed in the title of the play and the historical context of its performance – Brown was himself a self-emancipated black man and would read the play aloud as a call to abolition in the years before that all-too-foreseeable-in-hindsight³⁴ event of the Civil War, this leap for freedom structures the meaning of all that comes before and after it. At the same time, it is itself structured by a geography of slavery which seems to make the event of emancipation not only possible but necessary. Indeed, perhaps the most significant part of those stage directions is that Glen, Melinda, and Cato “*jump into the boat,*” since the moment their feet touch that ferry they are being moved into the space of freedom. Written after the passage of the Fugitive Slave Act but before the advent of the Civil War, *The Escape* positions its protagonists as able to change their own political ontology from property to personhood by changing their location on a map. And it represents that move as the most significant moment of its plot – a dramatic finish to a high-stakes chase. Then once the characters touch down on the space of freedom, the stage directions call for gestures of victory as Glen and Cato turn and wave their hats, shouting for freedom. At the end of Brown’s play, emancipation is the event that changes everything for these three characters, and it is given the theatricality it well-deserves.

Unlike Brown’s play, Hopkins’s *Peculiar Sam* does not give audiences a big fight for freedom or even a dramatic final scene to signal the event of emancipation, even if it too is a theatrical rendering of escaping the south via the Underground Railroad. Virginia, Juno, Caesar,

³⁴ Both Badiou and Farred describe “the event” as unforeseeable, unknowable beforehand, and yet not random. Farred writes, “The event is only partially – and very rarely – the product of chance. It also marks that not entirely random moment when various historical forces (often antagonistic) come into an unforeseen (unforeseeable), unavoidable conflict” (27). I take this to indicate the way in which an event which could not have been foreseen is able to be described in retrospect as an inevitability, or at least as the product of discernable causal chains.

Mammy, and the titular Sam get on a raft in Act Three – by far the shortest act in the short play – and sail across the Ohio River. Then Act Four begins with the stage directions,

The time is after the war in Canada. The place is an old-fashioned kitchen with a fireplace. There is a door at back and a window at the right with closed inside blinds. Mammy sits at table knitting, Caesar, her husband now, sits before the fireplace.³⁵

Hopkins's play is written after the Civil War and is thus able to situate its characters not only in a *space* of freedom, like Brown's ferry, but a *time* of freedom, and yet the event which makes this difference between the two plays possible, the Civil War itself, is not represented. It is only implied by a short sentence in a stage direction indicating a passage of time. All of a sudden, it is "after the war in Canada." The audience then learns that Sam has been elected to the U.S. Congress, and the play ends with Sam dancing and the other characters all happy in a scene of unmistakable joy.

It is peculiar, though, that the Civil War is reduced to a three-word reference in stage directions used to establish setting, rather than represented anywhere in the play's action. Notably, this is not the only time Hopkins conjures the war as absent presence in her work, since her 1899 novel *Contending Forces* also has a plotline that crosses the war years but which refuses to represent the event of emancipation. While *Peculiar Sam* ends on a joyous note, this refusal to represent a violent rupture of the timeline in order to denote the movement to freedom figures emancipation as nonevent, though it is also anything but inconsequential. In Hopkins's play, emancipation is to be celebrated, but it is not the defining event for the characters. In the play's final line Sam breaks the fourth wall to address the audience: "Ladies and gentlemen, I

³⁵ Hopkins, Pauline Elizabeth. *Peculiar Sam; or, The Underground Railroad* (Alexandria, VA: Alexander Street Press, 1879): 30.

hope you will excuse me for laying aside the dignity of an elected M. C., and allow me to appear before you once more as peculiar Sam of the old underground railroad.”³⁶ The play thus ends and begins with the same Sam, doing the same thing – dancing joyously with his friends. There has been both significant change – Sam is a dignified member of Congress – and significant continuity – Sam is also still the peculiar Sam of the Underground Railroad, still dancing, his title as “peculiar” continuing to conjure the “peculiar institution” after its ostensible legal demise. Emancipation unquestionably *happens* and *matters* in this later play, but its mode of representation is dramatically different from Brown’s.

These differences make sense given the different historical contexts of the two plays. Again, Brown read his as an abolitionist performance in the years between the passage of the Fugitive Slave Act – the law which made it illegal to assist a self-emancipated person in eluding the legal authorities of a slaveholding state in a non-slaveholding state and which empowered southern slaveholders to hunt for their enslaved persons-as-property in states where slavery was ostensibly illegal – and the Civil War – which of course nobody in 1858 could predict as being what it became. Hopkins, on the other hand, wrote her play two decades after the war in the aftermath of the collapse of Reconstruction and thus in the face of terroristic violence against African Americans throughout the south. So while Brown wrote during a time when slavery was still legal and Hopkins did not, Hopkins wrote at a time when white southerners were using violence as a political weapon to take back seats in government from African Americans elected during Reconstruction. In other words, while Brown was writing in anticipation of an event which had not yet occurred and which he could not possibly yet imagine or accurately predict, Hopkins was writing in the very aftermath of that unpredictable event with the hindsight to see

³⁶ Ibid., 37.

all that the event had failed to change. She would go on to write in her preface to *Contending Forces*, twenty years after *Peculiar Sam*, that “The difference between then [before the war] and now [1899], if any there be, is so slight as to be scarcely worth mentioning. The atrocity of the acts committed one hundred years ago are duplicated today, when slavery is supposed no longer to exist.”³⁷ Thus for historically material reasons, Hopkins had a case for positing emancipation as a nonevent, while Brown could not but imagine the event of emancipation in full theatricality.

Even considering the historicity of each play and each playwright, there is something to be said in thinking them appositionally to consider the question of revolutionary violence. What does it mean that in *The Escape*, each “leap for freedom” is preceded by violence against those who would make black characters unfree? What does it mean that in *Peculiar Sam* the aftermath of the violence which inaugurated emancipation is figured *not* by violence against white enslavers, but rather by acts of cunning and quiet escape under the shroud of darkness? Could we say that the Civil War subsumed into three words of stage directions denoting the passage of time in *Peculiar Sam* is displaced and thus re-emerges symbolically in the violent encounter in Buffalo, NY, that precedes Glen, Melinda, and Cato leaping for freedom in *The Escape*? I am of course not suggesting that Hopkins *influenced* Brown, and I am not proposing a theory of history wherein we can assume clairvoyance and throw sequential historical record to the wind. But I am proposing that in the excessive present, the unimaginable, unknowable (non)event is already inscribed in the present; it is indeed pre-sent before it is present. The violence of political revolution – of the event that changes the world – exists as possibility both before and after the actual, historical U.S. Civil War. Historicization helps explain why this violence is given different prominence or emphasis in texts and performances written and enacted at different

³⁷ Hopkins, *Contending Forces*, 15.

times structured by different laws, while resisting periodization opens questions residing in between law and ethics. Thought only through a historicized and periodized account of *The Escape*, the question of revolutionary violence can become a question of responding to unjust laws. Thought only through a historicized and periodized account of *Peculiar Sam*, the question of revolutionary violence can become a question of grasping at already-attained rights or citizenship status. Thought through both *The Escape* and *Peculiar Sam*, however, the question of revolutionary violence can become a question of shaping the world both with and without law, of changing the rules and erasing the rules, of the power of the law and the law's futility. Thought within the excessive present which refuses to separate the 1858 play from the 1879 play, even while historicizing each text, the question of violence opens into the ethical and (extra-)legal imperative of practicing revolution – one method of which being a politics of abolition. The Underground Railroad in each play is, after all, represented as a *process* of freedom, rather than a *static or found* freedom. Emancipation is not an end, abolition is not a given, and so in the excessive present they become political/ethical responsibilities rather than historical phenomena or completed developments.

Ultimately what these plays reveal, then, is the way in which emancipation is both event and nonevent, because it both causes change but fails to fulfil the potentiality in its promise, not least of all due to its embeddedness in the law (a Constitutional Amendment) which guarantees a reification of the status quo's monopoly on possibility within the same legal gesture attempting to open up possibility. The event is measured and left wanting – it requires what Badiou calls fidelity, which itself might be considered a kind of ethics.

Without an act of fidelity, the event remains incomplete – it remains without closure. In fact, the formulation Farred offers of the event is a radically open one. Rather than a point in

time closed in by a beginning and an end, his “event” produces what he calls “a gathering” by which a situation gathers to it other situations in producing the event. It is in this way, to follow one of Farred’s more vivid examples, that Ron Artest’s black body at rest in the Palace at Auburn Hills on November 19, 2004 gathers to it Rosa Parks’s unmoving black body on a bus in Birmingham, Alabama on December 1, 1955: “...in its dispersion, the event gathers that which does not appear properly, if at all, to belong to it: those historical moments, the event into the event (if we can, for a moment, conceive of the Civil Rights Act symptomatically, as the event of justice).”³⁸ These gatherings not only connect disparate events, but they insist on the continuity between events; or, to put it more assertively, in the formulation that I offer, what Farred calls “gatherings” insist against the endings or completions of events. We are again left with Hartman’s “absence of a consummate breach”³⁹ around which we might construct a pre- and post-event account of periodized historicity.

But in the context of the events of slavery and emancipation, there *is* a consummate breach in the fabric of the lives of the enslaved as they are torn from one place to be brought to another. This tearing produces one breach – the jettisoning of blackness from the category of Human – while at the same time failing to produce another – a definitive gap between a “before” moment and an “after” moment. Contemporary playwright Suzan-Lori Parks dramatizes this paradox in her 1986 play *Imperceptible Mutabilities in the Third Kingdom*. Composed of four “parts” (not “scenes” or “acts”) and a “reprise” that travel back and forth through time and across expanses of land and sea, *Imperceptible Mutabilities* is a play whose coherence is established through sound and gesture rather than plot or character.

³⁸ Farred, 46.

³⁹ Hartman, *Scenes*, 12.

Written and performed in the latter decades of the twentieth century, *Imperceptible Mutabilities* takes on the doubleness of the Middle Passage as event and nonevent as part of Parks's project to "creat[e] history where it is and always was but has not yet been divined," as she puts it in her short essay, "Possession."⁴⁰ Part 2, "Third Kingdom," and "Third Kingdom: Reprise," which occurs between Parts 3 and 4, are signaled to take place on a slave ship on the Atlantic Ocean. In these parts, four enslaved figures discuss their displacement in both material and psychological terms as an authority figure threatens to "jettison" them from his ship, before the whole boat sinks at the end of the Reprise. Parts 1, 3, and 4 take place at different times both before and after emancipation, but they bear the weight of the Third Kingdom through the play's implementation of what Parks calls "rep & rev," or repetition and revision. By having words and phrases repeat across scenes which are not set in chronological order, Parks disrupts linear timelines, eschews the separation of the past and the present, and both centers the Middle Passage as defining event while refusing to give the Middle Passage the temporal frame of knowable event in the first place.

Parks's play begins with "Snails," in which Molly, Charlene, and Veronica – or alternatively, Mona, Chona, and Verona – are living in what could be interpreted as a shared apartment that is infested with cockroaches, one of which is an instrument of surveillance constructed by The Naturalist who doubles as Dr. Lutzky, the exterminator.⁴¹ Throughout the part, characters utter phrases such as "should I jump should I jump or what?" and "Eat. Please eat" that are repeated and revised in later parts of the play, most notably in Third Kingdom and

⁴⁰ Parks, Suzan-Lori. "Possession" in *The America Play and other works* (New York, NY: Theater Communications Group" 1995): 5.

⁴¹ There is more to be said about the initial obviousness that the man who the black women call to get rid of the roaches is the very same man who sent the most obstinate roach into their home in the first place, but that is for a different piece of writing, since this is not a dissertation about the so-called "crack epidemic."

its reprise. Audience members or readers of course do not know this upon first encounter with the play, but “Snails” does complicate temporality within itself in addition to its echoes across other parts of the play. In section C⁴² of Part 1, Charlene refers to events which have yet to happen (for the audience, at least) in the past tense, as if they have already happened:

CHARLENE: Once there was uh one named Lutzky. Uh exterminator professional with uh Ph.D. He wore white cause white was what thuh job required. Comes tuh take thuh roaches uhway. Knew us by names that whuduhnt ours. Could point us out from pictures that whuduhnt us. He became confused. He hoses us down. You signed thuh invoice with uh X. Exterminator professional with uh Ph.D. He can do thuh job for \$99.

This is quickly followed up with Charlene’s suggestion to call Lutzky, hinting to the audience that the visit is yet to be staged.⁴³ Sure enough, Lutzky comes to the house, becomes confused, and hoses down Molly, Charlene, and Veronica with his anti-roach chemicals. Within the first part, then, the language of the play refuses the linearity of a progressive timeline which can order past and present and future, instead using the past tense to refer to future action. The resulting temporality of the play is unstructured by the grammar of what Parks calls the Standard Time Line and Standard Plot Line and instead can open itself to the anti-grammar of ghosts as voices cross between the no longer discrete moments of past and present and future.⁴⁴

⁴² I have decided to call the division of the Parts of *Imperceptible Mutabilities* “sections,” myself. Parks does not give terminology for these divisions of dramatic time. I am also careful to not use “scenes” or “acts” since Parks does not in labeling the pieces of her play, though I acknowledge this can make for repetitive or monotonous writing on my part at times.

⁴³ Parks, *Imperceptible Mutabilities in the Third Kingdom*, 28.

⁴⁴ Incidentally, this makes *Imperceptible Mutabilities* both an extremely difficult and rewarding text to teach.

This anti-grammar of ghosts doubles as an anti-colonial anti-grammar by way of the juxtaposition of Charlene’s anti-linear temporality⁴⁵ with *The Naturalist*’s rigidly ordered, heavily periodized linear temporality. In section D, which directly follows Charlene’s re-mixing of past and future tense, *The Naturalist* takes the podium to deliver a monologue that in Parks’s signature irreverent style satirizes “scholarly” and “authoritative” language and those (white men) who speak it. He eventually pontificates on the vast separation between “us” and “our subjects” – by which he means Molly, Charlene, and Veronica:

THE NATURALIST: [...] Having accumulated a wealth of naturally occurring observations knowing now how our subjects occur in their own world (*mundus primitivus*), the question now arises as to how we of our own world (*mundus modernus*) best accommodate them. I ask us to remember that it was almost twenty-five whole score ago that our founding father went forth tirelessly crossing a vast expanse of ocean in which there lived dangerous creatures of the most horrible sort tirelessly crossing that sea jungle to find this country and name it. The wilderness was vast and we who came to teach, enlighten, and tame were few in number. They were the vast, we were the few. [...] Information for the modern cannot be gleaned from the primitive...⁴⁶

In this monologue, *The Naturalist* relegates Molly, Charlene, and Veronica, who he, as Dr. Lutzky, renames Mona, Chona, and Verona, to the time of the primitive – literally to a separate world from the one in which he and those included in his “we” exist. This temporal severing of the past primitive world from the present and future modern world maps an ontology of primitiveness, a stuck-in-time-ness, onto the three other characters. This markedly Hegelian

⁴⁵ Not only is it *not* linear, and thus *non-linear*, but it is directly opposed to linearity itself, thus *anti-linear*.

⁴⁶ *Ibid.*, 29.

conjunction of people without history is followed up with classic “White Man’s Burden”-style rhetoric – “The wilderness was vast and we who came to teach, enlighten, and tame were few in number” – in order to establish a colonial epistemology through which the present hierarchical order of power is justified. Insofar as *The Naturalist* is the gatekeeper of knowledge and what becomes understood to be true, and insofar as his double Dr. Lutzky’s chemical assault on Mona, Chona, and Verona does not register as a violation punishable by law – as is made evident when the cops are called and do not come and Verona exclaims “Cops dont care. This is uh outrage” – *The Naturalist*/Dr. Lutzky embodies the law against which Parks is writing her play. In the essays “Possession” and “Elements of Style,” Parks argues that history is not simply a matter of fact, but rather is a result of selective remembering and dismembering, of archiving and erasing, in order to tell what becomes the Standard story along a Standard Time Line. In breaking up the time line in her play, Parks is breaking up the Standard Time Line and intervening in the ordering episteme of Western modernity as it has been structured by slavery and colonization. In staging the excessive present, a temporality which resists the ordering grammar – the rules, the law – of the Standard Time Line, Parks re-vises the past as present to stage a possible world beyond the reach of the law imposed by the grammar of linear time. This is a stage on which ghosts might dance.

The temporality of *Imperceptible Mutabilities* further exceeds linearity when considering the characters’ speech across parts, not only the juxtapositions of speech within the limits of Part 1. Most notable are the phrases which repeat across parts throughout the play, taking on meaning as they move through the bodies of the actors. Such repetition is an integral technique in Parks’s toolkit, as she explains in “Elements of Style.” For Parks, the structure of repetition and revision

“creates a drama of accumulation.”⁴⁷ This is because when a reader encounters a sentence or a phrase or a scene again after an initial iteration, that repetition in the text appears to the reader as a signifier which has gathered multiple signified meanings to it, resulting in each latter repetition carrying with it the meanings that previous iterations have already established. Repetition as a literary strategy is thus inseparable from accumulation. Parks asks, “What does it mean for a character to say the same word twice? 3 times? Over and over and over and oh-vah?”⁴⁸ And what, *Imperceptible Mutabilities* seems to be asking, does it mean for different characters to repeat the same words and phrases, twice, or three times, with different emphases and speeds, over and over and over or overandoverandohvuh?

In the fourth line of the play, Molly asks, “What should I do Chona should I jump should I jump or what?”⁴⁹ At this initial hearing, it is not apparent what Molly could mean in asking if she should jump. The line is quickly bypassed as Charlene asks Molly if she would like eggs before Molly shifts into recounting how she lost her job after being thrown out of a grammar class for being unable to pass the teacher’s tests (she is literally expelled because of a refusal to follow the rules of grammar).

MOLLY: They—expelled—me.

CHARLENE: Straight up?

MOLLY: Straight up. “Talk right or youre outta here! I couldnt. I walked. Nope.

“Speak correctly or you’ll be dismissed!” Yeah. Yeah. Nope. Nope. Job sends me

there. Basic skills. Now Job don’t want me no more. Closely-behind-at-Marys-

heels. HHH. Everythin in its place.⁵⁰

⁴⁷ Parks, “Elements of Style,” 9.

⁴⁸ Ibid., 8.

⁴⁹ Parks, *Imperceptible Mutabilities*, 25.

⁵⁰ Ibid., 25-26.

On its own, this exchange makes plain the material effects of enforcing standard English and refusing to recognize non-standard forms of expression or knowledge as Molly loses her job over her inability to pronounce words “correctly” and use standard – so often called “proper” – grammar. Insofar as grammar denotes rules, we can interpret the expendability of Molly in the face of a law into which she cannot fit. But it accumulates more resonance when audiences hear the phrase “Should I jump or what?” again in Part 2: Third Kingdom.

“Third Kingdom” stages the trans-Atlantic journey of four enslaved figures, Kin-seer, Shark-seer, Us-seer, and Soul-seer, under the eye of Over-seer, who appears to be in charge of the ship. During the part, the five characters discuss how “thuh world had cleaved intuh 2,”⁵¹ leaving two cliffs on either side of the world, the second of which being further divided in two, and an enormous gap in between the cliffs. Over-seer tries to summarize the discussion: “Half the world had fallen away making 2 worlds and a sea between. Those two worlds inscribe the Third Kingdom.”⁵² Then of course Shark-seer revises this account: “Black folks with no clothes. [Audiences and readers will recall this phrase from the first part as a way of referring to the African continent.] Then all the black folks clothed in smiling. In betwen thuh folks is uh distance thats uh wet space. 2 worlds: Third Kingdom.” But during this conversation Over-seer interjects the threat of being jettisoned from the ship multiple times, first in response to a story Kin-seer tells about waving across the ocean at himself and then in response to Soul-seer affirming that he will respond to a wave with a wave and a blown kiss with blowing kisses. “Quiet, you,” Over-seer says this second time, “or you’ll be jettisoned!”⁵³ So it is within these

⁵¹ Ibid., 37.

⁵² Ibid., 39.

⁵³ Ibid., 40.

conversations and among these threats, on this ship that is not a ship, in the Third Kingdom that is the Middle Passage, that Kin-seer asks, “Should I jump? Shouldijumporwhat?”

And in that moment, the audience hears again Molly’s speech from the first act, now with the desperately quicker, perhaps even breathless, delivery of a character who has experienced his sense of self being torn in two (as expressed in Kin-seer’s vision of him waving at himself and the third Self in between) giving the phrase a suicidal note. Mapping back onto the opening moments of the play – or mapping forward, since time works in multiple directions at once in the sense that Part 1 comes before Part 2 in the order that the audience experiences them but Part 2 precedes Part 1 in linear historical setting, making it a task of equivocation to claim which iteration of “Should I jump” comes *first* – audience members may question whether Molly was contemplating suicide herself. This possibility re-sounds in the sound of eggs cracking into a frying pan, bursting open like a body “splatsplatslpat[ing]” on the ground after falling from a high-rise apartment building, or splashing against the surface of the sea upon leaping overboard a ship. Additionally, her story about school gains a new inflection as Third Kingdom is gathered into Molly and Charlene’s home via the language of the play, since, as Parks writes elsewhere, “Because words are so old they hold.”⁵⁴ The event of the Middle Passage gathers to the event of Molly’s breakfast and produces resonances between her teacher’s expelling of her from the class and Over-seer’s threat to jettison slaves from his ship. This throwing out of bodies rendered exterminable by the law becomes the common condition of Molly and Kin-seer and Soul-seer. Molly is not literally in the hold of the ship, but she attends school and eats breakfast and looks for jobs to pay bills in its wake. She thus bears the mark of fungibility targeted by the word “jettison” and its always imminent enactment, even as her very insistence against grammar cuts

⁵⁴ Parks, “Elements of Style,” 11.

the thread between “the hold” and “the wake” such that, as Sharpe observes, “To be in the wake is also to recognize the ways that we are constituted through and by continued vulnerability to overwhelming force though not *only* known to ourselves and each other *by* that force.”⁵⁵

But Third Kingdom gathers in multiple directions throughout the play as a whole. Not only does “should I jump” bring the Middle passage to the time of Molly, Charlene, and Veronica, but the “wavin” that Kin-seer does reverberates into Part 4: Greeks (or The Slugs). Part 4 tells the story of Sergeant Smith and his family – his wife Mrs. Smith and their daughters Buffy, Muffy, and Dufy Smith. Sergeant Smith is constantly away from his family, only seeing them rarely because of his military duties, which the audience comes to learn boil down to keeping a rock clean. He is obsessed with earning a “distinction” from the officers above him, and finally does when he is either wounded by a mine or killed as he breaks the fall of a soldier thrown from the air. There is much more to say about this particular part of the play and how it situates *Imperceptible Mutabilities* in discussions of military violence and political efficacy, and there are numerous details – such as the slippage between defining a mine as a thing that remembers versus one that dismembers or Sergeant Smith’s positing that an overlap is a gap in the wake of the Third Kingdom being a gap – which could offer further evidence of the play’s anti-linear temporality staging the excessive present, but the most salient detail for my current line of inquiry comes in section C. While presumably writing a letter to his family, Sergeant Smith says, “Next time your mother takes you to visit the ocean, Buffeena, look very far out over the water and give me a wave. I will waaaave back! [...] Next time your mother takes you to visit the ocean, Buffeena, throw me a kiss and I will throooooow one back!”⁵⁶

⁵⁵ Sharpe, *In the Wake*, 16.

⁵⁶ Parks, *Imperceptible Mutabilities*, 61.

These instructions from father to daughter are weighed down by Third Kingdom and its reprise. In the first iteration of Third Kingdom:

KIN-SEER: My uther me then waved back at me and then I was happy. But my uther me whuduhnnt waving at me. Mu uther me was waving at my Self. My uther me was waving at uh black black speck in thuh middle of thuh sea where years uhgoh from uh boat I had been – UUH! [Parks defines this “UUH!” sound as “Deep quick breath. Usually denotes drowning or breathlessness” in “Elements of Style.”⁵⁷]

OVER-SEER: Jettisoned.

SHARK-SEER: Jettisoned?

KIN-SEER: Jettisoned.

US-SEER: Uh-huhn.

SOUL-SEER: To-the-middle-of-the-bottom-of-the-big-black-sea.

KIN-SEER: And then my Self came up between us. Rose up out of thuh water and standin on them waves my Self was standin. And I was wavin wavin wavin and my Me was wavin and wavin and my Self that rose between us went back down in-to-the-sea.⁵⁸

In the wake of this waving in witness to the tearing apart of selfhood by the violence of the Middle passage, audiences are left questioning the efficacy of Sergeant Smith’s command to his daughter, especially after he returns home to meet uncertainty about his own identity in his now blind wife and one child who is convinced her father does not know her name. This attempt at cross-generational recognition is interrupted by the way in which the actor’s words and

⁵⁷ Parks, “Elements of Style,” 17.

⁵⁸ Parks, *Imperceptible Mutabilities*, 38-39.

embodied gestures gather to their moment the event of the Middle Passage represented in previous iterations of those words and gestures. As repetition and revision gather moments together, then, the “event” of the Middle Passage ceases to begin or end, since through this gathering across anti-linear temporalities swirling in the play’s stage time, the event exceeds itself and its own ending. The Middle Passage is both event and nonevent, since immanent to its very event-ness is the capacity to gather and be gathered which renders its singularity already dispersed, even as the historicity of singularities remains imperative to any analysis that seeks to understand how Molly, Kin-Seer, and Sergeant Smith can all be marked by fungibility yet while only Kin-seer is legally enslaved. Ultimately, the Middle Passage emerges out of *Imperceptible Mutabilities* as an unceasing reverberation.

Exceeding the Hold: Against Determinism, Towards Potentiality

What is inadequate to blackness is already given ontologies. The lived experienced of blackness is, among other things, a constant demand for an ontology of disorder, an ontology of dehiscence, a para-ontology whose comportment will have been (toward) the ontic or existential field of things and events. That ontology will have had to have operated as a general critique of calculation even as it gathers diaspora as an open set—or as an openness disruptive of the very idea of set—of accumulative and unaccumulable differences, differings, departures without origin, leavings that continually defy the natal occasion in general even as they constantly bespeak the previous.

–Fred Moten⁵⁹

Because this first chapter has focused on only one dimension of the excessive present – the persistence of the past in the present, at the expense of deferring another – the subsistence of the future in the present – to the next chapter, it risks being read as a reduction of the present to nothing but a contemporary moment predetermined by and unable to escape from trauma which

⁵⁹ Moten, Fred. “The Case of Blackness.” *Criticism* 50.2 (2008): 187.

refuses to recede. That is, while focusing on the excessive events of slavery or the Middle Passage can highlight these moments of profound wounding as the defining aspects of modernity, it is my hope that the excessive present can resist circumscribing present conditions within a totalizing ontology of slavery which precludes possibilities for what Fred Moten might call para-ontological fugitivity. A number of scholars critique work in black studies that posits a collapse of past and present for approaching this kind of totalizing entrapment of blackness within an inescapable hold of slavery, but because of my emphasis on the Middle Passage in my close-reading of *Imperceptible Mutabilities*, I want to engage with one particular scholar, Michelle M. Wright, and what she calls, following Annette Henry, “the Middle Passage epistemology” before closing my chapter.

In *Physics of Blackness: Beyond the Middle Passage Epistemology*, Wright takes to task what she sees as the dominant paradigm of black studies – a Middle Passage epistemology which privileges Atlantic slavery as the thing which inaugurates blackness on the world stage before proceeding to model a linear progress narrative from slavery through emancipation and civil rights movements to the post-civil rights era. She defines it as such: “[Middle Passage epistemology’s] central historical events, arranged on a linear timeline, move from slavery to rebellions to civil disobedience and some form of social, political, or even economic gains in the present moment, in which reactive racist state, corporate, or even military interests seek to deprive Blacks in the West of what few sociopolitical and economic gains they have secured.”⁶⁰ This paradigm is a problem, according to Wright, for a number of reasons. First, it imposes a linear progress narrative which strips black people of agency insofar as blackness remains only ever a reaction to the actor that is whiteness.⁶¹ Second, “given the vast proliferation of Black

⁶⁰ Wright, 43.

⁶¹ *Ibid*, 47, 147.

identities in the United States alone (differing by gender and sexual identification, national origin, religious affiliation, etc.), one cannot hope to encompass all of them with a linear timeline.”⁶² And third, it tends to privilege the experience of African Americans in analyses of global, diasporic blackness.

My own movement at the beginning of this chapter from an American text to a British painting in order to think about a slave ship risks this third problem of Middle Passage epistemology – and indeed, throughout *The Excessive Present of Abolition*, I will return to this British slave ship filled with Africans by way of following African American texts to African diasporic ones. And yet I believe the excessive present as a frame for thinking about ethics and temporality is not simply another iteration of Middle Passage epistemology. First of all, the excessive present is far closer to Wright’s invocation of “epiphenomenal time,” according to which “the present and future are not discrete moments but rather are conflated into the one moment that is the now,”⁶³ than it is to a linear progress narrative. In my account, the Middle Passage is not an original moment of blackness from which a linear progression springs, but rather it is an event which exceeds itself and in that very excess refuses being mapped onto any linearity in the first place. Indeed, the excessive present refuses any and all linearity in its insistence against endings and periodization and any of the ordering grammar of the Standard Time Line.

Secondly, blackness emerges in my project as something closer to what Edouard Glissant would recognize as a relational identity – when it emerges as an identity at all – rather than a static or solid one. Like Glissant, I take the Middle Passage and Slavery to be key frames for understanding blackness. *Poetics of Relation* begins, after all, with the open boat and the trans-

⁶² Ibid., 44.

⁶³ Ibid., 41.

Atlantic voyage of the Middle Passage: “The torment of those who never escaped it: straight from the belly of the slave ship into the violet belly of the ocean depths they went.⁶⁴ But their ordeal did not die [...] The populations that then formed, despite having forgotten the chasm, despite being unable to imagine the passion of those who foundered there, nonetheless wove this sail (a veil).”⁶⁵ From this opening section, *Poetics of Relation* theorizes identity across space and time in such a way as to resist the common Western impulse towards universalization in favor of attending to particularities of time and location. But at the same time, Glissant theorizes particularities as always caught up in relation to each other and therefore unable to be isolated on their own. “No specific history (joy or tragedy, extortion or liberation) is shut up solely in its own territory nor solely in the logic of its collective thought [...] and yet [...] we must not imagine totality as we earlier suggested nor simply approach Relation through a displacement of thought [...] Neither action nor place are generalizable.”⁶⁶ This does not mean identifying across the diaspora is taken-for-granted:

And, whatever the value of the explanations or the publicity Alex Haley afforded us with *Roots*, we have a strong sense that the overly certain affiliation invoked there does not really suit the vivid genius of our countries. Memory in our works is not a calendar memory [...] it is aggravated by the void, the final sentence of the Plantation; our generations are caught up within an extended family in which our root stocks have diffused and everyone had two names...⁶⁷

Relation is not an easy, universal definition of identity where anyone whose ancestors experienced the terror of the Middle Passage is folded into an undifferentiated totality. Rather,

⁶⁴ [They were jettisoned! {From the *Zong?*}]

⁶⁵ Edouard Glissant, *Poetics of Relation* (Ann Arbor, MI: The University of Michigan Press, 1997): 7.

⁶⁶ Glissant, 196.

⁶⁷ *Ibid.*, 72.

memory of the void travels across time and space, forming in particular places and inhering within particular identities that are not reducible to each other.

No wonder there is so much uncertainty at the end of *Imperceptible Mutabilities* as to whether Sergeant Smith and his daughter will recognize each other as they wave and throw kisses across the water. Parks's play rejects an essentialized blackness even as it posits a never-ending Middle Passage. Part 3: Open House makes clear the dangers of static identity as well as the historical impossibility of it. Open House tells the story of Aretha, a formerly enslaved woman living in the years after the passage of the Thirteenth Amendment working as a domestic servant for the Saxon family, which is made up of twins Anglor and Blanca (the obvious whiteness of the names becomes important) and their parents Charles and Miss Faith. The audience also learns that Mrs. Aretha Saxon had a husband who was also named Charles, though he is now dead.

In section E of Open House, the cruel former master Charles announces his investment in static identity to Aretha:

CHARLES: [...] Memory is a very important thing, don't you know. It keeps us in line. [The Standard Time Line!] It reminds us of who we are, memory. Without it we could be running around here with no identities. You would not know that you're my---help, you'd just be a regular street alley heathen. I would not remember myself to be master. There would be chaos, chaos it would be without a knowledge from whence we came. [...] Chaos without correct records.⁶⁸

For Charles, it is essential that he and Aretha remember their places on the Standard Time Line so that he remain in the position of master and she in the position of ~~slave/rape-victim~~ help.

⁶⁸ Parks, *Imperceptible Mutabilities*, 48.

Static identity in this instance would not only render an erasure of the multiplicity of black experiences, as Wright charges, but it would also enact a static master-slave relationship between white and black people after slavery's legal demise. It would sustain the law of slavery via the ordering grammar of linear time. But, as Aretha's experiences show, and as Parks's play as a whole asserts, while the Middle Passage marks blackness in a particular way that makes discernable identity a question rather than a certainty – a matter of relation between two selves to a third self in between, a third self that is positioned in the spot where a jettisoned slave drowned in the ocean, the very abyss which begins Glissant's *Poetics* – it does not divide blackness from whiteness in an easy to map binary. Instead, Aretha's lifetime of intimate service to the Saxon family – “I raised uh family once. I raised uh boy. I raised uh girl. I trained em I bathed em. I bathed uh baby once. Bathed two babies”⁶⁹ – not only testifies to the severing of kinship between black mothers and their children, but also to the interruption of white kinship enacted by slavery (these two interruptions are unequivocally not equal in their violence and this comparison entertains no such fantasy that they are). In the final section of the part, Charles exclaims to Aretha, “I didn't rock their cradles.”⁷⁰ Aretha did. And given the quotidian rape of enslaved women by white masters, it is entirely possible that Anglor and Blanca are Aretha's biological son and daughter. Open House reveals what Christina Sharpe calls the “monstrous intimacies” of slavery. To borrow the language of the final sentence of Sharpe's book bearing that title, just as Sharpe “read[s] [Kara] Walker's positioning of her big black mammy, her ‘anonymous root,’ as the mother, the ‘mythic source’ of all U.S./American post-slavery subjects,” I, too, read Aretha in this way.⁷¹ Positing the Middle Passage as a defining event of the modern world need not,

⁶⁹ Ibid., 50.

⁷⁰ Ibid., 53.

⁷¹ Christina Sharpe, *Monstrous Intimacies: Making Post-Slavery Subjects* (Durham, NC: Duke University Press, 2013): 187.

then, result in a linear progress narrative or the packaging of static, exclusive identities. Instead, the Middle Passage reverberates through the particularities of the excessive present which cannot be reduced to each other but also which cannot be thought in isolation.

Throughout this chapter, readers have heard reverberations of the sounds of drowning, gasping, and splashing muted by the loud, bold colors of Turner's romantic maritime painting. These are the sounds of bodies being thrown overboard slave ships like the *Zong*, a throwing that D'Aguiar insists persists in even the most land-locked communities. Rankine's scenes of deadly encounters between armed white men and imagined-to-be-suspicious black men trace the continuity from Parks's Over-Seer to the police officer who shot Mark Duggan, to the officers who beat Rodney King, to the slavecatchers trying and failing to capture Glen, Melinda, and Cato at the end of Brown's *The Escape*. Glen, Melinda, and Cato refigure Molly and Kin-Seer's question, "Should I jump?" from a suicidal impulse to a fugitive, emancipatory leap for freedom – a jump *into* a boat, and a question uttered with the very breath being expelled in the painful, bodily gasps of Parks's written "UHHH!" That gasp or gulp for air as water fills the lungs of the enslaved and their overseer alike signals the turn to the belly of the ocean depths Glissant imagines, and in which the bodies of 132 enslaved Africans found their final resting place in the winter of 1781. Like Sam breaking the rules of the stage to directly address the audience at the end of Hopkins's play, these literary and theoretical texts move outside the ordering rules of grammar, since blackness necessitates an anti-grammar that goes against the law, against the grain of the Time Line. This is the beginning of what the excessive present opens to thought. To assert that the past persists in the present is to make an ethical claim that justice requires moving against the law. The second chapter will listen again to these sounds of drowning, of air being

squeezed out of lungs, to ask how life might be breathed back. The past persists in the excessive present. Now, what of the future?

Chapter 2

Breathing Unbreathable Air: The Here and Now of an Ethics Before Law

I've been thinking about what it takes, in the midst of the singularity, the virulent antiblackness everywhere and always remotivated, to keep breath in the Black body. [...] In the weather of the wake, one cannot trust, support, or condone the state's application of something called justice, but one can only hold one's breath for so long.

-Christina Sharpe¹

To say we must be free of air, while admitting to knowing no other source of breath, is what I have tried to do here.

-Frank B. Wilderson III²

Utopia is not prescriptive; it renders potential blueprints of a world not quite here, a horizon of possibility, not a fixed schema. It is productive to think about utopia as flux, a temporal disorganization, as a moment when the here and the now is transcended by a then and a there that could be and indeed should be.

-José Esteban Muñoz³

The excessive present of slavery is characterized by an excessive presence of slavery. That is, when periodized time is rejected slavery cannot be contained in an “other” temporality, and so it appears everywhere at every turn, threatening to overshadow the fact that, as Christina Sharpe reminds readers, “to be in the wake is also to recognize the ways that we are constituted through and by continued vulnerability to overwhelming force though not *only* known to ourselves and each other *by* that force.”⁴ In this chapter I will linger with Sharpe as I think the difficulty of Frank Wilderson’s demand to reject the air without rejecting breathing in order to put pressure on what I see as the limit of what is otherwise fruitful theorizing in Wilderson’s work: namely, the reduction of black being to the ontology of the capital-S Slave. For Sharpe,

¹ Sharpe, Christina. *In the Wake: On Blackness and Being* (Duke University Press, 2016): 109-111.

² Wilderson, Frank. *Red, White, & In Color: Cinema and the Structure of U.S. Antagonisms* (Duke University Press, 2010): 338.

³ Muñoz, José. *Cruising Utopia: The Then and There of Queer Futurity* (New York, NY: NYU Press, 2009): 97.

⁴ Sharpe, 16.

black being is always in and through the wake, and thus is always structured by the gratuitous violence of slavery and its continuously unfolding afterlives, but black being is not itself *determined by or reducible to* the status of the Slave. With Sharpe's ethic of wake work in mind, in this chapter I extend my thinking on temporality to ask how the future-sustaining capacities of breath might be thought in the wake of a past that is not past.

If the title of this chapter alludes to, among other things, Sharpe and Wilderson's meditations on air, the subtitle is a direct reference to José Muñoz's *Cruising Utopia: The Then and There of Queer Futurity*. Throughout this chapter I think with, against, and alongside Muñoz's theorizing of queer futurity as I take seriously the critical power of hope alongside the intellectual force of pessimism. I share Muñoz's sense that "[The present] is impoverished and toxic for queers and other people who do not feel the privilege of majoritarian belonging, normative tastes, and 'rational' expectations," but I disagree with his conclusion that "The present is not enough."⁵ For me, the historically contingent, immediate moment in which we find ourselves is indeed toxic for queers, people of color, disabled people, and many other people "who do not feel the privilege of majoritarian belonging," but the present exceeds these unarguably unacceptable material conditions and structures of domination. The excessive present is a rethinking of the concept of the present that is not impoverished in the way Muñoz describes the here and now throughout *Cruising Utopia*. To be clear, Muñoz's book is incredibly influential on my thinking and I believe we ultimately share a political project, but where I differ from him is instead of turning to a horizon in a then and there that is yet to be reached, the "flux" and "temporal disorganization" I offer is a here and now that contains within itself the

⁵ Muñoz, 27.

possibility, not just the potentiality, of an/other world.⁶ (Indeed, this is what I had in mind in chapter one when I argued that reading William Wells Brown’s *The Escape* and Pauline Hopkins’s *Peculiar Sam* as coterminous reveals that the possibility for revolutionary violence is present both before and after the Civil War.)

My divergence from Muñoz is neither a matter of minor semantics – replacing “then and there” with “here and now” – nor is it a stark and irreconcilable gap. Rather, it is a divergence that is always troubled by his riffing on Ernst Bloch’s critique of the present, a critique which serves as the worrying line throughout this chapter:

Bloch found solid grounds for a critique of a totalizing and naturalizing idea of the present in his concept of the no-longer-conscious. [...] This temporal calculus performed and utilized the past and the future as armaments to combat the devastating logic of the world of the here and now, a notion of nothing existing outside the sphere of the current moment, a version of reality that naturalizes cultural logics such as capitalism and heteronormativity. Concomitantly, Bloch also sharpens our critical imagination with his emphasis on hope. An antiutopian might understand himself as being critical in rejecting hope, but in the rush to denounce it, he would be missing the point that hope is spawned of a critical investment in utopia, which is nothing like naïve but, instead, profoundly resistant to the stultifying temporal logic of a broken-down present.⁷

⁶ Muñoz on Agamben on Aristotle on the distinction between possibility and potentiality: “Possibilities exist, or more nearly, they exist within a logical real, the possible, which is within the present and is linked to presence. Potentialities are different in that although they are present, they do not exist in present things. Thus, potentialities have a temporality that is not in the present but, more nearly, in the horizon, which we can understand as futurity” (99).

⁷ *Ibid.*, 12.

There is tremendous risk in positing the excessive present as a singular temporality through which to think the (incomplete) Event of Slavery of constructing an episteme which *naturalizes* structures of domination and experiences of suffering, *essentializes* identities, and *locks* blackness within a narrow range of political and aesthetic possibilities. This “stultifying temporal logic of a broken-down present” is the excessive presence of slavery in which it seems that for any black story to be told in mainstream U.S. media, or at least for it to garner any widespread recognition and financial support from the most lucrative and powerful cultural agencies, it must be a story of suffering and/or slavery. This is the excessive presence of slavery that exhausts some critics who are rightfully tired of feeling like the only stories of blackness that are ever circulated in mainstream U.S. culture are stories of abjection. This is the excessive presence of slavery which feels at times to cloud out recognition that actual black people exceed the terms of suffering. This is the excessive presence of slavery which some scholars argue has too tight of a grip on work in black studies. This is the excessive presence of slavery found in my project’s insistence on thinking the continuities of slavery which exceed legal emancipation.

But I would say also, that the excessive present attends directly to what makes slavery’s presence so excessive – the ethical recognition that *slavery should not seep into all of these places*. The breathless exhaustion of seeing slavery at every turn is the inscribing of the possibility for ethics in the here and now moment of exhaustion. And so it is with these critiques of the present that I offered my formulation of a single temporality in chapter one, and it is without ever letting go of these critiques that I continue to think the excessive present as an open, dynamic temporality which cannot be reduced to stasis and, even as it recognizes the ongoing unfolding of slavery’s wake, which never forgets the historical contingency of the world as it is. I read Wilderson’s diagnosis, “The imaginary of the state and civil society is parasitic on the

Middle Passage. Put another way, No slave, no world,” and I agree emphatically; I only add the word “this” before “world.”⁸ It could have been otherwise, but antiblackness is the weather in which we live. And yet, “the wake of slavery” is “an ongoing present of subjection *and* resistance,”⁹ and while the weather has not been and is not otherwise, it has within it the possibility of being otherwise. Justice, ethics, and, perhaps, utopia are, for me, not in a then and there yet to come; they are right here in the here and now. The excessive present of slavery is also the excessive present of abolition, wherein we remember that abolition is not a moment, but a movement.

Thus it is with Wilderson’s pessimism, Muñoz’s hope, and Sharpe’s insistence on simultaneity that in this chapter I look to two literary texts, one from the beginning of the twentieth century written by a queer African American woman about the horror of raising black children in the shadow of lynching, and one from the turn of the twentieth to the twenty-first century written by a Guyanaese-born black British man about J.M.W. Turner’s painting *The Slave Ship*, which thus makes its second appearance in my project, returning my analysis to the *Zong* massacre. I read these texts in reverse chronological order, turning first to David Dabydeen’s 1995 poem¹⁰ “Turner” and then to Angelina Weld Grimke’s 1916 play *Rachel*.

This pairing may not seem obvious at first glance. What draws me to these two texts in conjunction for this chapter is the way in which each one asks seemingly unanswerable questions about birthing and mothering black children explicitly in the wake of deaths by suffocation or strangulation. They ask how to nourish a newly breathing body in the face of breath destroyed by drowning or hanging. In so asking, I believe these texts queer futurity beyond reproductivity

⁸ Wilderson, 11.

⁹ Sharpe, 116, my emphasis.

¹⁰ “Turner” was first published in 1995, and then printed as the title poem of Dabydeen’s 2002 collection *Turner*. My citations of the poem all come from the 2002 print.

On July 17, 2014, Eric Garner was killed by NYPD officer Daniel Pantaleo. Officer Pantaleo used an illegal chokehold on Garner, who was unarmed, ending his life as he stated 11 times that he could not breathe. The entire murder was captured on video that has been widely circulated, and the NYPD itself acknowledged the illegality of the chokehold, but in December 2014 a grand jury decided not to indict Pantaleo. What seemed like straightforward evidence of an excessive and improper use of lethal force – a video of a police officer escalating a situation in which no-body was using force even approaching the threshold of lethal to the level of using lethal force on a citizen under no more than the suspicion of selling loose cigarettes – failed to register as cause for bringing the law’s arm of punishment to bear on Garner’s killer. This failure to register speaks to the underlying racist structure of U.S. law which frames how objects of evidence can or cannot enter legal discourse in order to shape resulting policy and decisions. In an article in *Duke Law Journal* on the 1978 land claim case *Mashpee Tribe v. Town of Mashpee*, Gerald Torres and Kathryn Milun comment on the problem facing legal claims which cross cultural terrain:

Yet the difficulty facing the Mashpee in this case is *not just that they cannot find the proper ‘language’ with which to tell their story* or capture the essence of the examples which would prove their claims. The problem with *conflicting systems of meaning* is that there is a history and social practice reflected and contained within the language chosen. To require a particular way of telling a story not only strips away nuances of meaning, but also elevates a particular version of events to a noncontingent status. More than that, however, *when particular versions of events are rendered unintelligible*, the corresponding counterexamples those

versions represent lose their legitimacy; they come unglued from both the cultural structure that grounds them and the legal structure that would validate them.¹¹

Torres and Milun's analysis here is both grounded in the particularity of the Mashpee Indian Case and the problem of literal linguistic translation and is reaching towards a theoretical claim about the functions of evidence and law: namely, that because law is a system of interpretation with its own preexisting structures of reading, when new evidence crosses the threshold of interpretation before the law (as embodied by lawyers, judges, police officers, etc.) that new evidence will be interpreted according to those preexisting structures, which in some cases may render the new evidence unintelligible according to the law's terms.

In the case of the video of Pantaleo killing Garner, when that video enters into the realm of discourse structured by the law and its preexisting archives of precedent, it fails to become legible as evidence of either murder or manslaughter not because of a literal failure to translate languages or a gap on the level of culture. Rather, it fails to become legible on the level of structure because of what Wilderson names as the antagonistic relationship between blackness and the Human since, as scholarship by Jared Sexton in particular makes clear, law is the purview of the Human. Or, in Guitar's words in Toni Morrison's novel *Song of Solomon*, "Ain't no law for the colored man except the one sends him to the chair."¹² This comment in reference to Emmett Till's murder is not an ignorant pronouncement of anger; it is a recognition of the "permanence of racism" in the subtitle to Derrick Bell's seminal 1992 book *Faces at the Bottom of the Well*. Black people are not outside the law's protection because of *cultural* difference, but because of the *structural position* blackness occupies in relation to law. Namely, blackness, and

¹¹ Gerald Torres and Kathryn Milun. "Translating 'Yonnonido' by Precedent and Evidence: The Mashpee Indian Case." *Critical Race Theory: The Critical Writings that Formed the Movement*. Eds. Kimberle Crenshaw, Neil Gotanda, Gary Peller, Kendall Thomas. (New York, NY: The New Press, 1995): 178, my emphasis.

¹² Morrison, Toni. *Song of Solomon* (New York, NY: Vintage Books, 1977): 82.

black people's bodies in particular, occupy the ground on which the signpost of the law is raised; blackness is the object of what Jacques Derrida calls "the force of law" in the U.S. With Hartman's argument that the policing power of white people during slavery translates into the police powers consolidated after emancipation in the final chapter of *Scenes of Subjection* in mind, and with Bryan Wagner's analysis in *Disturbing the Peace: Black Culture and the Police Power After Slavery* also underpinning my thinking with Bell and other legal critical race theorists, I assert that the video of Garner's death failed to act as evidence for an indictment not simply because individual members of the Richmond County Grand Jury were racist, but because the structural position from which the video "testified" could not be recognized as a legitimate position from which to charge that an agent of the state and its monopoly on violence had committed unjustified murder. That position from which the video gives its evidence is the position still structured by *Dred Scott v Sanford* – a position of unrecognizability before the law – even after the Fourteenth Amendment. Because the law depends upon its enactment of violence against black bodies for its continued sustenance, if it were to recognize Garner's death as unjustified it would thereby recognize its own "founding violence" as illegitimate, thus jeopardizing its own "mythical foundations of authority."¹³ Therefore, the video fails to translate not across a gap in language or culture, but across a structural antagonism. The law's preexisting structures of reading prohibit the video from registering as evidence of murder.¹⁴

¹³ The language in quotations here is drawn from Derrida's reading of Walter Benjamin in "Force of Law."

¹⁴ I recognize there are claims about the structural racism of U.S. law in this paragraph which remain unsubstantiated here. However, I am leaning on the work of numerous scholars who have come before me and presented convincing arguments that anti-black racism is not just a contingent part of the *content* of U.S. law, but it is rather built into the structure. As an expressly political move, I am consciously choosing to not prove this point again in my work, but I take it as a given so that rather than spending time arguing that the law is structurally racist, I can think the implications for this statement.

If we listen to Garner's final words to the police, we can hear the accumulation that Rankine illustrates through Serena Williams in *Citizen*. Garner was protesting his treatment in that moment, but he was also speaking to multiple nows – “every time you see me,” “I’m tired of it,” “every time you see me,” “I told you the last time.” In addition to registering the unjust treatment to which he is subjected in the singularity of the moment, Garner also registers the non-singularity of the moment and signals his refusal to be handcuffed (by moving his hands away) as a refusal of a continuously unfolding event of attempted capture.

This continuously unfolding event is what I saw when I first watched the video of Pantaleo killing Garner. I could not help myself from seeing the police officers as slave patrollers enforcing the 1850 Fugitive Slave Law, capturing Garner's body simply because he was black and therefore not a legal citizen. As I have stressed repeatedly, such resonance does not erase the fact that Eric Garner *indeed was* a legal citizen with a full set of human and civil rights which makes him *clearly distinct* from self-emancipated fugitives in the nineteenth century, and yet when his death goes into the legal archive as a legal killing this distinction becomes less sharp. Like the murder trial that never happened for the 132 enslaved Africans thrown overboard the *Zong*, Pantaleo's non-indictment means that Garner's death is recorded forever in the legal archive as justified. It *should not* be the case that this observation could be made. It *should* be unthinkable that Eric Garner's arrest bears resonance with slave patrollers' capture of the self-emancipated or that Pantaleo's non-indictment bears resonance with the non-question of murder in *Gregson v Gilbert*. Slavery's presence in this present is excessive.

This presence – this resonance that should not be a resonance – was picked up on by filmmaker Spike Lee in the days after Garner's death. After seeing the video of Garner being killed, Lee spliced together the video with the iconic scene from his 1989 film *Do the Right*

Thing in which the character Radio Raheem is killed by a police officer's chokehold. We can of course read the video simply as Lee jumping into a conversation to note his own foresight and poignancy, but I want to view the video without elevating Lee's personal intention as the object of analysis. Instead, I want to think with the unbearable exhausting presence of slavery making itself felt in Lee's short project.

Garner's death and Raheem's death progress simultaneously through the fifty-nine second video. As the gaze positioned by the camera in *Do the Right Thing* shifts the focus around Raheem from his agonized face to his throat straining to breathe, viewers are forced to consider a human face in the moments when the NYPD officers obscure Garner's face with their bodies and the concrete ground. Garner's cries of "I can't breathe" are also signified by Raheem's strained throat muscles, and Raheem's inability to voice his own proximity to death is (re)sounded in Garner's articulation. Perhaps the most striking image that the viewer confronts is at forty-three seconds when the camera in *Do the Right Thing* focuses on Raheem's spasming, dangling feet.

In Lee's original film alone, the dangling feet call on the memory of black bodies hanging in the air by ropes around their necks. By extension, Raheem's dangling feet also position the police violence against Raheem as resonant with the mob violence of lynchings, suggesting a continuity not only between the fates of black people in the U.S. from the eras before and after Jim Crow but also suggesting a continuity in the functions and forms of anti-black violence from the domestic terrorism of lynch mobs to the policing of black communities by agents of the state. The film suggests, then, that Raheem's death is the result of what Dora Apel calls a "modern legalized lynching."¹⁵ In Lee's spliced video of Garner and Raheem, this moment of Raheem's dangling feet is followed by his collapsing body and then Garner's

¹⁵ Apel, Dora. "Hands Up, Don't Shoot': Surrendering to Liberal Illusions." *Theory & Event* 17.3 (2014): supplement.

collapsed and unmoving body, putting in motion a falling to the ground embodied by both Raheem and Garner that recalls the limp black body cut down from the tree or lamppost following a lynching. Lee's video thus produces an aesthetic contemporaneity made up of an archive of images that demonstrate the violence re-membered by "embodied black experience" as theorized by Harvey Young.¹⁶ This aesthetic contemporaneity evidences the extralegal resonances of the killing of Eric Garner covered up by the official garb of the police officers enacting the killing, thus forcing legal violence, or the rightful violence of the law, to occupy the same space as extralegal violence, or the very epitome of what the law is supposed to protect against. In short, in suturing together the fictional with the real and making forms of violence across different legal periods of U.S. history contemporaneous with each other, Lee's Garner-Raheem video exposes the imbrication of legal and extralegal violence in U.S. law. The video reveals the very contradiction that the law cannot bear to witness, which is why it must therefore fail to recognize the scene of subjection in the video of Garner's death as a scene of murder.

In a way, this is not to say much that is new. Those who study nineteenth-century American history, the history of prisons and police forces, and critical race theory's repositioning of American legal histories have traced the ways in which, to quote Angela Davis in a November 2014 interview with *The Guardian*, "There is an unbroken line of police violence in the United States that takes us all the way back to the days of slavery, the aftermath of slavery, the development of the Ku Klux Klan."¹⁷ It is the idea of an *unbroken* line that is perhaps so disturbing in Davis's diagnosis and which makes Lee's Garner-Raheem video's resonances across time and space from 2014 to 1989 to pre-1964 so arresting to witness. In fact, if we follow

¹⁶ See Young's book, *Embodying Black Experience: Stillness, Critical Memory, and the Black Body*.

¹⁷ Jefferies, Stuart. Interview with Angela Davis. *The Guardian*: Sept 14, 2014.

<https://www.theguardian.com/global/2014/dec/14/angela-davis-there-is-an-unbroken-line-of-police-violence-in-the-us-that-takes-us-all-the-way-back-to-the-days-of-slavery>

the resonance of the imagery of Raheem's feet dangling torturously close to the ground with the iconic frame in Steve McQueen's 2013 film *12 Years a Slave*, a twenty-first century representation of a nineteenth-century slave narrative, in which Solomon Northrup is shown to be strung up to a tree only reaching the ground with the tips of his toes, Lee's video stretches across the law's periodizing line separating slavery from post-slavery. Of course, it *matters* that as a legal fact, slavery is *not* the same as post-slavery, that Northrup's dangling feet are not the same as Raheem's, that Northrup's difficulty breathing is *not* the same as Raheem's or Garner's inability to breathe. But at the same time, in the moment captured on video, Eric Garner can't breathe.

And that is the point. Even though Garner is not enslaved and in fact lives during a time when slavery is illegal, when one witnesses the video of him being killed one is transfixed by the haunting resonance of the image of slave patrol officers detaining "fugitives." And this is not merely an observation about aesthetics, because the end of the video is the real death of Eric Garner. It is this observation that leads Sufiya Abdur-Rahman to write in an essay titled "400 Years a Slave: The Enduring Pain of Police Brutality and Unequal Justice" that "Hearing that these white officers would not be held accountable for the black lives they took woke me up to the reality that, for blacks, our lives are not our own. Somewhere along the way—Emancipation, Reconstruction, the Civil Rights Movement, perhaps—we fell into the delusion that they were. But now, it's become quite clear that this country grants us no more right to live freely than when we were slaves."¹⁸

¹⁸ Abdur-Rahman, Sufiya. "400 years a Slave: The Enduring Pain of Police Brutality and Unequal Justice." *Queen Mob's Teahouse*. Dec 17, 2014. <http://queenmobs.com/2014/12/400-years-slave-enduring-pain-police-brutality-unequal-justice/>

Davis's attention to "an unbroken line" and Abdur-Rahman's comparison of the post-Civil Rights subject to the enslaved subject demonstrate how the two distinctions undergirding law – the periodizing distinction between past and present and the inside/outside distinction between the legal and the extralegal – are interdependent. Colin Dayan writes in *The Law is a White Dog* about how law enacts transformations of beings from non-persons into persons, and vice-versa. One can look into the archive of the law and see these points when history is periodized according to moments when certain biological humans are made political persons, and in these moments of legal-ontological transformation, the past must be severed from the present. But when Garner is subjected to a violence that refuses the distinction between legal and extralegal violence, he is also subjected to being treated *as if he were* enslaved, as if, to quote Hartman, his body was "subject to the master's will in all things." In Rankine's words about Rodney King, "before it happened, it had happened and happened."¹⁹ And as Sharpe observes when writing about Eric Garner, "I am reading/hearing echoes of Margaret Garner in all of this."²⁰ Eric/Margaret Garner is subject to capture by the law, even after ostensible emancipation, and so the video of Eric Garner's death is a video of the continuous event of capture to which black people are subjected by the law. To be denied the protection of the law against unjustified violence is to be denied a personhood that was ostensibly granted in 1865. But if Garner can still be treated as if his ontology has not changed – if Wilderson is right in claiming that the political ontology of blackness is that of the Slave – then the archive of the law is at best imaginary and at worst a deadly lie.

Throughout the rest of this chapter, I write my analyses of poetry and performance with Eric Garner's words still sounding in my ears. The cutting off of breath is the cutting off of

¹⁹ Rankine, 116.

²⁰ Sharpe, 110.

futurity. In the wake of Eric's murder, however, his daughter Erica took up the task of fighting the racist system that killed her father. While the Garner family was awarded a financial settlement with the city of New York, Erica was steadfast in her radical activism to hold the NYPD accountable for its racism, pushing for a federal civil rights investigation of her father's death while refusing to have her father's memory incorporated into mainstream liberal politics.

Erica Garner died on December 30, 2017 after suffering a heart attack. She was a daughter and a mother as well as an activist, and she is survived by two children who she raised and nurtured while doing her tireless work for justice. She wrote of one meeting with U.S.

Department of Justice officials:

I wasn't enthused at all. They kept talking in circles, and not answering questions, until my son, who I was carrying in my arms at the time, told me that he would rather eat lunch than waste any more time watching our conversation go nowhere. It's frustrating, because while we waited to hear something new, what we got was the same old 'be patient' speech and vague comments like 'we are working as hard as we can to ensure justice.' But as the federal government is deciding if they are going to bring charges against my dad's killers, I have been working furiously to get justice somehow somehow on my own.²¹

Erica's attention to mothering is not separate from her attention to activism. Her infant is with her in the room while she is seeking justice for her dead father. It is not to romanticize Erica or to transform her into a superhuman savior figure to observe that quite literally in this moment, this quiet space of a procedural meeting with a team of investigators, she is simultaneously working to extend the life of her child, to nourish his body so that he may breathe into the future, and

²¹ Garner, Erica. Untitled essay. "Exclusive: Blavity Publishes Erica Garner's Final Essay on Her Relentless Fight for Justice." *Blavity.com*. Jan 25, 2018.

working to pull the future into the present by pushing investigators to stop making vague promises of justice to come. Erica Garner was demanding justice now, and her daily living practices enacted a futurity in her here and now precisely because she found the notion of a then and there posited by the legal system to be so unacceptable as a horizon for justice. The last words of her posthumously-published final essay on the still incomplete federal civil rights investigation are, “Now it’s been three years later, and we’re still waiting on justice.” In her father’s words, “this [waiting] stops today.”

Erica Garner has joined her father, also too soon, in death. Her daughter, Alyssa, and her son, also named Eric, survive, now motherless. Her family shared these words on the morning of her death: “When you report this you remember she was human: mother, daughter, sister, aunt. Her heart was bigger than the world. It really really was. She cared when most people wouldn’t have. She was good. She only pursued right, no matter what. No one gave her justice.”²²

No amount of writing can give the Garners justice. This chapter’s insistence on the presence of futurity is not a utopic imagining of salvation, redemption, or the deliverance of justice for the dead. It is merely an attempt to articulate the possibilities which exceed law’s excessive violence.

“The child cannot bear the future”: Sexual-Racial Violence and Impossible Mothering in David Dabydeen’s “Turner”

The final line of Dabydeen’s 1995 poem “Turner” is two words: “No mother.”²³ This ending has been read variously as a failure to recuperate the past of slavery or pessimism about wresting a future out of slavery’s past. This line certainly does have those resonances, but I believe there is more there by the end of the poem than the absence or absent presence of

²² https://twitter.com/es_snipes/status/947115409550999558

²³ David Dabydeen, “Turner.” *Turner* (Leeds, England: Peepal tree Press, 2002): 42.

mothers. The poem both posits the mother figure as one of the conditions of possibility of futurity and suggests that the figure of the mother is cut and queered by race in a way which cuts and queers futurity. In this short section, then, I will read Dabydeen's poem as a poetic articulation of an excessive present containing possibilities for futurity which are born out of the very past that seeks to deny their existence.

In his preface, Dabydeen positions his poem as a response to Turner's painting as well as John Ruskin's (in)famous review in *Modern Painters*. Dabydeen is drawn to what Turner's painting and Ruskin's writing obscure; not only is he writing from the position of one of the figures in *Slave Ship* – a drowning enslaved African – but he is also responding to the rhetorical violence of Ruskin's essay: “[The painting's] subject, the shackling and drowning of Africans, was relegated to a brief footnote in Ruskin's essay. The footnote reads like an afterthought, something tossed overboard.”²⁴ It is thus into the sea, to the sunken place of the drowned, that Dabydeen goes to poeticize his meditation on slavery and its afterlife, a meditation not explicitly referring to but, by way of lineage, haunted by the historical event of the *Zong* Massacre which partially inspired Turner's painting. The 132 human beings Luke Collingwood ordered jettisoned from the *Zong*, the obscured figure plunged into the sea by Turner's painting, the history of slavery that Ruskin buries in a footnote: Dabydeen wrests poetry from what Ian Baucom calls “this repeating moment in the history of trans-Atlantic slavery, this moment of drowning, and drowning, and drowning.”²⁵ In the response he pens, Dabydeen is ardent in his conviction that he is no savior, diving into the sea of history to save the lives of the drowned. “Neither [the poem's speaker nor the stillborn child he yearns to mother] can escape Turner's representation of them

²⁴ Ibid., 7.

²⁵ Baucom, Ian. *Specters of the Atlantic: Finance Capital, Slavery, and the Philosophy of History* (Durham, NC: Duke University Press, 2005): 330.

as exotic and sublime victims. Neither can describe themselves anew but are indelibly stained by Turner's language and imagery."²⁶ The poem is neither mourning nor melancholia, as Stef Craps argues, but rather "the text's refusal of an affirmative and redemptive ending can also be interpreted as a gesture of deference to, or sign of sympathy with, the hauntological."²⁷ Remembering that hauntology is as much about the justice to be done as it is about the catastrophe that has already occurred and does not cease occurring, Dabydeen's poem, I argue, articulates futurity as a queer temporality running through the afterlife of slavery, and it does so through the tropes of mothers/mothering and kinship, as well as the figure of the stillborn child.

"Turner" is a narrative poem focalized through a single speaker – the submerged enslaved African in the foreground of *Slave Ship*. Dabydeen specifies that it is the African's "submerged head" that is the focus, underlining the doubly synecdochical way in which slavery appears in the painting: while in the *Zong* massacre, the historical antecedent to the painting, over one hundred enslaved people were thrown overboard, and while millions of people were taken from the African continent, only a few bodies float in Turner's sea, and none of them appears as a full body, but each is only visible as parts. Turner thus performs a kind of dismembering of the figure of the slave that Dabydeen seeks to re-member through his own figurative language. In the poem's narrative, the drowned speaker awakens in the sea to the sight of a stillborn child floating through the water towards it/him (Dabydeen at first calls the speaker "it" but later shifts to "him"). He recalls some of his life onboard a slave ship as a young boy being sexually abused and eventually thrown overboard by a captain he calls Turner. He also names the stillborn child, who awakens as well to call him "nigger," Turner, and as he

²⁶ Dabydeen, 8.

²⁷ Stef Craps, "Learning to Live with Ghosts: Postcolonial Haunting and Mid-Mourning in David Dabydeen's 'Turner' and Fred D'Aguiar's *Feeding the Ghosts*." *Callaloo* 33.2 (2010): 471.

contemplates the child and his own desire to mother it, he partially remembers and partially invents memories of his life before his capture.

Dabydeen's preface positions the poem's speaker as a first ungendered – "When *it* awakens *it* can only partially recall the sources of its life..." – and then male – "*His* real desire is to begin anew in the sea" – subject. This unnamed, drowned African has had its/his lungs emptied of air and filled with water, but not only that. "Although the sea has transformed him – bleached him of color and complicated his sense of gender – he still recognizes himself as 'nigger'."²⁸ So when he awakens, he recognizes his subjectivity as marked by the political ontology of blackness packed into the racist epithet, but also recognizes that as he is marked by the violence of that word he is also a differently-gendered subject. Without performing a critical close-reading of black feminist or queer theory, then, Dabydeen offers an account of the black subject in the Middle Passage who is, as Hortense Spillers and Saidiya Hartman recount, expunged from normative categories of gender through the very violence that marks them as black, since that racial marking jettisons them from the category of the Human, and thus from the attendant capacities of capital-H Humans, such as being a "man" or "woman."²⁹ This un/gendering of the speaker does not deny the ways in which gender and sex are weaponized by

²⁸ Dabydeen, 7, my italics.

²⁹ See Spillers, "Interstices: A Small Drama of Words" and "Mama's Baby, Papa's Maybe: An American Grammar Book" in *Black, White, and In Color* as well as Hartman, "Seduction and the Ruses of Power" in *Scenes of Subjection*. Of course, Spillers and Hartman are not simply making the same exact arguments in their different texts, and they are far from the only theorists who have written on the problematic of black gender. I cite them because they are most foundational for my own thinking, and because they both, in my reading, grapple with the question of how to understand gender in the context of a history of slavery that bars black subjects from gender categories while also inflicting explicitly sexual violence against black subjects and using sexual exploitation as tools of domination which affect differently sex-ed bodies differently. Spillers and Hartman challenge their readers to set aside comfortable conclusions about race and gender, and instead offer the confusion of co-constitutivity as a site for thought.

enslavers under white supremacy, as the speaker repeatedly recounts sexual violence and the weaponization of gender in the service of white supremacy.³⁰

In section XII of the poem, the speaker's stream of consciousness moves from the stillborn child floating towards him to the voice of his mother panicking after he hurt himself diving into a shallow pond to being herded and traded by Turner. "He checks that we are parceled/In equal lots, men divided from women,/chained in fours and children subtracted/From mothers. When all things tally/He snaps the book shut, his creased mouth/Unfolding a smile, as when, entering/His cabin, mind heavy with care, breeding and multiplying percentages, he beholds/A boy disheveled on his bed."³¹ The mathematical precision in these lines registers the calculated balance of material and discursive violence happening in the scenes: parceling enslaved people in equal lots, dividing men from women, being held captive in equal groups of a square number, children being subtracted from mothers to perhaps become remainders (are children not the remainder of the phrase "men, women, and children" when "men [are] divided from women"?), the tallying of human persons as "goods" in a log book, and the multiplication of percentages of profit all illustrate the systemic, pervasive reach of slavery. This pervasive reach is grounded in the details of the violent blending of white supremacy and heteronormativity, of racial violence and sexual violence. The process of enslavement uses binary sex categories to fracture familial relations, breaking up kinship networks and introducing natal alienation to the imagination of the black subject as ontological Slave. Like Spillers in "Mama's Baby, Papa's Maybe," Dabydeen asserts in his poem the centuries of history which

³⁰ See Aliyyah Abdur-Rahman, "The Strangest Freaks of Despotism': Queer Sexuality in Antebellum African American Slave Narratives." *African American Review* 40.2 (2006): 223-237. Abdur-Rahman's article lucidly delineates the ways in which sexual violence and racial domination are co-constitutive under slavery. She writes, "While racial slavery allowed for the full exploitation of black bodies in slavery in whatever gendered capacity, it simultaneously – and paradoxically – disallowed distinction in gender among black people" (230).

³¹ Dabydeen, 23.

predate Daniel Patrick Moynihan's railing against the failure of black people to form or sustain traditional family units in his 1965 report, *The Negro Family*. The racist violence of slavery intentionally (and unintentionally) tore black people from their biological families, and the sexual violence of slavery multiplied percentages of profits through rape as a weapon of domination. In the words of Aliyyah Abdur-Rahman, "Sexual practices on the slave plantation [and the slave ship, Dabydeen's poem adds] and, specifically sexual violence [...] established whiteness as the requisite racial category for heteronormative qualification even before slavery's end."³² Because Dabydeen chooses to gender his initially ungendered speaker as male and then focalizes the scenes on board the ship through this speaker's personal experiences, the poem winds up communicating scenes of rape against boys "disheveled on [Turner's] bed" rather than the raping of enslaved girls or women. "Turner" thus solemnly and sometimes viscerally highlights what Abdur-Rahman, riffing on Abdul JanMohamed, describes as a "collective 'raped' subjectivity."³³

Coming near the end of the poem, section XXIV of "Turner" is a disturbingly graphic account of child rape without using literal description. Rather, Dabydeen's figurative language portrays the rape as a discursive act, one in which the young boys' language is disfigured by the imposition of Turner's words: "Each night/Aboard ship he gave selflessly the nipple/Of his tongue until we learnt to say profitably/In his own language, *we desire you, we love/You, we forgive you*/He whispered eloquently/Into our ears even as we wriggled beneath him,/Breathless with pain, wanting to remove his hook/Implanted in our flesh."³⁴ Dabydeen's text both refuses and cannot refuse representing the bodily harm of rape. Coercion and the obliteration of consent

³² Abdur-Rahman, 226.

³³ *Ibid.*, 231.

³⁴ Dabydeen, 40.

are present throughout these lines in the words Dabydeen italicizes which the children are made to repeat back to the captain after he whispers them into their ears from on top of them. The phallic imagery of the “hook/Implanted in our flesh” is only exacerbated by the explicit non-consent compounded by the inability of refusal. In her insightful analysis of “Turner,” Veronica Austen reads this section of the poem through the lens of consumption and nourishment to contrast it with the speaker’s childhood memories of a man he calls Manu.³⁵

There are two mother figures introduced in the speaker’s memory of his childhood on the continent of Africa: his unnamed (presumably) biological mother and a man named Manu who plays the role of teacher and village elder in his community. The woman mothering the speaker is portrayed as his nourisher and protector; she cares for him when he has a fever (18), panics but remains steadfast in caring for him when he hurts himself playing (22), screams out for him when he is separated from her by Turner (14), protects him from the heat of the sun while gathering crops in the field (26), catches him when he falls before he actually hits the ground (23), and is represented throughout the poem as a disappeared or disappearing figure (22, 23, 26). Through her presence, the poem establishes *nourishment*, or the practice of keeping the child’s body healthy and satisfied, as the future-oriented practice of mothering. It is through this framing that Manu emerges as a mother-figure. As teacher, it is Manu’s job to synthesize and distill generational wisdom for the children of his community, teaching them how to live fully. In section XX, his teaching is most obviously represented as nourishment:

[...] The first word
 Shot from his mouth, he stretched out his lizard’s
 Tongue after it, retrieved it instantly
 On the curled tip, closed his mouth, chewed. When he
 Grinded the word into bits he began his tale,
 One grain at a time fed to our lips

³⁵ Veronica J. Austen, “Self-Consumption and Compromised Rebirth in Dabydeen’s ‘Turner.’” *The Cambridge Journal of Postcolonial Literary Inquiry* 3.2 (2016): 227-239.

Endlessly, the sack of his mouth bulging
 With wheat, until we grew sluggish and tame
 With overeating, and fell asleep, his life-
 Long tale to be continued in dreams.³⁶

These lines display Manu as a mother bird pre-masticating a meal for her/his babies. For the children of his community, Manu's stories are nourishment for the body and the mind, and he is careful to share them only through careful consideration of how the children can most readily handle them. There is a power difference between mother-figure and child-figure here, but that difference is an occasion for compassion rather than domination. As Austen writes, "Through storytelling, Manu is shown to be nourishing the future generations, thus enabling the persistence of cultural practices and histories."³⁷ These two figures, one male and one female, thus orient the poem's understanding of motherhood towards futurity, where to mother is to nourish children into the future, regardless of one's ability to physically birth a child in the first place.

It is in this context that Turner (the ship captain) is figured as a kind of perverse (anti-)mother in the poem. The phrase, "[Turner] gave selflessly the nipple/Of his tongue" contrasts sharply with the safety of the speaker's mother's bosom and the care with which Manu feeds him stories of wisdom. While the speaker's mother and Manu provide nourishment for the future, Turner delivers malnourishment and violence – indeed the guarantee of the speaker having "no future" at all, as a child jettisoned from the floating ship of the Human. Turner's figuration through (mal)nourishment not only un-genders but also de-romanticizes motherhood, then, by offering a disturbing mother-figure who makes free use of phallic sexual violence in the service of racial domination. Abigail Ward reads section XXIV's use of the word "shuddering" as the verb to describe Turner's utterance of words he demands the boys repeat as indicative of his

³⁶ Dabydeen, 34.

³⁷ Austen, 234.

body's ejaculation as much as his mind's.³⁸ Austen focuses on the final word of the section, "Endlessly" and its repetition: "Not only do Turner's words 'flow endlessly,' but the words fill the children endlessly; they cannot escape this unwanted ingestion, an ingestion that leaves no room for other forms of nourishment."³⁹ The poem as a whole thus viscerally rejects a utopian vision of mothering as guarantor of the future, since it is through his perverse performances of pseudo-mothering that Turner wounds black kinship.

Along this route, the poem also offers a different register of the verb "to queer." In my engagement with queer theory, I understand the noun queer to refer to both (1) individual people whose gender and sexual identities are outside of heteronormative expectations of masculinity, femininity, and heterosexuality, and (2) those who are politically positioned against normativity in all of its oppressive forms.⁴⁰ In terms of a concrete example, in the next section of this chapter I will turn to a play by Angelina Weld Grimke. Now, Grimke was herself by many counts, including her own diaries, a lesbian, and that aspect of her identity matters deeply. At the same time, her play, *Rachel*, offers a resistance to heteronormative political structures which is not reducible to its author's sexual identity. Grimke is queer, and her play itself is queer, and these two instantiations of queerness are not exactly the same. In terms of my discussion in this section of the current chapter, Dabydeen is not queer in the sense that Grimke is; that is, his sexuality is not, by public accounts, outside of heteronormative expectations (unless of course blackness is always already queer because of the historical argument in which "Turner" is engaged and which

³⁸ Abigail Ward, "'Words Are All I Have Left of My Eyes': Blinded by the Past in J.M.W. Turner's *Slavers Throwing Overboard the Dead and Dying* and David Dabydeen's 'Turner,'" *Journal of Commonwealth Literature* 42.1 (2007): 47-58.

³⁹ Austen, 235. In a footnote, Austen cites words to build a reading of section XXIV in which Turner figuratively "impregnates" the children, resulting in "an impregnation from which nothing productive will come" (236).

⁴⁰ In the latter sense, I follow E. Patrick Johnson: "To embrace 'queer' is to resist or elide categorization, to disavow binaries [...] and to proffer potentially productive modes of resistance against hegemonic structures of power." See Johnson, "Queer Theory," in *The Cambridge Companion to Performance Studies*, Ed. Tracy C. Davis (Cambridge, UK: Cambridge University Press, 2008): 166.

Spillers, Hartman, and Abdur-Rahman all engage). But “Turner” is, I would assert, a queer poem, regardless of the identity of its author, because it is invested in asserting non-normative models of kinship and un-gendering traditionally gendered modes of care and abuse. Similarly, I believe “Turner” offers multiple interpretations of “queer” as a verb. To queer something could mean to open up the interpretive possibilities to see whatever it is as functioning against the presupposed terms of normativity. So to say that “Turner” queers motherhood is to say that it offers mothers who are not women and shows readers “non-mother” characters performing mothering. To queer something can also mean to excise it from normativity through violence, though. One could say that slavery “queers” blackness by excising black subjects from normative gender. Like Abdur-Rahman points out in her argument about same-sex violence between white enslavers and enslaved black people, I am not positing “queer” as a *bad* state, or that freedom or abolition is somehow tied to “rescuing” blackness from the queerness to which it has been relegated. Quite the contrary, in fact: I believe that while white normativity has relegated blackness outside of itself to the realm of the queer, it is through queer practice that black futurity emerges.

The uneasy juxtaposition between the speaker’s two nurturing mother-figures and Turner himself makes clear that “Turner” is not only a poem about violence. It is also a poem about the possibilities seized within the context of violence. In section XXI, Manu has a glimpse of the future, and seeing the colonial violence about to be visited upon his people he tears away the necklace of beads he wears around his own neck and scatters them over the ground in front of the children.

The beads rolled from the thread, scattered like coloured
Marbles and we scrambled to gather them,
Each child clutching an accidental handful
Where before they hung in a sequence of hues

Around his neck, the pattern of which only he
 Knew – from his father and those before – to preserve.
 The jouti lay in different hands, in different
 Colours. We stared bleakly at them and looked
 To Manu for guidance, but he gave no instruction
 Except – and his voice gathered rage an unhappiness –
 That in the future time each must learn to live
 Beadless in a foreign land; or perish.
 Or each must learn to make new jouti,
 Arrange them by instinct, imagination, study
 And arbitrary choice into a pattern
 Pleasing to the self and to others
 Of the scattered tribe; or perish.⁴¹

In these lines readers see Manu struggle to balance the compassion of his normal method of feeding his pupils knowledge expressed in the bird-feeding analogy scene with the enormity of the violence he sees on the horizon. In an explosive gesture, he throws away a symbol of generational wisdom passed to him “from his father and those before him,” which causes the children to scramble to collect the beads before staring bleakly at Manu, craving explanation. The only nourishment the elder can offer is the knowledge that death approaches, and survival will depend upon learning to live differently, to make life anew in the wake of catastrophe, “or perish.” Tellingly, Manu does not offer a deterministic apocalypse. There will be death, yes, but there will be ways to make life in the space of death. I read the poem’s speaker’s desire to mother the stillborn child he encounters to be a form of figuratively “mak[ing] new jouti” through queer (in the double sense of being outside normative conceptions of gender and also resisting normative political formations, in this case by imagining non-reproductive futurity) kinship.

The first word of Dabydeen’s poem is “stillborn,” thus inaugurating the poetic narrative with the contradiction of being born dead. The speaker, who himself has apparently awakened

⁴¹ Dabydeen, 36.

from drowning to death, sees a dead infant floating in the sea towards him and feels a deep desire to form a bond with the child, anticipating “this longed-for gift of motherhood.”⁴² Section XI

elaborates:

It broke the waters and made the years
 Stir, not in faint murmurs but a whirlpool
 That sucks me under with lust for the smell
 Of earth and root and freshly burst fruit,
 My breasts a woman’s which I surrender
 To my child-mouth, feeding my own hurt
 For the taste of sugared milk, mantee seeds
 Crushed, my mother dipping them in sweet paste,
 Letting me lick her fingers afterwards.⁴³

These lines demonstrate a recurring trope in the poem, whereby the speaker shifts to remembering his own mother’s care whenever he considers the stillborn child before him. In this section, he describes how the very presence of the infant “made the years stir” in a “whirlpool,” and we see a literal swirling together of past, present, and future in his stream of consciousness. The prospect of (bringing to life and) nurturing the child before him – this present task of creating futurity – conjures his longing for the mother he himself has lost, and so he moves in a whirlpool where the loss caused by the violence of a past catastrophe refuses to remain in the past even as he refuses the prognosis of “no future” that is supposed to, by definition, be marked on a stillborn child by yearning to do the work of mothering. The whirlpool, in my reading, is a figure of the dynamic – and dangerous – excessive present. In this whirlpool, the speaker not only fails to maintain separation between past, present, and future, but his sense of gender begins to exceed normative binaries. He sees himself with “a woman’s” breasts, and he feeds “my child-mouth” – an ambiguous reference; is he feeding the mouth of his child, the stillborn infant he has claimed, or is he feeding his own mouth with his own breast? In either case, the act of nurturing,

⁴² Ibid., 9.

⁴³ Ibid., 21.

whether given to himself or the infant, engenders him “feeding [his] own hurt” by invoking the loss of his mother specifically through the memory of feeding. The section of the poem continues:

This creature kicks alive in my stomach
Such dreams of family, this thing which I cannot
Fathom, resembling a piece of ragged flesh,
Though human from the shape of its head,
Its half-formed eyes, seeming jaw and as yet
Sealed lips.⁴⁴

Though only barely recognizable as human, the speaker sees the child as kin, as potential fulfillment of “such dreams of family” which remain in the wake of his irrevocable loss. We can also read the double-meaning of the infant kicking in the speaker’s stomach as another reference to mothering, though this time to the experience of carrying a child in one’s body. We are left again to wonder about the gendering of this speaker who Dabydeen calls “it” and “he.” The possibility of trans* subjectivity haunts these passages. At the very least, these lines gesture towards the possibility of crafting queer kinship between indefinite, slippery, liminal subjects.

The final section of the poem wrestles with the im/possibility of futurity for such liminal subjects floating in the sea as living dead remainders of the trans-Atlantic slave trade. For the final time, the speaker recounts how the child has called him “nigger” as it floats away from him, leaving him to ponder his conjuration of memory and imagination. “I wanted to begin anew in the sea,” he recalls, “but the child would not bear the future nor its inventions.”⁴⁵ It seems as if the speaker’s pursuit of mothering is doomed. Austen observes, “The cyclical pursuit of nourishment whereby the speaker sees himself both as nourishing the baby and being nourished by it, ultimately speaks to the impossibility of their food chain [...] The baby’s existence is thus

⁴⁴ Ibid.

⁴⁵ Ibid., 41.

impossible.”⁴⁶ She concludes her reading of Dabydeen’s poem with the assertion, “The speaker can turn neither backward to the past nor forward to the future for comfort: he can neither have a mother, nor be a mother; neither achieve nourishment, nor offer it.”⁴⁷ How might we think the figure of the impossible child? The stillborn? What might be left for a speaker who can turn neither to the past nor to the future? Drawing on the poem’s own figure of the whirlpool in which past and future swirl together, I read the poem’s final words, “No mother,” not as a teleological *ending* of the narrative poetry, but as a point in the field of the poem’s temporality, a point which occurs appositionally with the speaker’s mother protecting him from tumbling off of her lap to the ground, and alongside Manu’s prophetic wisdom that in the future the children must learn to live beadless, or make new necklaces – new kinship networks – or else perish. History of course tells us that those thrown overboard slave ships like the *Zong* died. There is no saving them. The poem’s solemn final image makes that clear, and my insistence on the excessive present does not deny that. Rather, I want to look at the history of defeat painted with such vibrancy in Turner’s painting and interrogated with such wonder and pain in Dabydeen’s poem in order to mine the radical imaginations of freedom in excess of violence that can be traced to livable practices of enacting futurity in the present that is inseparable from the past catastrophe, this moment of drowning, and drowning, and drowning.

“Blessed are the barren”: Nonreproductive Futurity in Angelina Weld Grimke’s *Rachel*

“There is no protection, but there is difference.”

*-Toni Morrison*⁴⁸

The refiguring of mothering in “Turner” opens avenues for considering imaginations and practices of nonreproductive futurity within the weather of anti-blackness. Turning from a text

⁴⁶ Austen, 238.

⁴⁷ *Ibid.*, 239.

⁴⁸ Morrison, Toni. *A Mercy* (New York, NY: Vintage Books, 2008): 195.

which contemplates mothering in the afterlife of a drowned subject, I turn to a text which contemplates mothering in the shadow of lynching.

Written in 1916, Angelina Weld Grimke's play *Rachel* stands as the inauguration of Harlem Renaissance drama,⁴⁹ an origin point of anti-lynching drama,⁵⁰ and, I believe, a black queer theorization which pre-figures twenty-first century debates over queer futurity and afro-pessimism. More complex than merely a play that advocates "race suicide," as some contemporary reviewers charged, and more layered than an appeal to white women to forge cross-racial sympathy through the common experience of motherhood, as Grimke herself claimed, *Rachel* asks audiences to witness what Wilderson calls existence in the space of death and at the same time dares to gesture towards what Muñoz might call a "then and there" that instead exists in the here and now. Like the children who Manu charges with the task of building alternative methods of organizing sociality in "Turner," *Rachel* exceeds the bounds of blood kin in her cultivation of nurturing relationships with those both within and beyond her biological family. While being marked by a heavy-handed last name which she queers through these relationships which exceed heteronormativity, *Rachel* "insist[s] black being into the wake"⁵¹ of slavery's aftermath, though she does so without bearing any children of her own.

The beginning of the play sees its titular character, Rachel Loving, coming home late because she paused to play with a little black boy named Jimmy in the stairway of her family's apartment building. She declares to her mother that "if I believed that I should grow up and not

⁴⁹ See Soyica Diggs Colbert's chapter, "Drama in the Harlem Renaissance" in *The Cambridge Companion to African American Theater*, edited by Harvey Young (Cambridge, UK: 2012): 85-102.

⁵⁰ See Koritha Mitchell's *Living with Lynching: African American Lynching Plays, Performance, and Citizenship 1890-1930*.

⁵¹ Sharpe, *In the Wake*, 11.

be a mother, I'd pray to die now."⁵² The play goes to melodramatic lengths to establish that Rachel in these early moments of the first act is determined to become a mother to the point where it is an essentially defining trait of her character, not merely because she is a girl and girls grow up to be women who must be mothers in a crudely essentializing way – though gendered socialization can never be swept away – but rather because she bears a particular desire to perform care work for children. The desire takes on a racial inflection, since Rachel declares that she loves “little black and brown babies best of all” because they seem to need “protection,” though from what she does not know.⁵³ It is the notion of “protection” that the play most viciously destroys in its critique of the violence of white supremacy enacted through lynching and its aftereffects.

In the climactic moment of the first act, Mrs. Loving breaks her ten-year silence about the deaths of her husband and oldest son – Rachel and her brother Tom's father and step brother – and shares with her nearly adult children the story of how the two were lynched “by church members in good standing.”⁵⁴ Mr. Loving was the editor of a black newspaper and a respected member of his community; the audience can infer the proxy-middle-class status that the Loving family may have enjoyed through Mrs. Loving's recollections of her husband's standing in their town, ownership of a newspaper, and the family's place in their own house. After a lifetime of enduring racism, Mr. Loving published a condemnation of a lynch mob that killed an innocent black man and he received an anonymous letter threatening him if he did not retract his remarks. He of course would not do so, and one night a dozen masked men broke into the Lovings' house, dragged Mr. Loving and his seventeen-year-old son George out into the street, and hanged them.

⁵² Grimke, Angelina Weld. *Rachel* (Boston, MA: The Cornhill Company, 1920): 12. The play was originally written and produced in 1916. My references are to a 1920 publication of the text.

⁵³ *Ibid.*, 13.

⁵⁴ *Ibid.*, 23.

Importantly, then, lynching does not actually happen during the timeline of the play's action. Rather, it is the specter that haunts the action, the unspeakable thing unspoken by Mrs. Loving until she is forced to give utterance to the pain conjured up by seeing Jimmy, the little boy with whom Rachel was playing, since the boy looks so much like George in Mrs. Loving's eyes. Jimmy stands in as a substitute, calling forth the revenant of George who demands an articulation from his mother. At the end of act one, Rachel begins to grasp part of the responsibility called forth by the specter of lynching as Mrs. Loving recalls it. She declares, "everywhere throughout the South, there are hundreds of dark mothers who live in fear, terrible, suffocating fear, whose rest by night is broken, and whose joy by day in their babies on their hearts is three parts – pain [...] it would be more merciful – to strangle the little things at birth [...] So, this is what [motherhood] means."⁵⁵

The overwhelming threat of lynching – of lynching that can happen to any black person in any space, since the home is not a sanctuary, is indeed no protection against the lynch mob – marks this evaluation of motherhood as a raced consequence. Rachel has not declared anything about motherhood in the abstract, but has articulated a specifically black condition of the universalized and (hetero)normalized notion of motherhood that is produced by white supremacy. The condition under which black women like Rachel might become mothers is what Sharpe describes as "disfigure[d] black maternity" which "turn[s] the womb into a factory (producing blackness as abjection much like the slave ship's hold and the prison), and turning the birth canal into another domestic middle passage with black mothers, after the end of legal hypodescent, still ushering their children into her condition; her non-status, her non-being-ness."⁵⁶ Bringing a black child into the world as a black mother in the era of lynching is an act of

⁵⁵ Ibid., 28.

⁵⁶ Sharpe, 74.

bringing black being into the wake of slavery, insofar as lynching is one more fold in the continuous unfolding of slavery's afterlife. This is where the play seems to be doing more than Grimke might be intending, according to her written response to the race suicide charges. In an essay in a 1920 edition of *Competitor*, Grimke states that the play is primarily for white audiences and that rather than advocating race suicide to black people, it is attempting an appeal for cross-racial empathy.⁵⁷ This may be true, and still even so, the fact that the play ends with its protagonist swearing an oath not to bring black children into this world not merely as a personal preference, but as an ethical mandate, suggests that there might be something going on here beyond the familiar trope in African American literary studies of appealing to white people's imagined sympathies by passing black characters through the universal category of the Human via ostensibly non-racialized sets of experiences.⁵⁸

It might be important to understand *why* black reviewers might take such offense to the suggestion to discontinue the race at *Rachel's* conclusion. Such a suggestion seems to indicate that black people ought to meet the force of white supremacy by turning away from its demands, by turning away from futurity itself in a way that does not sound unlike Lee Edelman's argument in *No Future: Queer Theory and the Death Drive*. In his now widely-cited book, Edelman argues that because "the Child has come to embody for us the telos of the social order and come to be seen as the one for whom that order is held in perpetual trust," the ultimate act of resistance is to refuse the terms of heteronormative society and turn away from futurity itself, to "insist that the future stop here."⁵⁹ In a certain theoretical and abstract sense, this sounds persuasive as an

⁵⁷ Grimke, Angelina Weld. "Rachel, the Play of the Month: The Reason and Synopsis by The Author." *Competitor* 1 (Jan 1920): 51-52.

⁵⁸ For a more nuanced rendering of this thread of argument, see Imani Perry's essay "Occupying the Universal, Embodying the Subject: African American Literary Jurisprudence" in *Law and Literature* 17.1 (Spring 2005): 97-129. The essay is influential on my thinking through the conjunction of law and literature.

⁵⁹ Edelman, Lee. *No Future: Queer Theory and the Death Drive* (Durham, NC: Duke University Press, 2004): 11.

ultimate act against the oppressive politics of heteronormativity, but the more one listens, the more one hears questions come up, like which children get to be figured by Edelman's capital-C Child, and who is the "us" who decide upon the telos of the social order? Indeed, to advocate to black people that they ought to embrace a sense of "no future" requires an erasure of the fact that normative society does not in fact bend itself towards black children's futures at all. So when some black audience members witnessed the end of *Rachel* and heard that call to refuse reproductive futurity, it is understandable why they were perhaps not as excited about the prospect of foreclosing futures as Edelman might be. Like Edelman's argument, this critique of anti-futurity or anti-relationality has also become familiar, and Muñoz makes it early in his chapter on LeRoi Jones's play *The Toilet*, when he writes, "In the same way all queers are not the stealth-universal-white-gay-man invoked in queer anti-relational formulation, all children are not the privileged white babies to whom contemporary society caters."⁶⁰ Clearly. One need only utter the name Tamir Rice or Aiyana Stanley-Jones or think of the video of a police officer in South Carolina grabbing a teenage girl out of her desk and throwing her across a classroom to see this. Or in the case of *Rachel*, one need only look to the minor character Ethel, who has been traumatized by racism to the point where she will only trust and communicate with her own parents, much to Rachel's dismay.

Rachel meets Ethel in the second act of the play, which as a whole serves to demonstrate to Rachel the futility of believing she can protect black children from racism; or in Sharpe's terms, that she can shield them from the weather; or in my terms, that she can shield them from the excessive presence of slavery. Ethel's mother Mrs. Lane comes to Rachel's door to inquire about the local school since she is looking for a new place for her daughter. Rachel learns from

⁶⁰ Muñoz, 94.

Mrs. Lane that the teacher and other students at Ethel's last school tormented her over merely a few days to the point that when Rachel offers the little girl an apple she does not thank Rachel until her mother coaxes her. Following this episode with Ethel and her mother, Rachel learns her adopted son Jimmy has been verbally and physically attacked at his school, though he says that being pelted by rocks hurts far less than being called a "nigger."⁶¹ This act ends with Rachel throwing to the floor a bunch of rosebuds that her suiter (the equally heavy-handedly named) John Strong has sent her. The dramatic moment resonates with her own adopted son's observation that it would be kinder to kill the rosebuds immediately than let them wither and die a slow, agonizing death. The obvious and yet still shocking metaphor represented in the rosebuds is voiced by Rachel: "no child of mine shall ever lie upon my breast [...] if I kill, You Mighty God, I kill at once – I do not torture."⁶²

In the third and final act of the play, Rachel puts her moral decision into practice. John Strong proposes to marry her and for the two of them to live together in a home that he has purchased and been furnishing for them. Rachel refuses Strong's proposal on the grounds that she cannot bring herself to bear black children into the world, and if she were to marry and live with him, there would inevitably, within the context of the scripts for a heterosexual marriage in the early decades of the twentieth century, arise the moment when she would be expected to take up the task of childbearing. Within the context of white supremacy, though, to take up that task is to engage in unethical practice, since bringing black children into an anti-black world is, according to Rachel's logic, to initiate a determined path of suffering. Rachel negotiates the question of parenting in the wake of her own father's extralegal murder by upstanding white citizens and, like Dabydeen's speaker looking for a way to grasp life while still in the sea in

⁶¹ Grimke, 61.

⁶² *Ibid.*, 63.

which he drowned, Rachel seeks ways of living squarely within this condition, rather than outside of it.

I should pause here to note that when teaching this play, I resist discussing Grimke's autobiography until after students have read and discussed the full text, because I do not want Rachel's refusal of John's proposal to be reduced to nothing other than an autobiographical instantiation of Grimke's own queer desire to not be part of an opposite-sex coupling. But while for this present study I want to focus on the queer work that the play performs in excess of its author's queer sexuality, it would also be dishonest to not consider Grimke's own queerness. In her diary entries, many of which are reprinted in the volume of *The Schomburg Library of Nineteenth-Century Black Women Writers* dedicated to *Selected Works of Angelina Weld Grimke*, Grimke expresses her suppressed desire for romantic relationships with women, often in conjunction with the strain this desire puts on her relationship with her father. "My father and I have been having a hard to-night over you, dear. I guess he is right and I shall try to give you up," she writes in a July 18, 1903 diary entry which suggests the "dear" is a "fair girl" named Helen Brooks.⁶³ Her diaries also contain a number of unpublished love poems, such as "Caprichosa," written to a woman love-object.⁶⁴ I present this not simply to "prove" Grimke's queerness, but to consider the possibility that in writing a protagonist who refuses heterosexual marriage and child-bearing, Grimke was able to articulate a subtext of her lived practice of non-coupling and non-child bearing. By most accounts, Grimke's lesbian desires may have remained unfulfilled in her embodied day-to-day life, but the body of her texts remains decisively queer. While we may not be able to imagine Angelina Weld Grimke as happily fulfilled in a publicly

⁶³ Carolivia Herron, "Introduction" in *Selected Works of Angelina Weld Grimke*, Ed. Herron as part of the series *The Schomburg Library of Nineteenth-Century Black Women Writers* (New York, NY: Oxford University Press, 1991): 3-22 (397-98).

⁶⁴ *Ibid.*, 93.

visible, coupled relationship, the standard account of her as a woman strictly unable to realize her desires may be complicated by attention to the discursive elements of sexuality. The page is *not* the body, and yet it is a site of expression, and thus, a potential site of resistance.

Throughout the play, Rachel speaks about how she talks to her as-yet-unborn children in her sleep or in her imagination, and in the final moments of the play she declares to them, “Never – never – to be. But you are somewhere – and wherever you are you are mine! You are mine! All of you! Every bit of you! Even God can’t take you away! [...] You may be happy now – you are safe.”⁶⁵ In a play that makes painfully clear that class distinction – homeownership itself – offers no protection for black people from white supremacy, to the point where reproduction within heterosexual marriage is cast as a contextually unethical practice, refusing heteronormative motherhood emerges as the most powerful mode of resistance to white supremacy. Rachel refuses to play according to the scripts of white heteronormativity because she realizes that the rules of the game are skewed against her, and so she (not so) simply refuses to play.

But in refusing to play the game, Rachel does not refuse futurity itself, and the play does not, in fact, advocate race suicide, but not only for the reasons Grimke herself articulated in 1920. I want to follow James Bliss, whose essay “Hope Against Hope: Queer Negativity, Black Feminist Theorizing, and Reproduction Without Futurity” synthesizes queer theory, black feminism, and afro-pessimism into frames that help illuminate Grimke’s play, and suggest that “rather than argue, following the anti-antiutopians, that ‘others’ cannot ‘afford’ to give up on hope for the future, we might argue instead that Edelman does not account for those models of reproduction that are not future-oriented, the children who do not register as such, and the

⁶⁵ Grimke, 96.

‘families’ that are not granted the security of nuclear bonds.”⁶⁶ In other words, Edelman cannot imagine the futurity wrested out of no future. When we orient ourselves as critics towards thinking these non-normative familial bonds as sites of what Bliss calls “non-reproductive futurity,” which of course requires we take seriously natal alienation and social death, we are able to consider *Rachel* as a play which queerly resists white supremacy by attempting the impossible task Wilderson gestures towards of rejecting the air without knowing what else there is to breath.

There are two points which Bliss articulates in his essay that I want to bring to bear on *Rachel*. The first is that, “There are many ways of accessing and inhabiting the future, and the problem is not that young Black queers have *no* access to the future but that the future is, itself, structured by an antiblackness that shapes access to future(s) for *all* subjects.”⁶⁷ I should quickly say that this emphasis on “all” subjects is absolutely not the facile universal, *we all suffer equally because of racism*, platitude, but rather the point made by Wilderson, Hartman, Spillers, Jared Sexton, Lindon Barrett, and others that in what we (who?) think we know as Western modernity, the world, on both a symbolic or discursive and a material level, is predicated on the violent subjugation of black peoples, and the ostensibly universal category of the capital-H Human is made possible by the genocidally violent exclusion of black human bodies from its purview. Again, No Slave, No World. Again, Eric Garner was killed, but he was not murdered. Again, the 132 enslaved people were thrown overboard the *Zong*, but *Gregson v Gilbert* was not a murder trial.

⁶⁶ Bliss, James. “Hope Against Hope: Queer Negativity, Black Feminist Theorizing, and Reproduction Without Futurity.” *Mosaic* 48.1 (March 2015): 86.

⁶⁷ *Ibid.*, 95.

The Loving family knows all of this too well, since not only is Ma Loving's oldest son George killed by lynching, but her younger children, who are not, at least in the timeline of the play's plot, killed, live in a world which refuses to grant them full humanity. This is made clear both by way of how Tom and Rachel's schoolmates treat them – Reynolds calls Tom a nigger so Tom gives him a black eye and Mary Shaw no longer spends time with Rachel or even acknowledges Tom in public because she has become friends with white girls from the South – and in the ways in which their attempts at finding work in their fields – Tom in electrical engineering and Rachel in domestic science – are thwarted by racism.⁶⁸ And Tom puts this condition of being foreclosed from discursive Humanity in contrast with white murderers in a moment that seems infused with the critical insight that access to modernity for white people is both ensured and insured by antiblackness when he says, “Their children (our ages, some of them) are growing up around them; and they are having a square deal handed out to them – college, position, wealth, and the best of all, freedom, without galling restrictions [...] Their children shall grow up in hope; ours, in despair. Our hands are clean; -- theirs are red with blood – red with the blood of a noble man – and a boy.”⁶⁹ Tom's diagnosis pinpoints one way in which the ethics of responsibility in the wake of slavery registers differently to differently raced subjects. White people wear skin that bears a hope for a future guaranteed by black subjection, and to ignore the violence which predicates this in order to ensure and insure the hope for the future which gets euphemistically called white privilege is to commit the most fundamental ethical failure. And yet it is exactly what Tom sees white people as doing when he laments the comparative conditions of black and white children in *Rachel*.

⁶⁸ Indeed, *Rachel* makes no pretense that class respectability is any guard against racism, so despite the Loving family's obvious middle class coding I would argue that it is a misjudgment to view the play as a straightforward advocate of respectability politics.

⁶⁹ Grimke, 42.

Those whose hands are red with blood have access to a future structured by the very violence which that blood signifies, and those children who grow up in despair – Tom and (Tom believes) Rachel’s children, black children – will also grow up into that very same future. And it is precisely this prospect of growing into the future that so worries Rachel. It is not that all black children are guaranteed to have no future because of racism, but rather that the future which they *will* experience is predicated upon the possibility that at any time they may be destroyed, but in the meantime they will be harmed. That is why Rachel contrasts her refusal of birthing black babies with a God who tortures: Because black babies are from the moment they are born set on a path towards metaphorical death – or, perhaps, social death (how might we think the figure of the stillborn child as a black child, if we think with Abdul JanMohamed’s figure of the “death-bound subject”?) – which makes life, perhaps, at least in Rachel’s eyes by the play’s end, not worth it all.

I say “perhaps” here because, again, while Rachel understands that black children may indeed have access to futurity – a futurity predicated upon their subjection – she also does not reject futurity outright. The second point from Bliss’s essay that I want to bring to bear on *Rachel* is this: “[...] embracing horror, embracing pessimism, might also create space for thinking beyond the nuclear family, for thinking a Black feminism that follows neither the father nor the mother, but that embraces the sort of queer kinship networks that have always shaped Black life in the New World.”⁷⁰ Here Bliss draws attention to the older point established throughout decades of responses to the Moynihan Report that black sociality is outside white heteronormative familial schemas – which underpins my reading of “Turner” – and inflects it through (afro-)pessimism. If we start from the understanding that the future is part of the

⁷⁰ Bliss, 94.

excessive present of slavery and therefore made possible by slavery's continuously unfolding aftermath, then we can think the numerous ways that blackness exceeds the social death of slavery through queer social and kin networks which are both structured by and escape from (without leaving behind) the violence of white supremacy. That is, slavery, lynching, and mass incarceration, as different weather elements of antiblackness, break apart black biological families thus materializing the non-normativity of black families, black gender, and black sexuality (heterosexual or not) imagined by whiteness. And yet, in the wake of these breakings, kinship is not destroyed; in the afterlife of social death, social life is not eliminated; in the excessive present of slavery, black people are not ontological Slaves. Instead, Rachel can queer the concept of family so that while she chooses not to marry and create a Strong(-)Loving Family of her own, she can have a loving family without blood ties by performing the nourishing care work of a mother without bearing children of her own. Such queer care work which refuses normativity while embracing kinship, which refuses reproductive futurity while embracing the future-in-the-present of living, breathing children, is what Sharpe would call wake work, and it is an ethics before law happening right here and now.

Importantly, Rachel pledges to not bring her unborn children into the world, and thus ends their futures, but she does not end her own life. In fact, the play ends with her running to Jimmy's aid. And it is with this lingering gesture that the play comes to a close, leaving no actors on stage but letting the audience stew in the discomfiture created by Jimmy's "terrible, heart-breaking weeping," as the stage directions put it.⁷¹ This matters because it is not dead or non-living children with which the play leaves audience members, but with living children who have futures and who demand a different kind of ethics than either Edelman's or the standard future-

⁷¹ Grimke, 96.

oriented politics of white heteronormativity. They demand an ethics of im/possible responsibility. Rachel cannot offer these children protection, but she can offer difference. Even if one cannot change the weather, that does not mean one must surrender to it. Rachel can build a shelter.

All of the characters in *Rachel* live in “the space of death,” always already susceptible to violence and beyond the protection of the law.⁷² Indeed, they exemplify Jared Sexton’s notion that “Black social life is lived in social death,” insofar as the antiblackness of the world fails to stop them from building kinship networks and living beyond mere survival. Rachel herself is the best example of this. From the beginning of the play, the audience hears her call her mother “ma dear,” and so that “ma” becomes, through repetition, encoded with the relationship of child to mother. Then the very first line of the second act is spoken by Jimmy, and it is, “Ma Rachel!” The point is obvious but significant: Rachel is not, in fact, Jimmy’s biological mother, but rather she is a kind of found mother after his own parents died of smallpox. Then there are the other children of the apartment building, Little Mary, Nancy, Jenny, Louise, and Martha, all of whom Rachel cares for with the attention and love of another parent, if not as a non-biological mother as is the case with Jimmy. The play also demonstrates the kinship between Tom and John and the ways such kinship networks open spaces for survival for black people. Grimke’s play thus both looks fully in the face the fact of black social and literal death and vehemently clings to the possibility that life is possible under the sign of social death, not because of hope for a better future, but because of the queer kinship networks which are forged between its black characters as ways of perhaps beginning the thinking toward a black(ened) future. The excessive present of slavery is not only a time of suffering. Jimmy may be destined for a life full of anti-black

⁷² I take the phrase “the space of death” from Wilderson’s interview with Hartman in *Qui Parle*, “The Position of the Unthought.”

violence, both micro and macro, but he is alive in the play's *here and now*, and while Rachel will not bring her own biological children into the world, she will do her best to get Jimmy to some kind of *then and there*, even if there is indeed no protection. *Rachel* figures the difference gestured to in this section's epigraph in the non-traditional kinship networks that its black characters build in order to inhabit a future designed to destroy them to ensure its own existence. This puts them in a symbolic bind, since to allow oneself to be destroyed – to advocate race suicide – in this paradigm would be to deny white supremacy its nourishing substance: black expendability. But to continue living is to provide the sacrificial bodies white supremacist heteronormative capitalism needs to feed its existence, which Rachel intimately knows and which drives her to reject motherhood. And yet still, in this impossible entanglement, there is possibility. Rachel will care for Jimmy and the rest of the children whose futures she cannot protect, but whose futures she can make different. She is able to reject the air, and yet still breath.

It is important not to romanticize Rachel's enactments of ethics which exceed law, or the queer kinship networks which she, following Manu's directions, builds and sustains. Like Sharpe, I believe any analysis of the ways in which antiblackness is resisted must simultaneously attend to the overwhelming force of antiblackness that makes such resistance imperative from the start. This way, neither defeatism nor triumphalism emerge from such analyses. This is why I have carried Eric Garner's last words with me as I have written this chapter about breathing. With Sharpe and Wilderson's meditations on breath in mind, and with Muñoz's spirit of hope and Erica Garner's dissatisfaction with waiting for a future to come, I am drawn to the radical imagining of resurrection, of putting breath back into the body, as well as the radical imagining of refusal, of refusing to birth bodies while nourishing others in their journey to breathe.

“During the long nights I was restless for want of air [...] Yet the laws allowed him to be out in the free air, while I, guiltless of crime, was pent up here, as the only means of avoiding the cruelties the laws allowed him to inflict upon me!”

-Harriet Jacobs

*“I had to leave;
I needed to be in a place
where I could breathe
and not feel someone's hand
on my throat.”*

-James Baldwin

*When we revolt it's not for a particular culture.
We revolt simply because,
for many reasons,
we can no longer
breathe.*

-Franz Fanon

Chapter 3

Towards a Theory of Perforation: The Vulnerable Body of Law's Archive

"I think I probably [see blackness as a kind of pathogen], or at least hope that it is, insofar as I bear the hope that blackness bears or is the potential to end the world."

-Fred Moten¹

"...the law knows itself as, before all else, vulnerable."

-Grant Farred²

If being and blackness both exceed law, then law cannot be omnipotent or invulnerable.

This chapter theorizes law's vulnerability despite its excessive force. Like Fred Moten in the epigraph to this chapter, I think that blackness is not merely an object against which the law exerts violent force, but rather that blackness – understood not merely in an essentializing manner as skin color but as a mode of existing within, outside, alongside, against, and through systems of oppression, always outside the ontological reach of any structure of domination – is also that force that flows through the law's vulnerable porosity, holding the potential to "end the world" – a phrase that despite its grand gesture I follow Moten in not at all taking lightly. While theorizing the law's vulnerability, then, I am also developing a theory of flows, of movement. And this theorizing begins with holes carved through the wall of a cramped garret in the nineteenth century.

Writing before the legal abolition of slavery in the United States, Harriet Jacobs acted from a position between ethics and law. In her narrative titled *Incidents in the Life of a Slave Girl*, Jacobs expresses how she journeyed from enslavement to legal freedom while arguing that

¹ Moten, Fred. "Blackness and Nothingness (Mysticism in the Flesh)." *South Atlantic Quarterly* 112.4 (2013): 739.

² Farred, Grant. *In Motion, At Rest: The Event of the Athletic Body* (Minneapolis, MN: University of Minnesota Press, 2014): 11.

readers ought to join in the work of abolition. In approaching this goal which exceeds simple definition – what kind of “freedom” would the abolition of slavery bring, and what would true “freedom” look like? – a goal which itself was deemed an impossibility within the terms of the legal enslavement in which she lived, Jacobs’s pseudonymous protagonist Linda Brent performs acts which may not strike readers with the (traditional, masculinist, violent) heroic imagery of her contemporary Frederick Douglass grabbing his overseer by the throat, but which nevertheless enact “something akin to freedom” by moving through the perforations in the fabric of the law.³ In fact, while hiding in the garret of her grandmother’s shed, she literalizes perforation in a quiet act of seemingly inconsequential – or almost certainly undetectable, at least by Dr. Flint – resistance: Jacobs bores holes in the wall of the garret. “I bored three rows of holes, one above the other; then I bored out the interstices between. I thus succeeded in making one hole about an inch long and an inch broad.”⁴ What she does with these small actions – poking holes and then connecting them to form one larger hole – is remarkable as theory-in-practice – as an embodied practice of being within and yet in excess of law. She does not leave the south, but she escapes the reach of her enslaver. Thus, *perforation is the possibility for and the enactment of escape without leaving*. Jacobs’s hole-boring also exemplifies the ways in which, to re-invoke Moten, it is not merely an essentialized racial identity which exposes the vulnerability of the law that I call perforation. That is, Jacobs is not merely perforating the law because of the color of her skin or her status as enslaved; rather, it is the work that she does, the actions she performs, and the

³ While I am adding “perforation” to this discourse, this comparison between Jacobs and Douglass has become old fare in Jacobs scholarship. See Stephen Matterson’s chapter, “Shaped by Readers: The Slave Narratives of Frederick Douglass and Harriet Jacobs” in *Soft Canons: American Women Writers and Masculine Tradition*, and Kimberly Drake’s essay in *MELUS* 22.4, “Rewriting the American Self: Race, Gender, and Identity in the Autobiographies of Frederick Douglass and Harriet Jacobs” for just two examples whose bibliographies open up more representative scholarship on this comparison.

⁴ Jacobs, Harriet. *Incidents in the Life of a Slave Girl* (Dover Publications, 2001 [1861]): 97.

decisions she makes from the social/political position imposed upon her that produces the theory and practice of perforation.

Of course, Jacobs's "loophole of retreat" is one of the most-often remarked upon scenes in African American literary history, so it is not to say anything new to point out, generally, that the garret is a site of resistance, however that may be conceived, and however liberatory or futile such resistance can be. For Miranda Green-Barteet, while definitively not an absolute space, the garret places Linda "in a position of power over Flint" in a way that "is startlingly similar to Jeremy Bentham's Panopticon."⁵ Less declaratively than Green-Barteet, Sarah Jane Cervenak writes movingly of how "Jacobs uses the tight space to enact other kinds of free terrain" in her theorization of wandering as philosophical performance of freedom.⁶ For Cervenak, Jacobs achieves a kind of freedom as philosophical "wandering" that cannot be captured by the imprisonment and social death of slavery. Karla FC Holloway, recognizing that "the attic 'loophole of retreat' is only a sanctuary of her mind" [perhaps minimizing Cervenak's claims for philosophical freedom with the word "only"], nonetheless argues that "its site as domestic refuge where the property of [Brent's] body becomes her own only through this torturous imprisonment underscores the complex and differential effects of a claim to property."⁷ For Holloway, then, the loophole signifies a moment when Linda Brent can claim her body as property, resisting the conscriptions of anti-black property law even through the imposition of physical torture.

As important as these readings and those like them are for re-membering that slavery's social death did not obliterate all forms of agency, enjoyment, thought, or attachment from the lives of actual black people, Saidiya Hartman's writing on Harriet Jacobs in *Scenes of Subjection*

⁵ Green-Barteet, Miranda A. "The Loophole of Retreat': Interstitial Spaces in Harriet Jacobs's *Incidents in the Life of a Slave Girl*." *South Central Review* 30.2 (Summer 2013): 63.

⁶ Cervenak, Sarah Jane. *Wandering: Philosophical Performances of Racial and Sexual Freedom*, 71.

⁷ Holloway, Karla FC. *Legal Fictions: Constituting Race, Composing Literature*, 37.

remains an imperative framing of Jacobs's enactments of resistance and possibilities for something akin to freedom. Writing about sexuality and the discourse of seduction and desire in Jacobs's text, Hartman reminds us that in our recognition of Linda Brent's resistance to the structuring terms of slavery, "it is important to note that it is not equality or the absence of constraint that is celebrated in this inscription of 'calculation' but *the possible gains to be made within the context of domination*."⁸ This note gestures towards Hartman's larger claim that there is no absolute distinction between enslavement and freedom, and that scenes of black performance signify doubly as both emancipatory (in Fred Moten's sense: performance is "the resistance of the object") and imprisoning (since every liberatory gesture has the potential to reinscribe the terms of domination, as Hartman warns). This argument is embodied by Brent as she spends three years in the garret since on the one hand she is able to reverse the gaze of anti-black surveillance – she can watch without being watched – and yet on the other hand she is confined to a dark, imprisoning space both materially and symbolically highlighting her inscription within slavery's structures of domination. In the words of Michelle Burnham, "While Jacobs' body is inscribed by the law of slavery, through the figure of the loophole she *simultaneously* transgresses, even as she embodies, that law."⁹ Neither her surveillance of Dr. Flint and his estate nor the loving bond she is able to sustain with her children through this hole in the wall is a totally liberatory reversal of the terms of enslavement, then, because they never escape the reach of the law. Rather, to quote Georgia Kreiger, "[Jacobs's] narrative suggests that surrender and resistance may operate in tandem."¹⁰ So while Jacobs is certainly able to use the

⁸ Hartman, Saidiya. *Scenes of Subjection*, 104, my emphasis.

⁹ Burnham, Michelle. "Loopholes of Resistance: Harriet Jacobs' Slave Narrative and the Critique of Agency in Foucault." *Arizona Quarterly* 49.2 (Summer 1993): 65, my emphasis.

¹⁰ Kreiger, Georgia. "Playing Dead: Harriet Jacobs's Survival Strategy in *Incidents in the Life of a Slave Girl*." *African American Review* 42.3-4 (Fall/Winter 2008):619.

loophole of retreat to actively resist her enslavement, there remains tension between these enactments of agency and the structures of domination in which they take place, thus problematizing the very notion of resistance from its first articulation.

It is this problematization, rather than the task of delivering an authoritative reading of Brent's/Jacobs's text, in which I am invested in this chapter. That is, it may be obvious to readers that Jacobs's resistance is cotemporaneous with her enslavement and that in her particular case she is indeed resisting her enslavement while remaining under the structuring power of slavery, and that is precisely my departure point. Writing at a time when people across the United States are asking what can be done to resist regimes of racist, heterosexist, xenophobic, capitalist oppression during the Donald Trump presidency, my motivation here is to think the possibilities for resistance that persist even in the face of the continued persistence of structures of domination. So while I begin this chapter's theorizing with a nineteenth-century text, I also make explicit that the chapter's motivation comes from my own twenty-first century moment of writing.¹¹ Since we cannot, for example, wake up tomorrow and dismantle the entire system of mass incarceration, what can we learn from the story of an enslaved women sustaining herself by boring holes in the wall of a garret in the middle of the nineteenth century? What might be obvious to some readers about Jacobs's situation, I believe, is precisely what must be emphasized in our current moment to sustain practices of resistance which do not seem to yield visible large-scale "results." Additionally, this emphasis highlights more quiet forms of

¹¹ I do not doubt that this is the case for many scholars writing about the so-called past, and I am not positing this as a unique aspect of my own individual writing and thinking. Rather, I am emphasizing it because in my experience such contemporary motivation for writing about that which is thought of as past is not emplotted on the surface of the page, whether it be for fear of being charged with presentism or ahistoricism or simply a sense that such admission breaks the proper authorial persona of academic writing. In deference to my own epistemology of the excessive present, I simply wish to make explicit on the page the multiple accumulating *nows* colliding in my thinking and writing, while not excusing any deficiencies in my thinking which might be engendered by such inability to relinquish my hold on these contemporary events and conditions.

resistance, and opens out into thinking resistance as life which exceeds forces of violence, rather than as confrontation with violence. That is why this is a chapter on perforation, on poking holes, rather than on bearing arms and shooting enslavers. Not because the latter does not deserve our thinking, but simply because of the particular questions which motivate me in this project as I consider the massive weight of an excessive present – a *now* which has accumulated so much potentiality for both retrenchment of oppression and movement towards liberation that it is overwhelming to consider possible courses of everyday action.

Such questions about the simultaneity of oppressive and liberatory potentialities¹² has been a productive site of some of the most nuanced theorizations of freedom in black studies in the past two decades, from Moten’s “fugitivity,”¹³ to Cervenak’s “wandering,” to Alexander Weheliye’s “habeas viscus,”¹⁴ to Daphne Brooks’s “spectacular opacity.”¹⁵ These texts and those like them, in different and sometimes disagreeing ways, think the related though distinct concepts of freedom and resistance¹⁶ through their enmeshment with histories of enslavement. I hope to add to this rich thinking a movement towards a theory of perforation that recognizes how such performances move in the space between ethics and law – the spaces open as holes in the borders of the law’s own limits. Following the logic I employed in my readings of “Turner” and

¹² Douglas A. Jones names this tension “the ambivalence of Black Performance” in his chapter, “Slavery, Performance, and the Design of African American Theatre” in *The Cambridge Companion to African American Theater* (21).

¹³ Moten, Fred. *In the Break: The Aesthetics of the Black Radical Tradition* (Minneapolis, MN: University of Minnesota Press, 2003).

¹⁴ Weheliye, Alexander. *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theorizations of the Human* (Durham, NC: Duke university Press, 2014).

¹⁵ Brookes, Daphne A. *Bodies in Dissent: Spectacular Performances of Race and Freedom, 1850-1910* (Durham, NC: Duke University Press, 2006.)

¹⁶ I should point out that I see *freedom* and *resistance* as “related though distinct” because I do not want to reduce freedom to merely being equivalent with resistance. That is, I want to hold out the possibility that freedom could be something in excess of the ability to resist systems of oppression. Taking a cue from Kevin Quashie’s *The Sovereignty of Quiet: Beyond Resistance in Black Culture* (2012), I want to hold open a space for black culture, black performance, and black being that is not framed by resistance to white supremacy. What we mean by *freedom* may be such a space.

Rachel in the previous chapter of how even while slavery imposes social death it does not reduce black(ened) subjects to ontological, capital-S Slavery, and that the demands of responsibility to “the other” exceed the limits of law, I situate perforation in the tradition of thinkers who have worked within this productive tension Hartman teases out and which has been thought rigorously by black writers and thinkers in the U.S. since its founding. Freedom and slavery, emancipation and domination, or social life and social death are not distinct, so how do we think them together? Again, I turn to questions posed in *Scenes of Subjection*:

Thus the question remains as to what exercise of the will, forms of action, or enactment of possibility is available to animate chattel or the socially dead or to the excluded ones that provide the very ground of man’s liberty. The double bind, simply stated, is: How does one account for the state of domination and the possibilities seized in practice? How does one represent the various modes of practice without reducing them to conditions of domination or romanticizing them as pure forces of resistance?¹⁷

Thinking with these questions, *perforation signifies the vulnerability of the law that can neither fully disarticulate nor be disarticulated from the overwhelming force of law*. That is, inherent to the very existence of “law” as the force which keeps society in order is the possibility for the law’s incredible force to be interrupted or mitigated, and the overwhelming power of law’s force can never be separated from its vulnerability to such interruption or mitigation. More than just a notation that there are holes in the arguments put forth by law, perforation describes the ways in which law’s very own limits inscribe within themselves spaces that allow passage between zones of distinction (e.g. past and present, illegal and legal, civil and criminal), as well

¹⁷ Hartman, 55.

as the forces within and outside the law which enact perforation upon (or, to say it more actively, perforate) the ostensible barriers that law erects between those zones of distinction. The point is not merely to highlight how binaries collapse under the weight of their logics, but to think about what happens when embodied flesh reaches across the body of the law.¹⁸ What happens when Harriet Jacobs's (Linda Brent's) presence is secreted within the site of plantation law, when her gaze brushes the discourse-brushed flesh of her children¹⁹ through a hole in the very wall providing both her coverture and her imprisonment, or when she begins sending Dr. Flint letters addressed from the north but physically written within a stone's throw of her enslaver's own plantation? I want to suggest that perhaps, in moving through the holes in the law's structuring terms – those small holes penetrating the solid wall of the law's garret – practices like Jacobs's can carve out some interstitial space between them, creating a larger hole through which one may see, or even move towards infiltration, even though such carving fails to significantly alter the wall itself.

Mr. Litch's Ghosts And The Imperium in Imperio

Murder was so common on his plantation that [Mr. Litch] feared to be alone after nightfall. He might have believed in ghosts.

-Harriet Jacobs²⁰

While Linda Brent's presence in the garret as she perforates the walls of her hiding place is undetected, Harriet Jacobs describes one plantation owner who fears a presence he detects all too powerfully: Mr. Litch is afraid to walk his own property at night. Such a fear is a manifestation of the law knowing itself as vulnerable, and it is a fear that makes Sutton E.

¹⁸ I see "the body of the law" as the network of texts and enforcement practices that attempt to give an "order" to a given society, including court opinions, legislation, legal scholarship, amicus briefs, police forces, slave patrols, and prisons, among other documents and institutions.

¹⁹ I draw on Hortense Spillers's distinction between "body" and "flesh" here, and will turn to a more direct engagement with Spillers as the chapter progresses.

²⁰ Jacobs, Harriet. *Incidents in the Life of a Slave Girl*, 41.

Griggs's first novel, *Imperium in Imperio*, such an interesting case of a literary mobilization of the logic of perforation.

Published in 1899, *Imperium in Imperio* tells the story of two men, Belton Piedmont and Bernard Belgrave, and their divergent but complementary lives defined by their work on behalf of achieving freedom for their race. The narrative is a kind of alternative history, its title alluding to a secret shadow government of the United States organized to legislate over and protect the “negroes” within U.S. borders.²¹ Called the “Imperium in Imperio,” this secret organization of negroes was structured by a Constitution modeled, for the most part, after the U.S. Constitution, and Griggs's characters go to great lengths to emphasize the heavy-handed point of his title – that this shadow government exists within the very terms of the dominant order, rather than outside of it.

Upon introducing Bernard to the existence of the Imperium, Belton explains that “this flaw or defect in the Constitution of the United States is the relation of the General Government to the individual state.”²² What follows is a thorough indictment of federalism as a total sham of reciprocal governance. With the Civil War as background, Belton conjures the voice of the U.S. federal government calling on its people to fight on its behalf for its preservation, even if they must fight against their own states. He then points to the obvious hypocrisy of how the federal government will then turn around and tell negroes that it cannot protect them from the individual

²¹ In the context of writing about *Imperium in Imperio*, I use the antiquated word “negro(es)” in order to maintain the language of the novel and the way in which that language is embedded in a different cultural conception of race than those captured by “black” or “African American.” The novel is concerned with splitting the difference of mixed-race individuals in ways indicative of the late 19th and early 20th-centuries. Most specifically, the reason given as to why it takes so long for Bernard to be invited into the Imperium is that the relation he and his mother bear to Anglo-Saxon blood is uncertain, so despite the fact that he would in today's parlance be called African American and very well may have been Black in the 1970s, in the late 19th-century moment of this novel's publication, his identity as a “negro” is in question until his relation to “the Anglo-Saxon” is thoroughly surveilled (see page 133).

²² Griggs, Sutton E. *Imperium in Imperio*. New York, NY: The Modern Library, 2003 [1899], 124.

states, who maintain sovereignty over their own working in such a way that allows them to violate the liberties of individuals who are supposedly under the jurisdiction of the federal government when their labor is necessary for the survival of the union. Naming the condition out of which the Imperium arises, in language that anticipates Malcolm X's declaration in "The Ballot or the Bullet" that "[he is] not an American," Belton declares, "The Negro finds himself an unprotected foreigner in his own home." Recognizing this, "in order to supply this needed protection, [the Imperio] has been formed."²³ Again in the register of a preemptive echo – this time of James Baldwin's declaration in *No Name in the Street* that "just so with the Panthers: it was inevitable that the fury would erupt, that a black man, openly, in the sight of all his fellows, should challenge the policeman's gun, and not only that, but the policeman's right to be in the ghetto at all"²⁴ – Belton recognizes the perforation through which the Imperium develops. The U.S. Constitution itself, in establishing the federalist relationship between different levels of government while declaring itself as the supreme law of the land demanding the defense of all those subject to its jurisdiction, is thereby structured by perforated limits through which Griggs's imagination moves in crafting his novel.²⁵

In fact, Griggs's novel, written as it was in the decades following the war, is one of the key texts of the nineteenth century which outlines the ways in which the Civil War was not an aberration in democracy but rather the inevitable outcome of the perforated structure of the U.S. Constitution. While the scale and scope of the war was unknowable before and during its

²³ Ibid.

²⁴ Baldwin, 455.

²⁵ To be clear, the limit of the law is the doctrine of states' rights which prevents the federal government from intervening in a state's sovereignty over its own residents, and the perforation is the spaces through which individuals must pass if called upon to pledge their loyalty not to their individual state, but to the union as a whole in crises of war, as concretely illustrated by the (non)event of the nineteenth century, the Civil War.

duration, the possibility of a general conflict over the question of slavery, or, to be more faithful to Griggs's terms, the question of (negro) freedom, is inscribed within the U.S. Constitution and made inevitable by the very tools of the law which sought to prevent all-out war. Grant Farred provides a useful model of the event whose possibility is guaranteed but whose nature is yet utterly unpredictable in his analysis of event and sport in *In Motion, At Rest: The Event of the Athletic Body*. He asks, "What would sport be without the constant possibility [...] of something entirely unexpected (violence, brilliance, transgression)?"²⁶ Indeed, the question answers itself in its own inability to be answered; there would be no sport without the promise of the unexpected, of the unknown but necessary possibility for the event. In a similar way, the U.S. Constitution inscribes the very possibility, even the promise, of a war between the states over the questions of slavery and freedom, and the legal compromises of the early and mid-nineteenth century all but usher in the event which they seek to prevent. After all, "the event is only partially – and very rarely – the product of chance. It also marks that not entirely random moment when various historical forces (often antagonistic) come into an unforeseen (unforeseeable), unavoidable conflict."²⁷ In other words, the event does not come out of nowhere. It can be traced, even if only after the fact. In the case of the legal inscription of black(ened) subjects in the U.S., the federalist structure, as Griggs demonstrates through his character Belton, marks one set of perforations at the law's limits, and then when the law acts to defend itself against invasion through these perforations by passing the Missouri Compromise or the Fugitive Slave Act, for example, these attempts at self-defense ultimately attack the integrity of the law's own body. In guarding the pores of its own skin, the body of the law threatens itself with being torn apart.

²⁶ Farred, Grant. *In Motion, At Rest: The Event of the Athletic Body*, 11.

²⁷ *Ibid*, 27.

Of course, the tools of achieving the destruction of the dominant order do not always necessarily come from within the order itself. Whether intentionally or not, Griggs's *Imperium in Imperio* is insightful on this point, if only because of the ignorance of one of its briefly appearing though heavily emphasized characters. Early in the novel, Mr. V. M. King, editor of *The Temps*, a national newspaper, takes a great interest in Belton after his paper reprints the young man's graduation oration on "The Contribution of the Anglo-Saxon to the Cause of Human Liberty." He takes home a copy of the issue in which Belton's oration is printed to show his wife and declares to her that "it has come at last."²⁸ By "it," Mr. King means the promise of conflict between the Anglo-Saxon and negro races.

He argued that, living as the negro did beneath the American flag, known as the flag of freedom, studying American history, and listening on the outer edge of Fourth of July crowds to eloquent orators discourse on freedom, it was only a matter of a few years before the negro would deify liberty as the Anglo-Saxon race had done, and count it a joy to perish on her alter.²⁹

For Mr. King, the Anglo-Saxon people of the U.S. have sown the seeds of racial conflict by way of their very best articulations, celebrations, and attempted practices at democratic freedom. The coming conflict, which he believes is embodied in Belton, will, like the Civil War, be an event inscribed within the very terms of freedom that America had itself written. The only problem comes when one seeks after what is insistently present in its absence in Mr. King's reasoning – namely, black self-emancipation, slave revolts, and what Cervenak calls "philosophical performances" of freedom, by which she means something like "the possibility of philosophical abundance against racist, sexist, classist, spatial, ableist, logocentric, homophobic,

²⁸ Griggs, 32.

²⁹ Ibid, 33-34.

and ocularcentric assumptions that presume both its impossibility and absence,”³⁰ even and especially when such abundance is beyond articulation and legibility. Mr. King cannot imagine such performances, and instead believes that negroes will get ideas of freedom from hearing them articulated by Anglo-Saxons. In fact, he refuses to utter his warning to his fellow Anglo-Saxons in plain terms of rebellion or armed conflict “for fear that the mention of it might hasten the birth of the idea in the brain of the negro.”³¹ It is probably not difficult to imagine readers both in Griggs’s time and today scoffing at this sentiment, not least of all in the face of Nat Turner, the *Amistad* case, or the Haitian Revolution. And it is probably difficult to imagine readers *not* scoffing at Mr. King’s interpretation of his dream of pigs and trees, believing that “the negro [...] should recognize that the lofty conception of the dignity of man and value and true character of liberty were taught him by the Anglo-Saxon.”³² To believe such a thing is to believe that Africans had no conception of freedom until they were taught it by their enslavers, and such a belief is unsustainable in the face of actual slave rebellions and maroon communities as well as careful readings of slave narratives which identify how self-emancipated individuals imagined themselves moving about the world in ways otherwise than what the world had to offer in its own terms. The threat of rebellion against the law’s coherent order is always present, but it is not always reducible to self-inflicted harm because it is sometimes the invasion itself, not the legal body’s attempt at controlling the invasion, that poses the threat.

And it is the promise of a threat on which *Imperium* both begins and ends. The premise of the entire novel is the hypothetical existence of an organization of African Americans plotting to secure their rights secretly within the borders of the U.S. By the end of the novel, the Imperium

³⁰ Cervenak, 3.

³¹ Griggs, 34-35.

³² *Ibid*, 36.

has been dismantled by the betrayal of the fictional narrator Berl Trout, but Berl ends his narration with the declaration, “I only ask [...] that all mankind will join hands and help my poor downtrodden people to secure those rights for which they organized the Imperium, which my betrayal has now destroyed. I urge this because love of liberty is such an inventive genius, *that if you destroy one device it at once constructs another more powerful.*”³³ With this declaration, the novel thus reassures readers that the Imperium is not real and at the same time leaves off with the spectral presence of the Imperium’s aftermath – its ghost in the real, its potentiality beyond the page – the more powerful device which may, like the Imperium itself, already be under construction without detection. This is the fear of the slave revolt which outlives the end of legal slavery. It is a fear built on the unspoken knowledge that the law is not as omnipotent as it claims; it is the fear of what flows through perforation. And this fear is what allows Berl’s warning to read as a threat, and for the warning-as-threat to be read as promise.

The promise of the threat of power’s dissolution is constitutive of the vulnerability that is constitutive of power. And it is this web of power, vulnerability, and the threat of dissolution emerging from their co-constitutivity which culminates in the fear of Mr. Litch in Harriet Jacobs’s “Sketches of Neighboring Slaveholders,” the chapter into which Lydia Maria Child condensed Jacobs’s accounts of the bodily torture of enslaved peoples on plantations and from which this section of my present chapter draws an epigraph.³⁴ In short, the social structure as it is maintained by law is haunted by the very specter the law seeks to keep at bay: the black

³³ Griggs, 177, my emphasis.

³⁴ For more on Child’s decision to condense these scenes, see Albert H. Tricomi’s essay in *ESQ* 53.3, “Harriet Jacobs’s Autobiography and the Voice of Lydia Maria Child” (especially pages 227-231). For more on the general relationship between Jacobs’s writing and Child’s editing, see Bruce Mills’s essay in *American Literature* 64.2, “Lydia Maria Child and the Endings to Harriet Jacobs’s *Incidents in the Life of a Slave Girl*” (esp. pgs. 263-265), Alice A. Deck’s essay in *Women’s Studies International Forum* 10.1, “Whose Book is this?: Authorial Versus Editorial Control of Harriet Brent Jacobs’s *Incidents in the Life of a Slave Girl: Written by Herself*” (esp. pgs. 38-39), and of course Jean Fagan Yellin’s biography, *Harriet Jacobs: A Life*, as well as Yellin’s introduction to the Harvard University Press’s edition of Jacobs’s text.

revolution that would literally undo the world as it is known. (What would happen if the Imperium did indeed, as was its final plan, infiltrate the U.S. military and take control of Texas to form a sovereign nation?) In *Incidents*, Jacobs recounts two enslaved men who brought (or, in the language of the law, stole)³⁵ some ham and liquor back to their huts who were subsequently killed by Mr. Litch. Directly following this, she writes, “Murder was so common on his plantation that he feared to be alone after nightfall. He might have believed in ghosts.”³⁶ The first sentence is striking precisely because it is the murder of enslaved black people that is so common on his plantation, so why need he, the white wealthy enslaver, fear being alone after nightfall? Is he not the murderer, rather than the potential murder-victim, in this scenario? Is he not the embodiment of the power to murder on the plantation, beyond the reach of those he murders?³⁷ What ghosts did Mr. Litch fear? I would suggest, following Jacobs’s own text as well as Moten’s theorization on fugitivity and the world’s end, that Mr. Litch feared the specter of black revolutionary violence, the threat of self-defense levied by the two “leaps” in William Wells Brown’s *The Escape* that I discuss in chapter one. This is a literal instance of the law knowing itself as vulnerable: Mr. Litch knows that he is outnumbered by the enslaved people on his plantation, knows they have reason to want to kill him, and knows that in the dark of night while he is asleep he is helpless to protect himself from a hidden show of force.

The law of the plantation, over which Mr. Litch as master holds complete sovereignty, is the law of white supremacy. And yet, the law of the plantation, even as it strives to maintain a

³⁵ See Loyalerie King’s *Race, Theft, and Ethics: Property Matters in African American Literature* for more on the ways in which ethics and law come into conflict across the principles of property and labor under the conditions of legal chattel slavery. Of course, Jacobs is aware of and critiques such conflict when she writes in this very chapter, “When his own labor was stolen from him, he had stolen food to appease his hunger. This was his crime” (43).

³⁶ Jacobs, 41.

³⁷ Insofar as Mr. Litch is “the embodiment of the power to murder,” he is the sovereign of the biopolitical framework of the plantation, the one who decides life and death. It is beyond the scope of my work here to give a theory of biopolitics, but I would suggest that there is more to say about how perforation emphasizes the multidirectionality of power in biopolitical regimes.

zone of distinction between white masters and black slaves through the execution of its force via physical and mental torture, contains within its own limits the possibility of nullification in the form of *partus sequitur ventrem*, or *the child shall follow the condition of the mother*. In Jacobs's words, "if the white parent is the *father*, instead of the mother, the offspring are unblushingly reared for the market."³⁸ The law of white supremacy, then, seeks to keep white and black distinct, thus the existence of specific anti-miscegenation laws, and at the same time contains in this limit a perforation in the form of the principle of *partus sequitur ventrem*, so that when miscegenation does occur in the form of rape by whites against enslaved black people, there is legal precedent for how to proceed with the children (who are property). In other words, the zone of distinction is a zone of indistinction because any child may have both white and black parents, whatever its legal status. As Christina Sharpe demonstrates in her readings of Jacobs and Gayl Jones in *Monstrous Intimacies: Making Post-Slavery Subjects*, the "monstrous intimacies" of the plantation render white supremacist imaginings of free subjects always already tenuous. Without a zone of distinction, the "myth of coherence at [the] center"³⁹ of plantation law is exposed.

Once this hole is thrown into the open, it may be possible to do as Jacobs does in her garret and carve the interstitial space between it and another to create a larger puncture. The specter of such a puncturing hand – a black hand holding a knife which could puncture his white skin, perhaps – is the ghost in which Mr. Litch believes. As he kills enslaved black people, he is aware, because he knows well the perforation of the law's limits against miscegenation, that he may be killing his own child – a child with "white blood."⁴⁰ Because the perforation of the law

³⁸ Jacobs, 46.

³⁹ Joseph Roach, *Cities of the Dead*, 39.

⁴⁰ Of course, race is a social construct and so biologically there is no such thing as "black blood" or "white blood." I use this term here to borrow the language of the well-known "one drop rule," even as I recognize the scientific racism in which this terminology traffics.

allows the possibility that any black body on the plantation may bear the trace of “biological” whiteness, each murdered body signifies the possibility of the master’s own murder. Under the cover of night, when so many subversive acts of fugitivity, marronage, or resistance took place during slavery, Mr. Litch had every reason to believe that his ability to enforce the law would run out, or worse yet, the prerogative to extinguish life would turn against him and be his own, and his world’s, undoing. So while Jacobs herself did not overturn the order of slavery or abolish the law of the plantation in her time in the garret, she found herself between ethics and law, moving through the perforations in the law’s limits, embodying the possibility of Dr. Flint’s murder by a secreted presence who could move about under the cover of night.

While Jacobs did not wind up killing Dr. Flint, she did eventually escape and did write and publish her narrative. Jacobs’s act of writing not only exposed the perforation of the law, but it also perforated the law – remembering here the noun and verb. There were already (loop)holes (of retreat) within the limits of plantation law in which the specters of black rebellion could live and breathe, and Jacobs’s representation of Brent’s movement through these loopholes exposed them. Then, with its publication, *Incidents* further perforates the law, puncturing an additional hole through its pointed critique of the Fugitive Slave Act and its very existence as fugitive text. Jacobs’s book, as circumscribed by Lydia Maria Child’s editorial choices and paratextual apparatuses as it is, is not a dead object. The book, like the written law, uses words to do things. Drawing on J.L. Austin’s distinction between constative and performative speech acts in his series of lectures, *How to Do Things With Words*, it is imperative to remember the doubled intention of Jacobs’s text. On the one hand, Jacobs is unambiguous about her aim to assert a series of truthful observations for her readers (what Austin calls “statements”), and on the other hand, Jacobs demands action from her readers, using her words to accomplish movement beyond

the borders of the printed page. In short, for Jacobs, “to *say* something [in her narrative] is to *do* something.”⁴¹ The truth-value of her statements is so important precisely because that truth value will enable the text’s “felicitousness,” to draw on another of Austin’s distinctions. In other words, the point of telling a truthful story, for Jacobs, is to give credibility to her demand for abolitionist action, and her text is designed with this end in mind. Writing about printed language as performance, Aby Zanger persuasively argues that “a characteristic of print that must be kept in mind in studying various forms of its matter [is] the importance of *shifting our attention from what print records [...] to what it constitutes in its own performance.*”⁴² While it is not a “talking” book, *Incidents* is a “performing” book. And in its performance it perforates the law by mobilizing abolition from the subject position of the self-emancipated.

Performativity and Law’s Archive: The Un-Meaning of *Zong!*

And where the law attempts to extinguish be-ing, as happened for 400 years as part of the European project, be-ing trumps law every time.

-M. NourbeSe Philip⁴³

From one performing text to another, in the twenty-first century, Black Canadian writer M. NourbeSe Philip’s book of poetry about the Middle Passage, *Zong!*, performs beyond the printed page to perforate the limits of the law, even with so much temporal distance from the legal end of slavery. Philip’s *Zong!* is a haunting (dis-)articulation of one of the most infamous slave massacres in the so-called New World and how it has been recorded and rendered in the legal archive. The text is an act of mourning, an aesthetic expression of reverence and loss, an attempt to tell a story that cannot be told, an attempt to not tell (and perhaps un-tell) a story that has been told, and a site of rich theorizing on the archival and performative logics of the law and

⁴¹ Austin, J.L. *How to Do Things With Words* (Oxford, UK: Oxford University Press, 1962), Lecture II.

⁴² Aby Zanger, “On the Threshold of Print and Performance: How Print Mattered to Bodies of/at Work in Moliere’s Published Corpus,” *Word & Image* 12, no. 1-2 (2001): 37, my emphasis.

⁴³ Philip, M. NourbeSe. *Zong!* (Middletown, CT: Wesleyan University Press, 2008): 200.

resistance to the law. There has been an abundance of academic scholarship on theories of performativity and archives – perhaps most notably for my work here by thinkers such as Jacques Derrida, Michele Foucault, Hartman, and Diana Taylor – and it is these thinkers who I have in mind as I foreground Philip as both an artist and a theorist, taking *Zong!* to be a productive site to theorize law and archive.

In November 1781, the British slave ship *Zong* was nearing the end of its water supply after overshooting its destination at Black River, Jamaica while making a trip back from the African coast to sell enslaved people at market in the Caribbean. Confronted with this depleting water supply in the face of his financial responsibilities to the owners of the ship, captain Luke Collingwood decided to dispose of one-third of the ship's cargo, which meant throwing 132 enslaved Africans overboard to their deaths. It is possible that such a mode of killing was not uncommon as slave ships crossed the Atlantic and turned the ocean into a mass grave out of which Western modernity itself would grow, but this particular instance of jettisoning enslaved people to their deaths becomes an infamous event in the history of slavery because of the way in which it so visibly enters into the archive.⁴⁴ Historian James Walvin, author of *The Zong: A Massacre, The Law, & The End of Slavery*, observes, “The atrocity might have passed virtually unnoticed [here I intervene into Walvin's sentence to ask, *unnoticed by whom?* Certainly not to the enslaved persons who witnessed the massacre, but I will return to this soon] but for one extraordinary fact: the syndicate of Liverpool businessmen who owned the *Zong* took their

⁴⁴ Suzan-Lori Parks takes seriously the possibility that “jettisoning” enslaved people off of slave ships was in fact a common practice in her play *Imperceptible Mutabilities in the Third Kingdom* in the sections “Third Kingdom” and “Third Kingdom (Reprise),” which I discuss in chapter one. The fact, which itself undergirds Walvin's assertion, that there is no archival record of exactly how common a practice this was is precisely Parks's point in using fiction to create history that re-memembers those details shredded apart by the official record.

insurers to court to secure payment for the loss of the dead Africans.”⁴⁵ The owners of the ship wished to be paid the value of the lost “cargo,” but the insurers did not want to pay up for what they argued was an unnecessary disposal of “goods.” Following the logic of the insurers, if someone purposely destroyed a silver ring they had insured, the insurers would not pay out any amount because to do so would promote people to insure items only to then destroy them for profit, an absurd configuration of insurance. Of course, in this case, the “objects” being destroyed were people, which would seem to reveal an absurd configuration of insurance as well. And yet, the massacre of 132 enslaved people on board the *Zong* enters the historical archive via a legal case, *Gregson v Gilbert*, which encodes forever the status of persons as property.

Indeed, *Gregson v Gilbert* was not a murder trial; it was an insurance case. There was no attempt to prove or disprove the killing of persons because the law did not register the bodies of human flesh that died to be persons. And so the documents in the archive record the existence of enslaved people as the existence of slaves, of chattel, of goods. The legal documents in the archive do not record the being of the persons thrown overboard, only their monetary value as units of property. As Philip observes, the law attempts to extinguish being. But, “as happened for 400 years as part of the European project, be-ing trumps law every time.”⁴⁶ This is one reason that Philip says in a 2008 interview with Patricia Saunders published in *Small Axe*, “I don’t trust the archive.”⁴⁷ Philip’s interview, her essays in *Zong!*, and the poetry itself reveal the way in which law *is* the archive (though, importantly, not the *only* archive). So it makes sense that if law is that which transforms human flesh into enslaved bodies and therefore ought not to be trusted,

⁴⁵ Walvin, James. *The Zong: A Massacre, The Law, & The End of Slavery*. New Haven, CT.: Yale University Press, 2011: 1-2.

⁴⁶ Philip, 200.

⁴⁷ Saunders, Patricia. “Defending the Dead, Confronting the Archive: A Conversation with M. NourbeSe Philip.” *Small Axe* 26 (2008): 70.

and law, given its existence as a body of documents which sets the parameters for interpreting future events based on the recorded past, is the archive, then one ought to not trust the archive itself. Philip encounters the law's attempt to extinguish being, but she sees that be-ing trumps law, that law can mark flesh with hieroglyphics and create bodies that are enslaved and reduced to nothing other than objects, but law cannot touch flesh's ontology, cannot reach that far, despite its greatest fantasies of omnipotence. Instead, Philip sees what the law as archive forgets: that those were people – no matter their legal status as non-persons – who were thrown overboard, and their being was not extinguished by the law, despite the archive's authority.

What Philip exposes in seeing the law as itself the archive is the theoretical point that sociologist Renisa Mawani makes in her essay, "Law's Archive." Mawani's essay is a concise distillation of scholarship characteristic of what she calls "the archival turn" – including Derrida's *Archive Fever: A Freudian Impression* and Foucault's *Archeology of Knowledge and the Discourse on Language* – into a simple but profound observation that Philip's poetry exposes and stretches to its limits and possibilities: namely, that "law *is* the archive."⁴⁸

Foucault established decades ago that the archive is not merely "the sum of all the texts that a culture has kept upon its person as documents attesting to its own past, or as evidence of a continuing identity," but rather "the archive is first the law of what can be said, the system that governs the appearance of statements as unique events."⁴⁹ Derrida extends this claim to begin *Archive Fever* with the assertion, "Entrusted to such archons, these documents [that make up the archive] in effect speak the law: they recall the law and call on or impose the law."⁵⁰ While not always citing Foucault and/or Derrida, scholarship that could be included under the umbrella of

⁴⁸ Mawani, Renisa. "Law's Archive." *Annual Review of Law and Social Sciences* (2012): 340.

⁴⁹ Foucault, Michel. *The Archaeology of Knowledge and the Discourse on Language*. New York, NY: Pantheon Books, 1972): 128-129.

⁵⁰ Derrida, Jacques. *Archive Fever: A Freudian Impression* (Chicago, IL: University of Chicago Press, 1995): 2.

critical legal studies, including critical race theory and feminist legal theory, has looked to court cases which exemplify the fact that even what might be counted as evidence or admissible testimony before the law as it is embodied by the judge of a court is subject to being forced to fit within the terms set by the archive of what has come before. In order to speak before the law, the law's archive must deem such speech admissible in its terms.⁵¹

Mawani moves this discourse one further step:

Instead of approaching law to be like the archive or solely tracing its origins in the archive, I begin formulating law as archive, as a dynamic formation in which the distinctions between law and history morph, mutate, and bleed into one another without ever fully collapsing. In conceptualizing law as archive, I ask how such a formulation – one that does not reduce law to history and that expands understandings of law beyond its formality and technicality – may invite a fuller reflection on the ongoing and unfinished struggles through which law constitutes, instantiates, and expands its reach as an (il)legitimate force of command.⁵²

In attending to law as a(n) (il)legitimate force and as the archive, Mawani moves to think the archive not only through Derrida's *Archive Fever* but also *Force of Law*. In *Force of Law* Derrida insists that "there is no such thing as law that doesn't imply *in itself, a priori, in the analytic structure of its concept*, the possibility of being 'enforced,' applied by force."⁵³ And since the law is *always* bound up with violence, Derrida argues, it becomes impossible to distinguish between the violence that "founds" law and the violence that sustains it. Mawani puts

⁵¹ As I discuss in chapter two, one illustrative example is Gerald Torres and Kathryn Milun's lucid article, "Translating *Yonnondio* by Precedent and Evidence: The Mashpee Indian Case" in *Duke Law Journal* 4 (1990): 625-659.

⁵² Mawani, 350.

⁵³ Derrida, Jacques. *Force of Law: The "Mystical Foundation of Authority."* *Cardozo Law Review* 111.5-6 (1990): 925.

this together with Derrida's focus on the "archivolithic" force of the archive which is the focus of *Archive Fever* to conclude that "The double logic of violence that underwrites law as archive is not solely grammatological or epistemological but also ontological and material."⁵⁴ That is, the law is both discursively and materially violent.

Yet in the face of the doubleness of the violence of law's archive, it is precisely law's archive that is the site to which Philip goes in order to render poetically the enormous wound of the Middle Passage. All of the poetry in *Zong!* is made up of rearranged words and letters found in the literal text of *Gregson v Gilbert*, which Philip reproduces at the end of her book for reference. In an interview with Patricia Saunders published in the *Journal of West Indian Literature* in 2005, back when *Zong!* was still very much a work-in-progress, Philip told her interlocutor, "I have locked myself in the text in the hope of discovering something that remains hidden below the surface of the legal document. I am excited by it [...] And I am rewarded by the fact that although I have imposed the limitation of the text on myself, I have been able to find a lot of freedom within those limitations. I believe that this is a lesson that poetry offers us – freedom within limitations."⁵⁵ Philip submerged herself deep in the very archive which marked her ancestors as non-beings, armed with the belief that there was something below the surface, something that the archive could not, despite itself, completely erase. So from its earliest poems, *Zong!* is theorizing law's archive and its double force of violence. Here are two examples:⁵⁶

⁵⁴ Mawani, 357.

⁵⁵ Saunders, Patricia. "Trying Tongues, E-raced Identities, and the Possibilities of Be/longing: Conversations with M. NourbeSe Philip." *Journal of West Indian Literature* 14 (2005): 218.

⁵⁶ These poems appear on pages 20 and 21 of *Zong!*. I have tried my best to reproduce them here as closely as possible to how they appear in Philip's book, though my spacing may not be exactly correct.

Zong #11

suppose the law
is
not
does
not
would
not
be
not
suppose the law not
– a crime
suppose the law a loss
suppose the law
suppose

Zong! #12

it

is said

has been decided

was justified

appeared impossible

is not necessary

is another ground

need not be proved

it

was a throwing overboard

it

is a particular circumstance

need not be proved

is another ground

is not necessary

appeared impossible

was justified

has been decided

is said

it

was

In *Zong #11*, the poem begins by conjuring a hypothetical, “suppose the law,” and then offers by way of its scattered form a series of possible readings: suppose the law/is/a crime, suppose the law/does/a crime, suppose the law/would/be/a crime, suppose the law/is/not/a crime, suppose the law/does/not/a crime, suppose the law/would/not/be/a crime (or suppose the law/would not be/not/a crime).

It is imperative to keep in mind that *Zong!* is poetry that is meant to be embodied, to be performed. It is not static words on a page. The very movement of the letters on the opening page which continues throughout gestures to the way in which Philip has penned a text that urges to escape its own textuality. And so when we read *Zong #11*, it is impossible to know in advance exactly how to read what follows. Does one read sequentially from top to bottom? Does one read down one column and then the other? Does one skip words? Is it best read with multiple voices so that lines can echo and revise each other? These are all questions which trouble audiences at some of Philip’s performances of *Zong!*. At the end of many of her performances, Philip asks her audience to read aloud a poem she has printed and distributed to all members, and no two performances of the “same” poem wind up turning out the same.

At one performance I attended, there was palpable discomfort among most audience members when we were asked to read aloud, as most people had no idea which words to read in what order or how to read in relation to all of the other voices in the room. In talking with Philip after this performance she said that such confusion is exactly what *Zong!* produces in its offering of trying to know unknowability and understand un-meaning. At the risk of making meaning out of un-meaning, then, this brings me back to the aspect of *Zong! #11* which most resonates with me: the disappearance of the law by the end of the poem. What began as “suppose the law” ends as “suppose” since “the law” gets dropped out along the way. All that is left is supposition,

imagination, and possibility. The next poem, *Zong! #12*, reminds the reader that no, the law and its force cannot be wished away because in fact “it/was;” the archive represented in the poem is out of joint. It is misaligned. Its center cannot hold. *Zong! #12* thus also renders poetically for readers that “the archive always works, and *a priori*, against itself,”⁵⁷ even as it cannot be merely pushed aside. For Philip, the law and its archive have cracks, slips, and pores through which she might enter to find what is beneath the surface: namely, the be-ing which law tries to extinguish.

Before even approaching these poems, however, if we read according to “the law” of front cover to back cover, left to right, top to bottom, then before even getting to the “text proper” of Philip’s poetry, while crossing what Gerard Genette names as “the threshold of interpretation” in his classic study, readers encounter *Zong!*’s paratextual reinstantiations of the be-ing that law could never totally erase but only ever write over. On the front cover of *Zong!*, printed against a greyscale image of the empty surface of the sea with what looks to be a sketch of bones in the leg around the knee joint down the center, with a red circle inlaid with a disjointed and ambiguous greyscale image of its own obscuring what is likely a connective joint – the very part of the skeleton which would provide both a connection between individual bones and the flexibility of movement – readers encounter not only the title of the book and the name of its author, but also the claim, “As told to the author by Setaey Adamu Boateng.” Curious readers familiar with common practices of paratext will flip to the back cover of the book – I would argue therefore that this paratext moves the reader to physically act and is therefore an instance of what I have elsewhere called “performative paratexts”⁵⁸ – and read that “Sataey Adamu Boateng is the voice of the ancestors revealing the submerged stories of all who were on

⁵⁷ Derrida, *Archive Fever*, 12.

⁵⁸ This could also be an instance of what Robin Bernstein calls “scripted objects” in *Racial Innocence: Performing American Childhood from Slavery to Civil Rights*.

board the *Zong*.” In answer to the lingering question in Walvin’s assertion that “the atrocity might have passed virtually unnoticed but for one extraordinary fact...,” Philip offers Boateng. And not only Boateng, but all of the enslaved people who were on board the *Zong* and whose stories, along with their very names in some cases, have been submerged under the archive, under the sea (if the law is the archive is the sea is a graveyard, and “the sea is history,” is the law a graveyard?). Throughout the first book of *Zong!, Os*,⁵⁹ Philip lists names – 231 in all – in small print under a single horizontal line at the bottom of each page, as if they were footnotes. These are meant to be the names of the unnamed enslaved people aboard the *Zong*, the names of those whose being law’s archive fails to register, whose being the force of law attempts to extinguish, and whose being survives in the memory of the event, because as Taylor writes in *The Archive and the Repertoire*, “Embodied memory, because it is live, exceeds the archive’s ability to capture it.”⁶⁰ In *Zong!*, poetry and performance (and poetic performance, and performative poetry) bring to life the being that law’s archive subsumes into property.

In *The Archive and the Repertoire*, Taylor seeks to dislodge the archive of its supremacy by turning to the repertoire. While the archive is a body of texts, the repertoire is a repository of embodied performances that outlive the grasp of the archive. A quick caricaturization of Taylor’s argument sets up the repertoire as the good site of resistance against the archive as the bad site of oppression, but Taylor insists against such a positioning: “The relationship between the archive and the repertoire, as I see it, is certainly not sequential [i.e. the repertoire comes first and then the archive comes in on the backs of imperial conquest and wipes our indigenous repertoires] [...] Nor is it the true versus false, mediated versus unmediated, primordial versus modern. Nor

⁵⁹ Philip herself refers to the “parts” of *Zong!* as “books” in numerous interviews and informal conversations.

⁶⁰ Taylor, Diana. *The Archive and the Repertoire: Performing Cultural Memory in the Americas* (Durham, NC: Duke University Press, 2003): 20.

is it a binary.”⁶¹ Rather, the archive and the repertoire are bounded together, always interacting with each other, and each is able to be used for both emancipatory and oppressive purposes. While the contributions of Taylor’s book exceed my argument’s scope here, what the archive and repertoire offer as a pair is the opening up of the law to be interrogated in terms of performance. Even as it is certainly fruitful to think law as archive, it is equally fruitful to think law as repertoire. Joseph Roach describes law thusly: “Imagined communities perpetuate themselves through the transmission of their prohibitions and entitlements. As a cultural system dedicated to the production of certain kinds of behaviors and the regulation or prohibition of others, law functions as a repository of social performances, past and present.”⁶² Law’s archive, in other words, is not a static set of terms against which current statements are measured to determine their admissibility, or at least not only. Law’s archive *performs*; it *does things*. Law’s archive enacts a periodizing force, separating past from present so that *Gregson v Gilbert* can encode the nonbeing of enslaved Africans into its terms while the Slavery Abolition Act of 1833 in the United Kingdom and the Thirteenth Amendment to the U.S. Constitution in the United States can encode slavery as definitively over and thus as a relic of the past. The performative archive of the law, then, is constantly in tension not only with itself, but the performative counter-archives or “counter-memories,” “the disparities between history as it is discursively transmitted and memory as it is publicly enacted by the bodies that bear its consequences,”⁶³ of those whom it ostensibly excludes at one time only to include at another. Such tensions leave the law vulnerable to performances like Jacobs’s and Philip’s. The archive contains perforations (noun), and it can be perforated (verb) through (both textual and embodied) performance.

⁶¹ Taylor, 22.

⁶² Roach, Joseph. *Cities of the Dead: Circum-Atlantic Performance* (New York, NY: Columbia University Press, 1996): 55.

⁶³ *Ibid.*, 24.

While preparing to write *Zong!*, Philip described feeling “the freedom within limitations” poetry gifts us while she had shuttered herself within the hold of the archive. While she occupied the pages of *Gregson v Gilbert*, I would suggest that Philip found herself situated in the space between ethics and law, her words shaped by law’s archive but her movement free to attend to the responsibility called forth by the dead’s repertoire. It is within this space that Philip can perforate the very archive confining her by writing poetry out of the letters of the legal case.

In their 2008 interview, Saunders and Philip have the following exchange.

[Saunders]: What is striking about the project is your insistence that you stay within the law and the legal document because so much of the dispossession for black people is precisely within this framework, this present and past history. Black subjects have always had to view the *Law* suspiciously because they were always already situated outside of the law (as property, nonhuman, chattel). But the paradox is that there is no ‘outside the law,’ since it frames the social and political structures in which we exist in order to make sense of [the fact] that you have to *explode it from inside*, and connect it to its origins, its buried pasts.

[Philip]: That is true. And it is within that dispossession within the law that we find our liberation, our freedom, our energy, by exploding it – from the inside. It’s paradoxical. It really is profoundly paradoxical.⁶⁴

It is this “exploding it from the inside” that perforation might allow. Since law’s archive is compelled to perform all that it cannot contain in recognition of the very fact that embodied performance outlives the grasp of the archive, and the archive is left with perforations through which an artist/writer/thinker like Philip can enter, it is possible that passing through that barrier

⁶⁴ Saunders, “Defending the Dead, Confronting the Archive,” 67 (my emphasis).

at law's limits may move one into the space between ethics and law, a space from which one can explode the law from the inside, revealing all that law's archive strives to erase but that law's repertoire recognizes as still requiring policing.

Zong!'s poems explode the law right from the first page (is there a "first" page to *Zong!*? What is the rule/law for how to read this book?) in their very shapes, sounds, and forms. *Zong!* #1 confronts the reader reading from the front to the back of the book, left to right, top to bottom, with a page of mostly empty space, with letters scattered throughout, almost to the point of looking like a "connect the dots" puzzle or leaves scattered by wind over the surface of water, or bodies floating on the surface with the swelling of death before sinking to the bottom to be lost forever. A puzzle, a scattering, a death scene: these are some of the possible re/dis-formulations and dis-articulations Philip carves out of *Gregson v Gilbert*. The legal case is no longer able to tell its story of objects of property; it now serves Philip's function to create a poetic mourning for lives lost in the genocidal violence of the Middle Passage. Flipping the pages from front cover to back cover, readers' eyes watch as the words of individual poems move, sometimes in what appear to be the neat lines and columns of a ship's ledger or poetic catalog, sometimes in pockets of textual density surrounded by blank space, sometimes in seemingly random distributions of letters, sometimes in what look to be discernable shapes that mimic the movement of fish or debris through water, sometimes in what looks like smoke billowing up through the air or bubbles rising through water, and then, near the end in *Ebora*, in what appears to be the fashion of pools of oil seeping into each other, becoming darker in some places than others, before finally letters in different fonts and of different shades overwrite each other on the excessively cluttered final page before the glossary of terms.

This final page renders visual the palimpsestic nature of *Zong!*, which in turn renders poetic the palimpsestic nature of *Gregson v Gilbert*. As the words on this final page (I still cannot leave my recourse to sequential terminology unremarked upon) bleed ink into each other and make it nearly impossible to tell which layer of letters is “on top of” which, Philip’s poetry writes over the text of law’s archived documents, muddying the clarity asserted in the insurance case. That is, while the insurance case as it is recorded in law’s archive gives a simple equation wherein the bodies of the enslaved people equal property as if the question were decided, Philip’s overlaying of words and letters and bleeding together of lines of ink breaks that equation. This is an instance where excess is not only the phenomenon of oppression established in the so-called past exerting force on the present, which is the more pessimistic and close-to-deterministic account on which I focus in chapter one, but rather here the excess of ink dilutes the certainty of the hold that mechanisms of oppression established in what is thought of as the past can assert on the present. Of course, that asserted clarity in *Gregson v Gilbert* was itself a palimpsest, a re-writing that covered up the being in the flesh of those bodies thrown overboard. *Zong!* explodes the text of *Gregson v Gilbert* from the inside and scatters its raw material throughout a new book – a new material to be archived. This exploded text un-tells the story that the legal text tells and renders the meaning of that court case into un-meaning. It is un-meaning, and not meaning, that *Zong!* leaves in the wake of the explosion it performs through perforation: “The disorder, illogic, and irrationality of the *Zong!* poems can no more tell the story than the legal report of *Gregson v Gilbert* masquerading as order, logic, and rationality. In their very disorder and illogic is the not-telling of the story that must be told.”⁶⁵

⁶⁵ Philip, 197.

Time and again in *Notanda*, the essay note at the end (?) of *Zong!*, Philip refers to the story of the *Zong* massacre, and the story of slavery in general, as the story that cannot be told and yet must be told. Saunders asks Philip about this in their 2008 interview, and Philip explains, “What I feel strongly is that we can’t tell these stories in the traditional way, or the Western way of narrative – in terms of a beginning, a middle, and end. I think part of the challenge, certainly for me, was to find a form that could bear this ‘not telling.’ I think this is what *Zong!* is attempting: to find a form to bear this story which can’t be told, which must be told, but through not telling.”⁶⁶ From the exploded form of *Zong!*, characters and situations emerge, but they are not “told” in the way a story might traditionally be told; readers cannot put together a “plot.”

Keeping in mind that *Zong!* is song, as Philip writes, and that the poetry is performance, I am reminded again of the one instance when I was able to see Philip perform from the book and the discomfort that I, along with much of the audience, felt. This performance was at a small public liberal arts college in the largest formal auditorium on the campus, complete with proscenium arch staging. As members of the audience, we were therefore seated in rows with our bodies directed by our chairs towards the stage at the front-center of the auditorium. There was mild confusion in the room, then, when the performance began with us being able to hear Philip’s voice as well as what sounded like sand dragging across a solid surface, but without being able to see anything but a bare stage with a few instruments on it. Many of us looked around for a few moments until some members of the audience realized Philip had walked into the room via a raised widow’s walk-like platform that circled the perimeter of the space above the highest row of auditorium seats. Philip continued to read and recite from *Zong!* as she walked up and down the stairs between sections of the audience, never pausing to give us any directions

⁶⁶ Saunders, “Defending the Dead, Confronting the Archive,” 72.

or context about what we were witnessing. At some point a man came on stage and began playing the instruments, which mostly consisted of different types of west African drums. Philip continued to read and recite with some audience members sitting in their seats staring straight ahead at the stage and listening to the voice they would not turn their bodies to look at, while others turned in their seats to visually follow Philip's body as it produced the voice we were hearing. When she reached the stage, the entire audience was transfixed on that space as she and the musician finished their performance before Philip gave the only instructions of the evening.

Before anyone could go in and sit down for the performance, single pieces of paper with photocopies of a poem from *Zong!* were left on each seat. Near the end of the performance, Philip instructed us in the audience to pick up the sheet and read the poem aloud. That was it. No other instructions. She began reading and the musician set a rhythm on a drum, but the audience did not begin reading right away. There were obvious gestures of discomfort as people shifted in their seats, looked around, giggled nervously, and/or looked down at their paper to avoid the gaze from the stage or the eye contact of their fellow audience members. Eventually, some members of the audience began reading and I joined in. The reading was disjointed; there was no uniform rhythm or method, and so different voices were reading at different paces. Some voices read every word from top to bottom and left to right, some voices read a single word at a time, skipping several in between, some voices read in spurts of lines or phrases, and many audience members did not read at all. We read until the drumming stopped and then Philip and the musician bowed and left the stage. Most audience members warmly applauded, but the energy in the room was uncomfortable as we left the auditorium.

In an essay reflecting on a performance Philip gave at the 2012 Canadian Association for Commonwealth Literature and Language Studies Annual Conference, Janet Neigh writes,

“Handing out about twenty photocopies of *Zong!*, Philip provided the audience with page numbers and instructed us to read these pages along with her without worrying about staying in unison. A mesmerizing cacophony ensued, as voices moved under, over, and around each other.”⁶⁷ Reflecting on a similar experience at a different performance, Joseph LaBine writes, “My interpretation began to move past the horror and transcend it. The poems now became about giving silenced voices agency.”⁶⁸ (Bracket for the moment the question of *giving* agency to silenced voices, as if agency is something one can bestow ad hoc.) This is certainly one possible result that a *Zong!* performance could conjure, and I believe the text on the page, as I have outlined, visually and aurally moves in such a way to invite such multivocal, cacophonous readings that can explode the denotative meanings of trauma and abjection inscribed by *Gregson v Gilbert* and that still linger in *Zong!*.

But it is also possible, as I suspect was the case at the performance in which I participated, that the disorder and confusion of trying to perform the poem in a large group can heighten a desire for law and order. At least this is what I overheard in the mutterings I could make out in the crowd as we funneled through the exit: expressions of a desire for more and clearer instructions, a program about what to expect, a “more normal” performance. I noticed as well, during the performance, my own desire for some set of rules that I could follow so that I could know I was doing it “right.” I wanted a discernable grammar. I tried to actively push back against this desire as I read aloud, and after the performance I began to think of what it was I was confronting. On the one hand, one could see a lack of rules, but on the other, one could see an excess of interpretive possibility. When the structuring grammar of the law is removed, that lack

⁶⁷ jacket2.org/feature/dialogues-m-nourbese-philip

⁶⁸ <http://flatsinglespress.blogspot.com/2014/04/review-of-october-performance-of-m.html>

is filled by an excessive presence, where the number of possibilities can be overwhelming in how they exceed a normative capacity for neat comprehension.

Taylor writes that “performance makes visible (for an instant, live, now) that which is always already there: the ghosts, the tropes, the scenarios that structure our individual and collective life. These specters, made manifest through performance, alter future phantoms, future fantasies.”⁶⁹ Performing *Zong!* conjures “the ghosts, the tropes, the scenarios” buried under the words of *Gregson v Gilbert*. It is *not* that the excess released in the performance was extinguished by the archive, but that the archive forgot about it, or at least buried it. It is all still there, though. As Mawani points out, it is imperative for law’s archive to repress what it writes over so that the palimpsest does not show, since “if the power of the colonial state and law rests on law’s ability to consume time, then the archive might become a telos, *an alibi of progress*.”⁷⁰ In other words, the law must erase all evidence of disorder to produce the teleological order of its movement from “bad” law toward justice. Law’s archive performs its periodizing force in order to keep the “bad” past radically separate from the “better” present, thus rendering what happened in that bad past as beyond the reach of present responsibility or obligation. *There is no need to solve a problem that is already over*, the law might say about slavery.⁷¹ But the problem for the law is that “While a great deal of the unspeakable violence instrumental to this creation [of the so-called “New World”] may have been officially forgotten, circum-Atlantic memory retains its consequences, one of which is that *the unspeakable cannot be rendered forever inexpressible: the most persistent mode of forgetting is memory imperfectly deferred*.”⁷²

⁶⁹ Taylor, 143.

⁷⁰ Mawani, 354, my emphasis.

⁷¹ This is of course an example of what Sara Ahmed calls “overring.”

⁷² Roach, 4, my emphasis.

Philip gives voice to this deferred memory by speaking not only the inexpressible violence, but also the be-ing of the subjects which that violence treated as objects.⁷³ In exploding the law from the inside, *Zong!* blows up the perforated barrier that law's periodizing force erects between the past and the present, and since "approaching law's archive as a double logic of violence, as both the violence of law and the violence of the archive, places a weighty and necessary ethical responsibility on its contemporary readers,"⁷⁴ the ethics that was never fully taken away from the black body is returned as Philip occupies the space between ethics and law, between flesh and body. It is through these spaces that the specters of what is called the past move as they haunt the excessive present, since all of the law's grammar does not mean anything in the face of the anti-grammar of ghosts. It is perhaps an obvious point to note that in 182 pages, there is not a single punctuation mark in *Zong!*'s poetry. Nor is there a constant syntactical pattern or capitalization or other forms of grammatical marking. There simply cannot be, since this is the story of ghosts, and ghosts have no respect for the period(ization)s of any grammar.

This is precisely why Philip insists that the form of the poetry must be able to tell a story that cannot be told, because sequential plot, with its beginning (past), middle (present), and end (future), is insufficient for all that is in excess of such one-dimensional structure.

The story that cannot be told must not-tell itself in a language already contaminated, possibly irrevocably and fatally. I resist the seduction of trying to cleanse it through ordering techniques and practices, for the story must tell itself, even if it is a partial story; it must be allowed to be and not be.⁷⁵

⁷³ It is this simultaneous attention to the violence which constitutes this history and the ways in which black being exceeds the possibility of being reduced to mere violence which makes *Zong!* an example of what Christina Sharpe calls "wake work."

⁷⁴ Mawani, 360.

⁷⁵ Philip, 199.

It is for this reason that *Zong!* performs and poeticizes the excessive present as a condition of excessive ethics made possible through perforation. Law's archive attempts to periodize past from present, but this archive contains perforations through which a text and/or performance may enter to perform further perforation. In the meantime, the ghosts whom the archive seeks to keep separate from the constructed present keep appearing, ignoring the periodizing wall. These ghosts come making excessive demands for those events which have happened and are (never) over, those events which exceed their own eventness, those events in whose afterlife all life exists. These ghosts' demands exceed responsibility – they exceed the ability to respond in the present, and so by performing perforation against law's archive, *Zong!* opens space for thinking and feeling all of this present excess.

It is in this opening of space that perforation crystalizes what is most important to my thinking on the excessive present. As a theory of time and temporality, the excessive present can shade close to determinism, as I recognize in the previous two chapters, even when considering the presence of futurity in the present. But perforation attunes us to the ways in which the excessive present is a dynamic temporality, where time flows in multiple simultaneous directions and in which subjects act within and upon the very forces acting within and upon them, not in a way that romantically wipes away the realities of regimes of oppression, but in a way that situates considerations of ethics and action in the excessive present truly *in the wake*. One of the lingering questions of *Zong!*'s particular wake work, then, that the final chapter will take up, is what kinds of actions are called for in the excessive present? What is our relationship to such stories of the dead?

Law's Vulnerable Body: A Note on The Bio-logic of Perforation

How does one come to inhabit and envision one's body as coextensive with one's environment and one's past, emphasizing the porous nature of skin, rather than its boundedness?

-Diana Taylor⁷⁶

My thinking towards perforation emerges from Jacobs's articulation of her time in the garret, Griggs's imagination of a nation within a nation, and Philips's explosion of the legal archive, and it clarifies in thinking with Taylor's question about skin. To end this chapter, I more fully flesh out a theory of perforation through analogy with the human body.

While perforation is a theory about the force of law and acts of resistance, it is also a theory about bodies, about boundaries, and perhaps most importantly, the flows which pass between, through, and around boundaries like the body's outer layer of skin. Grammatically, I have employed the term perforation in both noun and verb forms. The word and its various forms can refer either to a hole or series of holes made by "boring, punching, or piercing," or it can refer to the act of perforating – the act of boring or punching or piercing a hole or series of holes through a structure. This is why it is useful, for my project, to think of perforation rather than porosity, since the latter does not have a verb form. Then, etymologically, perforation has its roots as a medical term, though since the sixteenth century it has become applicable outside of the human body, and perhaps most recognizable as a term for something done to paper.⁷⁷ In tracing its meaning from the material (human) body to the materiality of paper one follows the etymology of perforation from the realm of the material to the realm of discourse as the latter is structured by the paper documents of archives. A second reason I employ perforation, then, is to underscore the connection between the material and the discursive – a connection that is fundamental to the workings of law, as *Zong!* makes vivid. Law is discursive insofar as it is

⁷⁶ Taylor, 84.

⁷⁷ *Oxford English Dictionary*, "perforation."

supposedly structured by reason and serves as “a body of statements, analysis, opinions, etc., relating to a particular domain of intellectual or social activity,”⁷⁸ but since law is only meaningful insofar as it is enforceable, the discourse of law is inevitably bound with the material records of its discourse and the material enforcement of consequences on material, fleshy bodies. The body, the paper, and the concept are bound together by law, and so perforation points to the theorization of this nexus of materiality and discourse. ⁷⁹

In his essay *Force of Law: “The Mythical Foundations of Authority,”* Derrida meditates on the seemingly simple truism that “there is no such thing as law that doesn’t imply *in itself, a priori, in the analytic structure of its concept,* the possibility of being ‘enforced,’ applied by force” (925). He goes on to ask: “What difference is there between, on the one hand, the force that can be just, or in any case deemed legitimate [...] and on the other hand the violence that one always deems unjust?” (927). He is preoccupied with these questions precisely because he is arguing that law as a discursive set of rules and principles is inseparable from material violence.

⁷⁸ *OED*, “discourse.”

⁷⁹ We might think of Foucault’s “Man and his Doubles” in *The Order of Things*: “In other words, language in so far as it represents – language that names, patterns, combines, and connects and disconnects things as it makes them visible in the transparency of words. In this role, language transforms the sequence of perceptions into a table, and cuts up the continuum of beings into a pattern of characters. Where there is discourse, representations are laid out and juxtaposed; and things are grouped together and articulated” (311). Here Foucault teaches us that the seemingly immaterial world of words and language structures our thought, thereby organizing how, in real time and space, those manifestations of which words are representations are arranged and acted upon. That is, the material world is not only experienced through, but is also structured by the terms of discourse. Perforation’s etymology traces this in connecting paper – the material surface on which words are recorded – to flesh and blood. The distinction between discourse and materiality is the first barrier through which the theory of perforation insists on flowing as it seeks to be a theory of discourse and a theory of material force at the very same time. This conceptual point we can take from Foucault has particular implications when we try to define what is meant by “the law,” since depending on our disciplinary training, we may mean very different things when we invoke the term. Indeed, once at a law and humanities conference I realized just how uncertain it can be how we understand the law when one legal scholar mentioned that “it sounds like you’re talking about the law as if it was some kind of crude force of violence, but it’s not. The law is just words in books and journals and archives.” Of course for me, the law is not just those things, but indeed the law is violence itself, and so the two of us wound up talking past each other, the ostensible barrier between the world of discourse and the world of materiality mediating our conversation.

If society is to be governed by sets of laws, those laws will only perform their work of giving order to society if there is a mechanism to translate the written or spoken rules and principles (legislative acts, fiats, or judicial rulings and principles) into actual practice between flesh-and-blood human beings (as opposed to law's imagined figures such as "the reasonable man"). The way this is done is through "the force of law," or the threat and actual implementation of material violence as a way to compel obedience to the law. For this reason, law is meaningless without the capacity for enforcement. And not only is law meaningless without enforcement capacity, but the discursive realm of law contains within itself the *necessity* of material force.

If the law must necessarily contain the capacity for material enforcement, then at the nexus of materiality and discourse through which perforation moves, lies embodiment. In order to think law and embodiment together, I turn to one of the primary theorists of embodiment in black studies, Hortense Spillers. In her iconic essay, "Mama's Baby, Papa's Maybe: An American Grammar Book," she draws the following distinction:

But I would make a distinction in this case between 'body' and 'flesh' and impose that distinction as the central one between captive and liberated subject-positions. In that sense, before the 'body' there is the 'flesh,' that zero degree of social conceptualization that does not escape concealment under the brush of discourse or the reflexes of iconography.⁸⁰

Throughout her essay, Spillers mobilizes this distinction to disarticulate the projection of pathology onto African American social and familial structures by discourses exemplified by Daniel Patrick Moynihan's 1965 report, *The Negro Family: The Case for National Action*. She builds on and lays groundwork for theorizing in the fields of black feminism and black queer

⁸⁰ Spillers, Hortense. "Mama's Baby, Papa's Maybe: An American Grammar Book." [1987]. *Black, White, and In Color: Essays on American Literature and Culture*. Chicago, IL: University of Chicago Press, 2003: 206.

studies through her articulation of the ungendering of black subjects through the Middle Passage and the potentiality for occupying an insurgent, alternative conceptualization of gender or humanity. On my reading of this distinction,⁸¹ flesh emerges as the material stuff of human beings, and bodies as the conceptually knowable, legible, and *order*-able subjects/objects that discourse shapes out of flesh. That is, there is flesh in the world, and the words that are used to represent flesh are the discourse which “cuts up the continuum of beings into a pattern of characters.”⁸² Black flesh is not, therefore, inherently enslavable; rather, discourse “brushes” black flesh to create black bodies that are enslaved and treated as chattel, such that the flesh under these bodies can be violated in any way deemed permissible by “the master’s will.” But this body is constructed by cultural forces such as law, and so, to repeat my disagreement with Frank Wilderson in chapter 2, social death is imposed upon black bodies without ever being able to reduce black flesh to the status of a capital-S Slave. The black body is molded by discourse; it is not pre-ordained, pre-determined, fixed in place, or naturally occurring. Of course, this holds true for the white body as well, since flesh is not naturalized as black nor is blackness naturalized as flesh. The brush of discourse which forms the black body in the early stages of modernity as slavery solidifies as global practice also touches white flesh and crafts white bodies, marking white subjects as also bearing the mark of discourse and therefore, as the first chapter unpacked, meaning that white subjects do not escape living in the excessive present of slavery after the historical moment of abolition.

Near the end of her essay, Spillers turns to the law as a primary force of organization for the social order that renders black flesh as the black body. She identifies how “the slave codes [...] are themselves an instance of the counter and isolated text that seeks to silence the

⁸¹ I want to emphasize that this is only one possible reading of the multiply-signifying theorizing Spillers performs.

⁸² Foucault, Michel. *The Order of Things* (New York, NY: Vintage Books, 1994 [1970]): 311.

contradictions and antitheses engendered by it.”⁸³ For Spillers, the law is one of the forces which brings “the brush of discourse” to flesh in order to conjure bodies, and yet this very force then has to mobilize mechanisms – such as the one drop rule or the law that a child’s “slave status” will follow from that of its mother – that will “silence the contradictions and antitheses engendered by it” in the first place. In this moment, Spillers identifies the law’s awareness of its own vulnerability, which I would call its perforation.

The law is therefore something like magic, not in a romanticized way, but akin to the segment of the 1940 Walt Disney film *Fantasia* known as “The Sorcerer’s Apprentice.” In the film’s most culturally famous scene, Mickey Mouse plays the role of a sorcerer’s apprentice whose job it is to clean the sorcerer’s practice-space. Armed with a broom and buckets of water, Mickey finds the job difficult, so when the sorcerer leaves he peeks into the wizard’s spell book – his tentative mannerisms suggesting without dialogue that the book is forbidden to him. Mickey breaks the taboo, however, and uses the spells in the book to animate and then clone the broom and buckets, producing sentient workers to do the cleaning he is supposed to complete himself. Mickey soon realizes that he can no longer control the cloned brooms as they fill the dungeon with a dangerous flood. Eventually the sorcerer returns to see what damage Mickey has wrought by appropriating the knowledge in the law-magic book, and quickly disappears the flood as well as the brooms and buckets before reprimanding Mickey with a strike from the original broom. On the one hand, the patriarchal order of things is restored through the reaffirmation of the sorcerer’s authority and the reprimand of the apprentice who it is suggested failed because he attempted to ascend beyond his station. That is, the apprentice’s plan did not work not because something was wrong with the magic itself, but because he was insufficiently trained or skilled

⁸³ Spillers, 225.

to use the magic properly. Even if this is the case, and we ought not simply accept it, then the scene not only reaffirms authority but suggests that the source of authority – the book of magic which translates into a book of law ordering the beings into a hierarchical grid (the sorcerer, his apprentice, and the broom) – contains within it the possibility of failure.

The risks of conjuration are that magic, like performance, exceeds the intentions of the magician and retains its potential to produce an effect that is unknowable in advance. Therefore, when I observe that “for Spillers, the law is one of the forces which brings ‘the brush of discourse’ to flesh in order to *conjure* bodies,” this is not merely an observation of a one-directional exercise of power. The law does more than it intends and is open to the possibility of its own force erupting beyond control: the Middle Passage inaugurates not only racialized blackness in North America, but also racialized whiteness as well as racialization itself. Flesh and bodies do not remain separated out into a neat binary where one merely becomes the other, but rather flesh is body is flesh etcetera, and thus while flesh may not “escape” the brush of discourse, it is not merely the object on which discourse acts but may also be that which might brush back, or even which might reach in a different direction completely. Thinking law as magic not only breaks down presuppositions of the rationality or objectivity of law, but it also takes seriously the imperative to not yield to the law more dominance than it really has.

It is from this reading of Spillers’s work that I put her body/flesh distinction into play in a different direction, back onto the law itself, rather than only on the materiality of the subjects/objects crafted by law. Just as it might be said that flesh precedes the body and is unable to escape the articulation of discourse that turns it into body, ethics precedes law and is unable to escape the discourse that turns it into law. Since all bodies, white and black and otherwise, are implicated in the excessive present of slavery, there are no clean hands or easy answers to the

question “What must be done?,” even as such a seemingly crude question and its related forms obviously underwrite all of my writing. So what this means for my current reading of Spillers’s flesh/body distinction is that there is a parallel to be drawn between her pairing and my pairing of ethics/law. Ethics emerges at the very moment there exists a self and an other, before anything communicates the need to formalize any agreement about how to organize things. Once social networks emerge and rules are formalized for regulating conduct between selves and others, then you have law. Ethics as flesh, law as body.

The resulting body of the law is just as constructed and therefore open to revision as the resulting human body made out of flesh by the brush of discourse in my reading of Spillers. Taking the formulation of ethics as a pre-legal responsibility to the un-named and even unnamable other, following an analogy with Spillers’s flesh/body distinction we could say that ethics is the realm of relationality between fleshy beings. Ethics is the flesh that connects human flesh. Law, then, is the discourse-brushed flesh-cum-body that mediates all relationality between human flesh-cum-bodies. There is risk here, of course, since the body of the law is not truly flesh-and-blood in a mortal, organic way. I do not want to make metaphorical bodies equivalent to bodies that can be beaten, broken, or killed.

But even as this analogy bears the risk of overly-metaphorizing the body, it also brings attention to the non-metaphorical, non-textual, and very much living-and-breathing embodiments of law in the flesh. Without agents of force – actual living bodies with the authority to use violence on behalf of the law to maintain law’s order – the law is meaningless to the point of being effectively nonexistent. This is why it is impossible to separate law’s founding violence from the violence it requires to maintain its own existence. Derrida writes, “But what today bears witness in an even more ‘spectral’ way in mixing the two forms of violence is the modern

institution of the police.”⁸⁴ It is inevitable that Derrida’s argument, which highlights the imbrication of the law’s discursive existence with its material force, arrive at the institution of the police, since it is the police who are the literal physical instantiations of the force of law. Within the analogy I have posited with Spiller’s flesh/body distinction, by admitting that the law has a body, we must necessarily, I would think, look at the bodies standing in to do the work of making the law real by making it felt in the fleshy world of other bodies. The result is that Spillers’s sense of flesh being “brushed by discourse” melds with her articulation of “hieroglyphics of the flesh,” since the “brush of discourse” in this articulation of the world becomes the policeman’s gun, Taser, or Billy-club. The hieroglyphics of the flesh, already so graphic in Spillers’s own articulation, are unmistakably marks of the law in this picture, and discourse becomes material violence.

This conceptual move both grants incredible power to the law while at the same time undermining the law’s “mystical foundation of authority.” For while this picture grants law the power to carve up flesh and make it into bodies, it also insists both that (1) flesh is not only that which is acted upon by law because law’s power is not omnipotent, but rather flesh itself bears multiplicitous potentialities which exceed law’s reach, and (2) that the law as body is itself shaped by discourse and therefore always already subject to revision by means of other brushes of discourse. In other words, *if the law is a body, then that body is vulnerable*. It has skin that bears openings, organs that can be infected, and an immune system that can be imperfect. What this also means is that ethics is not completely left behind when considering the position of the black body in North America. Shortly after distinguishing between body and flesh and elaborating on hieroglyphics of the flesh, Spillers writes, “we lose any hint or suggestion of

⁸⁴ Derrida, 1005.

ethics, of relatedness between human personality and its anatomical features, between one human personality and another, between human personality and cultural institutions.”⁸⁵ By viewing the law as body, we can move against Spillers’s conclusion here. In transforming black flesh into black bodies and evacuating questions of ethics, the body of the law returns the question of ethics to the black body in the very same brush of discourse since that brush bears the flesh of ethics preceding the law’s own body. In other words, just as thefts of bodies in the Middle Passage register as crimes against the flesh within Spillers’s formulation, the violent acts of bodies register as violations of the flesh of law’s matter. We can, in short, return ethics to the black body, because it was never really evacuated in the first place.

It might be said that the body is the zone of indistinction between materiality and discourse (in the sense that the body is both) which therefore throws into confusion the zones of distinction in the law. While the law is preoccupied with determining what is within or outside delimited jurisdictions, rules, or regulations, the very limits which structure law so as to give an order to things (that is, X stops here so that Y might begin) are thrown into question as barriers are perforated by the flow of forces both intended and unintended by the law’s enactment.

It is in thinking about limits that the law reveals its body and perforation begins to accumulate meaning. When it comes to bodies of human flesh, the outer layer of skin is both the outer limit and originating layer of a body. The skin protects what is underneath it from the potentially harmful forces, chemicals, organic and inorganic matter of the “outside” world. Children learn in grade school health class that the skin is one of the body’s first lines of defense against disease, keeping harmful bacteria and viruses out of the blood, muscles, lungs, and other organs and organ systems. Insofar as the skin enfolds all of the other organ systems which work

⁸⁵ Spillers, 208.

together to make the body function as a unit, the skin is also a kind of organizing structure providing a coherence to the body. When the skin is ruptured, be it by way of a gash, scrape, slice, bite, scratch, tear, or break, there is multidirectional danger insofar as one must be concerned about both what is escaping the inside of the skin and what is penetrating from the outside of the skin. This is why when one has a cut one worries both about losing blood and about getting sick from pathogens or parasites or other “foreign bodies” that may enter the blood. The skin maintains the order of (fleshy) things. The skin provides the limits of the body so that what must be kept inside can stay inside and what must remain outside can be kept outside. In this way, the skin separates the body from all that is not the body, the inside from the outside.

But looking closer, if we read the surface of the skin, we might see that what appears as a zone of distinction actually contains within it not only the possibility of interpenetration but the necessary condition of indistinction. After all, the skin is covered in pores. A pore is “an opening in the skin or body surface of an animal,”⁸⁶ and there are millions of pores on the surface of an adult human body’s skin, located everywhere except the palms of the hands and the bottoms of the feet. In humans, pores are sites of the sebaceous glands which produce a waxy, oily substance called sebum. This oil keeps the skin (and hair) moisturized and healthy. If there were no pores through which this oil could escape to the surface of the skin, the skin would become dry, cracked, and unhealthy. Without these millions of tiny holes, the skin would not be able to maintain itself and function properly.

And yet even as pores are tiny holes in the outer defenses of the body that allow the skin to maintain its function as that outer defense, being tiny holes, pores also pose the potential for undermining the skin’s function. The skin’s perforation via the pores which house oil-producing

⁸⁶ *Oxford English Dictionary*, “pore.”

glands that maintain the skin's overall health also makes the skin vulnerable. Due to factors such as stress or hormonal change, glands can produce excess oil which gets caught in the pores, or the pores can let dirt and bacteria collect in them, resulting in infections such as acne. The very structural aspect of the skin which maintains its ordering capacity – the skin's perforation – is also the condition of possibility for infection because it allows the outside to pass in even as the skin keeps the outside and inside distinct from one another. The limit of the body is thus a zone of indistinction at the same time that it is a zone of distinction.

Not only is the skin an organ system that is perforated, but individual skin cells follow a similar logic of perforation due to the porosity of cell membranes. Cell membranes delimit the ends of the individual cell, keeping what is supposed to be inside, inside, and keeping what is supposed to stay outside, outside. But these membranes are not solid; they have to allow proteins and other compounds to pass from one cell to another in order for the body to function properly, or the entire fleshy machine will shut down. This perforation is of course a good thing, then, except during a moment when, say, we might touch poison ivy. When we do, an oil on the leaf of the plant makes contact with our skin and begins to seep through the porous membranes of individual skin cells so that the chemical moves down past the skin and into the bloodstream. Once in the bloodstream, the body's immune-defenses initiate when T-cells recognize the chemical – called urushiol – and send white blood cells to attack what it perceives as a foreign body. The white blood cells, acting on behalf of the immune system to defend the body from attack, begin “eating” the urushiol, but in the process wind up attacking normal, functioning skin tissue, resulting in the inflammation, rash, and itching most people know as the symptoms of poison ivy. In this case, the body's own defenses attack itself as it does its job and eradicates invasive chemicals. The force for maintaining the body's health winds up damaging it.

To be clear, perforation is not merely another word for autoimmunity, “the occurrence or development of an immune response against a normal constituent of the body; the condition resulting from this,” though the two are related and one form of perforation may well be autoimmunity.⁸⁷ While autoimmunity is a theory of potentialities, perforation is a theory of flows – of the forces and actions which move through the spaces opened up by perforating acts. Certainly sometimes holes form because of the very attempts of a structure to guard itself against breakdown, but sometimes holes form because a subject thought to be rendered into an object is able to bore into the walls of power, perhaps even without detection. With every breath, such a subject aspires into the world its potential ending, even if its breathing is quiet. In fact, it is precisely the quietness of such a subject which breathes into being the ghosts which haunt machinations of power. It is this subject, who remains hidden but whose presence is recognized as *necessarily* being out there, somewhere, that guarantees the law’s constant vulnerability.

What chaos might such a subject wrought?

⁸⁷ *OED*, “Autoimmunity.” I am aware that Derrida theorizes “autoimmunity” in *Rogues*, but engaging with his theorizing on this term is beyond the scope of my chapter.

Chapter 4

Abolition (Then and) Now (and Always): The Excessive Demand of Witnessing in Neo-Slave Narratives

If this story of Venus has any value at all it is in illuminating the way in which our age is tethered to hers. A relation which others might describe as a kind of melancholia, but which I prefer to describe in terms of the afterlife of property, by which I mean the detritus of lives with which we have yet to attend, a past that has yet to be done, and the ongoing state of emergency in which black life remains in peril.

-Saidiya Hartman¹

History is our greatest ally in shaping the future.

-Fred D'Aguiar²

Thus far, I have argued that thinking in the register of the excessive present resists the teleology of the law's account of history (introduction and chapter 1), which opens possibilities for envisioning a future-in-the-present outside of the terms of white supremacist heteronormativity (chapter 2), thus attuning us to the vulnerability of the very forces of law which uphold those structures of white supremacist heteronormativity in the first place (chapter 3). This final chapter highlights the convergence of the two ideas expressed above by Saidiya Hartman and Fred D'Aguiar: (1) that what appears to be a relation of melancholia when thinking and writing about slavery in the post-Civil Rights era is sometimes actually the condition of the afterlife of property, and (2) that historical fiction about slavery can be read as an attempt at shaping the future. In the case of my argument throughout this manuscript, the past to which Hartman attends and the future to which D'Aguiar gestures merge in the term *abolition*, and it is on this note that I end my current project. I turn to the specific genre of neo-slave narratives to unpack the politics to which the excessive present as a conception of time is aimed. Both in

¹ Hartman, Saidiya. "Venus in Two Acts." *Small Axe* 26 (June 2008): 13.

² D'Aguiar, Fred. "The Last Essay About Slavery." *Age of Anxiety*. Eds. Sarah Dunant and Roy Porter: 144.

terms of the content of a neo-slave narrative itself, and in terms of *what happens after reading* the content of a neo-slave narrative, I argue in this final chapter that fictional narrations of slavery produced in the post-Civil Rights era bear the potential to call readers towards ethical witnessing that demands the enactment of abolitionist politics which necessarily exceed the timeline written by Law's archive. Producing and reading fiction about slavery is not "enough," because, as D'Aguiar puts it in "The Last Essay About Slavery," "Conditions in the present are not ameliorated by the accumulation of a library of slave-novels, poems, plays, films and albums (cds) about slavery."³ Something else must happen. That is, while I am not arguing that neo-slave narratives are inherently radical, and while I am explicitly arguing against the romanticization of the act of reading as itself always a politically radical act,⁴ I am instead arguing that neo-slave narratives can, when we think at the register of the excessive present, provoke readers to take action in their world after they put a book down, to take up arms against the concrete and discursive machinations of the afterlife of slavery.

Of course, this entire project has been aimed towards abolitionist politics. In the first chapter, the presence of J.M.W. Turner's painting *The Slave Ship* at the end of Claudia Rankine's *Citizen* and a comparative and oppositional reading of William Wells Brown's *The Escape* and Pauline Hopkins's *Peculiar Sam* highlight how literary and performative texts extend the history of the nineteenth-century abolitionist movement in England and the U.S. across the final period of the Thirteenth Amendment to the U.S. Constitution, opening abolitionism from a

³ *Ibid.*, 126.

⁴ At the same time, I hold out the possibility that reading alone can itself be a politically radical act depending on the context in which the reading occurs. Teaching in prisons and being met with the constraints of censorship and curricular manipulation by a state department of corrections leave me viscerally aware of the fact that for incarcerated people in the U.S., to take one concrete example, the very act of reading is seen by the surveilling eye of the state as radical in its potentiality to, in the words of one corrections official who was incredulous that I would teach M. NourbeSe Philip's *Zong!* and Fred D'Aguiar's *Feeding the Ghosts* in a prison, "incite a riot."

moment in the past into a continuously unfolding movement to deconstruct slavery's afterlife. As Joy James writes in her introduction to *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings*, "The Thirteenth Amendment ensnares as it emancipates. In fact, it functions as an enslaving anti-enslavement narrative."⁵ Carrying forward this enactment of abolitionist politics from my first chapter, then, one particular instantiation I have in mind in this final chapter is the movement about which James writes: prison abolitionism.⁶ So while I do not believe that the demand to enact abolitionist politics beyond the experience of reading which I identify as a powerful characteristic of neo-slave narratives necessarily means that neo-slave narratives are reducible to prison abolitionist texts, I offer prison abolitionism as a material movement being enacted in the twenty-first century which readers of this chapter can keep in mind as a *possible* particular way of enacting the political and ethical demands which I discuss in general as "abolitionist politics."

So the question arises, why is this a chapter about neo-slave narratives rather than a chapter about prison writing – what James calls "(Neo)Slave Narratives"? While I encourage readers to seek out texts by incarcerated writers, and while I believe such texts also bear a potential to push readers to enact abolitionist politics, my concern in this dissertation is how slavery exceeds the legal archive's account of its timeline. In a way, I am still concerned with the kind of question which opened my first chapter: Why does Claudia Rankine's *Citizen*, published in the twenty-first century and publicly lauded as a significant grappling with contemporary

⁵ James, Joy. "Introduction: Democracy and Captivity." *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings*, xxii.

⁶ I do not take it as my project to demonstrate that mass incarceration is simply *the* afterlife of slavery, or that the prison-industrial complex is reducible to a simple linear continuation of plantation slavery, but I *do* take it as a given that what we now call mass incarceration has grown unambiguously out of legal chattel slavery. I therefore will not be proving this relationship's existence since I take that work to have been thoroughly done already. See for example Dennis Childs's *Slaves of the State: Black Incarceration from the Chain Gang to the Penitentiary*, Sarah Haley's *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*, as well as further scholarship by James and Angela Davis.

forces of racist violence, present a nineteenth-century painting inspired by an eighteenth-century legal case about slavery? For this chapter, I am similarly asking, how can readers encounter and *what can readers do upon encountering* fictional narratives of legal chattel slavery in the aftermath of the Thirteenth Amendment? I am concerned with how representations of slavery perform cultural and political work in the contemporary moment.

I recognize that this choice to end a project arguing that literary and performative texts bear abolitionist potentialities insofar as they exceed the timelines of Law's archive with novels about slavery is problematic. I agree with Margo Natalie Crawford's assessment of a "slavery cultural industry" which "reduces the present of black people to the past historical trauma of slavery,"⁷ and as I have reiterated in previous chapters, there are moments when my own project is dangerously close to such a reductive move itself, even as I make my disagreement with Frank Wilderson's postulation of the "capital-S Slave" explicit. Because of this proximity to the problem of flattening, the first part of this chapter's focus on neo-slave narratives will be an engagement with general critiques of what Aida Levy-Hussen calls the "historical turn" in black studies to slavery as a prime object of study. Following this, I will demonstrate how particular neo-slave narratives perform, through literary techniques such as second-person interpellation, a call for abolitionist politics beyond the moment when the final page is turned over and the book is put down.

There is a sense, put forth within texts including Walter Benn Michaels's *The Shape of the Signifier: 1967 to the End of History*, Kenneth Warren's *What Was African American Literature?*, and Stephen Best's "On Failing to Make the Past Present," that African American literary studies, and black studies more broadly, has been *too* concerned with slavery and its

⁷ Crawford, Margo Natalie. "The Inside-Turned-Out Architecture of the Post-Neo-Slave Narrative." *The Psychic Hold of Slavery: Legacies in American Expressive Culture* (New Brunswick, NJ: Rutgers University Press, 2016): 74.

afterlife for the past decade or two (or three), thereby obscuring analysis of the politics of the present moment behind a false notion that the past can indeed offer answers, or at least methods for finding answers, to the questions of the present. Of course, as Levy-Hussen writes in her comprehensive reading of this general discourse, “scholars writing against the historical turn are correct to cast their position as a minority view, although their claims, often articulated with polemical flair, have exerted a disproportionate impact on the field.”⁸ I am aware that despite my insistence on letting go of “the past” and “the future” as distinct temporalities, *The Excessive Present of Abolition* can be seen as part of what Levy-Hussen calls “the historical turn,” thus positioning my work and its interventions within a general majority array of (not at all uniform) voices in the field. From within this majority space, however, in recognition of the profound impact these anti-historical turn scholars have had in the field, I write against this strand of critique because I believe it is mistaken in its characterization of “redemption” as a motivation of the historical turn and it therefore, I argue, mischaracterizes the politics of engaging what has been called the past.

Melancholy Hope: Uncertainty, Forestalled Recovery, and Futurity in *Beloved*

Inevitably, I must address *Beloved*. In *The Shape of the Signifier*, Walter Benn Michaels observes, “despite the fact that slavery ended more than a century before *Beloved* was written, Morrison’s book is an antislavery novel.”⁹ And he is absolutely right. *Beloved* is an antislavery novel. But rather than being perplexed by this seemingly ahistorical move, or seeing it as a reason to critique a turn to racial or cultural identity in American literature, as Michaels does in his readings of *Beloved* and Leslie Marmon Silko’s *Almanac of the Dead*, I see this as a deeply

⁸ Levy-Hussen, Aida. “Trauma and the Historical Turn.” *The Psychic Hold of Slavery: Legacies in American Expressive Culture* (New Brunswick, NJ: Rutgers University Press, 2016): 200.

⁹ Michaels, Walter Benn. *The Shape of the Signifier: 1967 to the End of History* (Princeton, NJ: Princeton University Press, 2004): 132.

insightful observation about the generic connection between neo-slave narratives and nineteenth-century slave narratives. This generic connection reveals the ethical demands levied by neo-slave narratives which exceed a troubling fixation on loss resulting in stasis. I will explore this generic connection in the next section, but here I will briefly address the notion of *Beloved* as a kind of problem text, one which, regardless of the intentions of its author, exerts an inordinate force on African Americanist scholarship's approach to thinking about slavery.

While Michaels sees *Beloved*'s anti-slavery politics as a confounding anachronism reflective of American literature's general turn to questions of identity and historicism – a position shared by Warren – Best helpfully situates Morrison's novel specifically within the trajectory of African Americanist scholarship. According to him, *Beloved* is the literary paradigm of the past three decades of black studies' preoccupation with the past, and it is worth noting that many scholars agree with him. He writes, "The rise of *Beloved* moved the entire field of literary studies to a central place in African American studies [...] With Morrisonian poetics as a guide, the black Atlantic provided a way of making history for those who had lost it and as such secured the recent rehabilitation of melancholy in cultural criticism."¹⁰ For Best, the years since the late 1980s, which saw the publication of not only Morrison's iconic novel but also, he points out, Henry Louis Gates Jr.'s *Signifying Monkey*, Houston A. Baker Jr.'s *Blues, Ideology, and Afro-American Literature*, Hazel V. Carby's *Reconstructing Womanhood*, Valerie Smith's *Self-Discovery and Authority*, and Hortense Spillers's seminal essay "Mama's Baby, Papa's Maybe: An American Grammar Book," have been dominated by a mode of historiography devoted to an ethics of "recovery" and "redemption." This ethics is predicated on a focus on losses and dispossessions in the historical archive which call out to be reconciled. While Michaels bemoans

¹⁰ Best, Stephen. "On Failing to Make the Past Present." *Modern Language Quarterly* 73.3 (2013): 459.

the way this focus on loss and dispossession traps contemporary political thought within static identity politics, in a more interesting and nuanced move Best sees it as a form of melancholia – indeed, he calls this mode of inquiry “melancholic historicism.” Turning to Freud, Best argues that *Beloved* and those forms of historical analysis within its paradigm enact a “persistent identification with the lost object,” which in the case of slavery is an unrecoverable, unknowable history.¹¹

Douglas A. Jones, in his essay on Terrance Hayes’s poem “The Avocado” in *The Psychic Hold of Slavery: Legacies in American Expressive Culture*, agrees with and extends Best’s reading of *Beloved* and the scholarship it has propelled:

Best goes on to describe how ‘Morrisonian poetics,’ with its underlying ethic of ‘melancholic historicism,’ has become the dominant frame for the study of the so-called black Atlantic, leading several major scholars to consider periodization itself as paradoxical; that is, ‘an accepted truth ... that the past is simply our present.’ In construing slavery as ongoing, this critical disposition understands itself as engaged in the same struggle of historiographical recovery and relation as Morrison believed *Beloved* to be part of – a struggle that strives to redeem both the past and the present (since they are one) by returning us, affectively and imaginatively, to ‘the site of origin and the scene of the fall,’ to some sort of ‘prelapsarian wholeness.’¹²

¹¹ Ibid., 460.

¹² Jones Jr., Douglas A. “The Fruit of Abolition: Discontinuity and Difference in Terrance Hayes’s ‘The Avocado.’” *The Psychic Hold of Slavery: Legacies in American Expressive Culture* (New Brunswick, NJ: Rutgers University Press, 2016): 41-42.

Douglas and Best are right to critique just how dominant the trend has become in black studies to take for granted the coevality of the past and present. Indeed, I have spent the first three chapters of my manuscript positing such coevality, but I have been doing so precisely in order to reinvigorate what I believe Best and Jones are right in recognizing as a strand of scholarship that has become, at times, too settled. Unlike Best and Jones, who seek to rescue periodization from the turn to coevality, I want to reintroduce the past and the present to the future, making all three frames coeval together. For me, then, the point is not so much a “return” to “some sort of ‘prelasparian wholeness,’” but rather to see what forms of freedom might be grasped or practiced directly in the process of falling, to see what action has been and will be possible while navigating through the storm of white supremacy – a storm that has changed its type of precipitation but which has yet to cease howling.

Because of this disposition, I believe that Jones’s diagnosis of the motivations and desires of *Beloved*-like scholarship misses the mark somewhat, at least insofar as it must be admitted that *Beloved* and the scholarship one might describe as within its paradigm are not *only*, exclusively invested in recovery, redemption, and melancholy – to say nothing yet of the fact that there is no necessary connection between an ethics of redress and a state of melancholia.

To briefly¹³ take the case of *Beloved*, Morrison has unquestionably written and spoken about how the novel and those like it are directly attempting to fill in gaps in the historical archive – in Best and Jones and D’Aguiar’s words, to recover a lost past (her much-cited “The Site of Memory” is just one example, but one could point to numerous interviews and invited talks/addresses). Best writes that, concerning *Beloved*, “Morrison resists a view of loss as the

¹³ Indeed I will be brief in my discussion of Morrison’s signature novel, if only because it has been written about so often. Rather than perform a close-reading of the novel, I will discuss it mostly in terms of its effects on scholarship and possible overall ethics which flow through it.

property of an immediate circle of kin and *encourages us to claim that loss for ourselves.*"¹⁴ I think that this is a useful reading both of *Beloved* itself and Morrison's own descriptions of what work she sees the novel as doing. But to *claim* a loss is not the same as to *recover* or *redeem* a loss. Additionally, to claim the loss *of* absence is not the same as redressing the damage caused *by* the absence, if the absence or the loss itself is taken as the object of attachment in a model of melancholia.

In the case of *Beloved*, this seemingly minor semantic distinction is paramount. *Beloved* confronts readers with the loss of slave interiority within the historical archive in order to have readers feel the pain of what results from this loss. This absence is filled in by the novel itself, but the character Beloved exemplifies the incompleteness of the novel *Beloved's* attempt to fill in that absence. This thus shifts the call to redress from a demand to recover the actual lost lives of the dead to a demand to claim redress for the continuing deaths which are both different and continuous with those that have come before (we hear again the echoes in the name Garner from Margaret to Eric). The absence in the archive is insufficiently filled by the novel, but the novel's project exceeds the capacity to fill gaps and reaches out towards the possibilities for redress of the damages which unfold in the wake of this absence. *It is not the absence itself* which is being redressed, since such a redress would be impossible,¹⁵ *but the damage caused by the absence* – the afterlife of slavery, the afterlife of property, the nonevent of emancipation, the wake, the weather – that must be redressed. At the end of the novel, after all, Beloved must be exorcised; she disappears from 124 Bluestone Road and is forgotten: "By and by all trace is gone, and what is forgotten is not only the footprints but the water too and what is down there. The rest is

¹⁴ Best, 460, my emphasis.

¹⁵ Even recovery, which is perhaps a weaker action than redress, is at the very least rendered suspect if not admitted impossible by the novel.

weather. Not the breath of the disremembered and unaccounted for, but wind in the eaves, or spring ice thawing too quickly. Just weather. Certainly no clamor for a kiss.”¹⁶ By the end of the novel recovery has failed. The character Beloved, as the presence which is bodied into the space left open by absence, is ultimately insufficient for filling that absence. The dead cannot be recovered. In order for Sethe’s life to be sustained, Beloved must be claimed, but then must disappear again. In order for life to be sustained, the dead must be claimed and at the same time allowed to rest. They are coeval with the living but they are also beyond our reach.

Like Beloved the character, *Beloved* the novel fails to fill the absence in the historical archive. Morrison’s novel does not give readers “the breath of the disremembered and unaccounted for,” but does give “wind in the eaves [...] just weather.” Just weather, and no more. Or just weather, as opposed to unjust weather. And/or both. Of course, this is only one reading of the novel resting mostly on its ending, but I believe that the text as a whole *could* be interpreted in this way, and this interpretation opens the novel’s seeming attachment to the past to a kind of “melancholy hope.” In *Hope Draped in Black: Race, Melancholy, and the Agony of Progress*, Joseph R. Winters examines “conceptions of hope and futurity that are mediated by melancholy” in arguing that progress narratives which leave behind or forget loss are insufficient to thinking the question of race.¹⁷ Drawing on “the intersubjective quality of melancholy,”¹⁸ Winters posits what he calls melancholy hope: “This melancholic hope, in opposition to triumphant, overconfident narratives, tropes, and images, suggests that a better, less pernicious world depends partly on our heightened capacity to remember, contemplate, and be unsettled by

¹⁶ Morrison, *Beloved*, 275.

¹⁷ Winters, Joseph R. *Hope Draped in Black: Race, Melancholy, and the Agony of Progress* (Duke University Press, 2016): 6.

¹⁸ *Ibid.*, 115.

race-inflected violence and suffering.”¹⁹ I argue that *Beloved* is not merely an attempt at recovering loss as a way of saying “look at this lost object which can fill the void carved by the violence of history,” but is a narrative of melancholy hope insofar as it is aimed at ~~finding~~ forging futurity out of the memory of loss. *Beloved* is not an antislavery novel in the sense of trying to accomplish a historical moment that occurred a century and a half ago, but it is an antislavery novel in the sense that it seeks to abolish the future straight out of the past through its present engagement with cultural memories of loss.

By invoking Winters’s sense of melancholic hope, I am refiguring what seems to have become settled discourse on *Beloved* – namely, that the novel is an attempt at recovering a violent, lost past. This settled discourse has at times become, or at least been interpreted as, a “fixation” on the object of loss that is slavery’s history. But in thinking of *Beloved* as possibly invoking a project of melancholic hope, we can see an ethics of redress emerge that unsettles the settled sense that the novel is a backwards gaze. To start by stating it simply: demanding redress for damages done in what is called the past is not a fixation on the object of loss; it is a fixation on the possibility for justice in what is called the future.

At first glance, the novel indeed insists on grasping a story of slavery and holding onto it even though the legal end of the object it grasps happened 122 years before its own publication. *Beloved* is, after all, a novel about slavery. And yet, one of the most striking scenes in the novel for me has always been Denver’s exchange with Baby Suggs’s ghost when she is afraid to leave the yard and go out into the (white) world beyond the borders of 124 Bluestone Road:

“You mean I never told you nothing about Carolina? About your daddy? You don’t remember nothing about how come I walk the way I do and about your

¹⁹ Ibid., 16.

mother's feet, not to speak of her back? I never told you all that? Is that why you can't walk down the steps? My Jesus my."

But you said there was no defense.

"There ain't."

Then what do I do?

"Know it, and go on out the yard. Go on."²⁰

In the scene, Denver "stood on the porch of 124 ready to be swallowed up in the world beyond the edge of the porch."²¹ She is faced with the task of leaving the house where she, Sethe, and Beloved are starving to death since Sethe lost her job and therefore any means of buying food and supplies. (As I already mentioned, Beloved the character needs to be exorcised from the house in order for Sethe to live, since the bodied-forth dead literally consumes the sustenance of the living.) But as she stands on the porch, Denver is immobilized by the fear that she could bump into the atrocities of slavery since as her mother told her if she goes to the place where terror happened it will happen again. She is immobilized by Baby Suggs's warning that there is no defense against white people, who are able to inflict harm and even death on black people whenever and wherever they like. She recalls Sethe and Baby Suggs arguing, Sethe saying that some white people are not so bad and Baby Suggs insisting that "There's more of us they drowned than there is all of them ever lived from the start of time."²² This knowledge from her grandmother paralyzes Denver, and she cannot bring herself to step out of the yard and into the world.

²⁰ Morrison, *Beloved*, 244.

²¹ *Ibid.*, 243.

²² *Ibid.*, 244.

In this moment when Denver is fixated on the object of loss and paralyzed by the threat of its repetition, Baby Suggs's voice comes to her, "clear as anything," not to comfort her and tell the granddaughter that everything will be ok, that she is sure that Denver will be unharmed, but that it is in fact true that there is no defense against white people and the violence that they ~~might~~ will do. And yet, Baby Suggs tells her, Denver must know this – she must unequivocally know that when she goes out into the world there is no defense, no protection from "the weather" – and yet still take her steps. And so Denver steps off the porch and secures employment, allowing her to sustain Sethe and herself (and Beloved) while remaining deeply aware of the continuing presence of slavery's ethos, that any white person might harm any black person at any time. Denver does not let go of the object of loss – slavery and all it has taken away – but rather clings to it without letting it hold her in place. It is in this moment that *Beloved* most clearly presents a melancholic hope which engenders an ethic of redress. Rather than a "healthy" process like mourning – since the loss of slavery is ongoing and immeasurable – or a pathological paralysis engendered by melancholia, *Beloved* refuses this binary and fits in neither category, instead representing a kind of "Black mo'nin'" which "improvises through the opposition of mourning and melancholia [to disrupt] the temporal framework that buttresses that opposition," in Fred Moten's words.²³ From this interpretation of *Beloved*, we can consider how *Beloved*-inspired scholarship in black studies broadly looks to slavery not out of a melancholic fixation or stagnation, so much as an attempt to find the possibilities for justice, for life, for sustenance, for resistance, for breath, in its continuously unfolding aftermath.

²³ Fred Moten, *In the Break: The Aesthetics of the Black Radical Tradition* (Durham, NC: Duke University Press, 2003): 210.

This melancholic hope which holds onto the past without being paralyzed by it is precisely the affect from which an ethics grounded in the excessive present emerges. Like Rachel in Angelina Weld Grimke's play that I discuss in chapter 2, I argue that *Beloved* and other neo-slave narratives catalyze the work required to produce futurity from within the storm of the past's horrors as they live in the present. To be clear, the novels do not do this work themselves – and neither do these chapters that I have written; that work is taken up by readers who must demonstrate “fidelity,” in a semi-Badiouian sense, to the “event” of reading. In a sense this is an old idea, one that may very well conjure memories of nineteenth-century U.S. slave narratives, which themselves testified to the horrors of slavery in order to provoke readers and listeners to produce an emancipated future from within the confines of the present of enslavement. It is precisely because what I am describing sounds old that I end my project with a chapter centered on this shape of an argument, however. I see *Beloved* and other neo-slave narratives not as fixations on the past of slavery but as calls for futurity which exceed the desire to restore a lost archive because I read neo-slave narratives as generically continuous with nineteenth-century slave narratives, even as there are important differences. Thus, the next section of this chapter will present a reading of two neo-slave narratives, Shirley Anne Williams's 1986 novel *Dessa Rose* and Morrison's 2008 *A Mercy*, that attends to the generic echo of second-person address in both novels in order to consider how neo-slave narratives participate in abolitionist politics through fictional representations of the past.

“My telling cannot hurt you in spite of what I've done”: Genre and Simultaneous Address in *Dessa Rose* and *A Mercy*

Rather than being perplexed by the seemingly ahistorical nature of a twentieth or twenty-first century antislavery novel, or seeing it as a reason to critique a turn to racial or cultural identity in American literature, as Michaels does in *The Shape of the Signifier*, I see Michaels's

claim that *Beloved* is an antislavery novel as a deeply if unintentionally insightful observation about the generic connection between neo-slave narratives and nineteenth-century slave narratives. This generic connection reveals the ethical demands levied by neo-slave narratives which exceed fixation on loss.

In order to understand how books written over a century after the end of the U.S. Civil War could be called antislavery novels without being brushed away as anachronisms, I close-read *Dessa Rose* alongside *A Mercy*, paying particular attention to how their generic continuity with nineteenth-century slave narratives influences their modes of address and political interpellation. I argue that both novels directly address their readers, pulling the present *now* in which the act of reading occurs into contact with the past *then* imagined by the world of the novel, thus enmeshing the fictional and the real as well as the past and the present within a demand for the future.

I have repeatedly invoked the phenomena of texts “making demands” on readers, and this phenomenon is a signal attribute of the nineteenth-century slave narrative. While the specific techniques used by authors of slave narratives vary too much to suggest uniformity in mode of appeal, it is clear that slave narratives were aimed towards abolition and therefore explicitly addressed readers through the use of second-person interpellation, thus creating a dialogue between narrator and reader. To use Morrison’s words: “Whatever the style and circumstances of the narratives, they were written to say principally two things. One: ‘This is my historical life – my singular, special example that is personal, but that also represents the race.’ Two: ‘I write this text to persuade other people – you, the reader, who is probably not black – that we are human beings worthy of God’s grace and the immediate abandonment of slavery.’”²⁴ This dialogue

²⁴ Morrison, Toni. “The Site of Memory.” *What Moves at the Margin: Selected Nonfiction* (Jackson, MS: University Press of Mississippi, 2008): 66.

between narrator and reader, while holding the potential for conjuring cross-racial alliances against the institution of slavery, also contends with the fact that “empathy is double-edged,” as Hartman demonstrates in *Scenes of Subjection*, which means that such appeals for empathy placed restraints on authors of slave narratives as they crafted their testimony into writing.²⁵

Such restraints are evident in Harriet Jacobs’s *Incidents in the Life of a Slave Girl*, a text which has become a case study of the way in which the literary conventions of the slave narrative genre enabled both emancipation and subjection. Morrison cites Jacobs as well as Frederick Douglass and Henry Box Brown in asserting that “whenever there was an unusually violent incident, or a scatological one, or something ‘excessive,’ one finds the writer taking refuge in the literary conventions of the day.”²⁶ Indeed, for Jacobs “to speak of the foul wrongs committed against her is to enact the indecent and unveil the unspeakable,” according to Hartman, and “as a consequence of this double-bind, rape is only represented in terms of its effects – mute, pregnant women and near-white offspring.”²⁷ In order to testify to her readers of the violence inflicted on her, Jacobs must refuse to represent that violence with a scene of subjection in her text, even as she demands justice for this violence and fair judgement from her readers. Citing Jacobs’s narrative in a footnote in *Monstrous Intimacies: Making Post-Slavery Subjects*, Sharpe observes how Gayl Jones’s 1974 neo-slave narrative *Corregidora* encodes the “experiences of a sexual violence [...] of the sort that we now know to be largely obscured in texts, including those authored by the formerly enslaved, because of the dictates of the form and the work that those texts were produced to perform.”²⁸ And so we find absence even where there does appear to be presence in the archive, insofar as the presence of Jacobs’s testimony of the

²⁵ Hartman, *Scenes of Subjection*, 19.

²⁶ Morrison, “Site,” 69.

²⁷ Hartman, *Scenes*, 107.

²⁸ Sharpe, *Monstrous Intimacies*, 37.

experience of slavery elides scenes of overt sexual violation.²⁹ These absences within the presence of these texts has evidenced that slave narratives were often self-consciously crafted texts aimed at establishing a connection between the author and the reader so that the reader might be moved to take up action towards the abolition of slavery. The addresses to the reader were thus not afterthoughts, and I want to take seriously the ways in which their reiterations in neo-slave narratives extend the genre through both similarity and difference.

Of course, I do not want to imply that this attention to ethics and politics is the *only* way to read neo-slave narratives, and of course each of the novels I read in this chapter is doing more than what I can account for in my readings. As has been the case throughout this dissertation, I am less interested in proving that my reading of the literature is undeniable or all-encompassing; rather, I am invested in how these readings are useful, in *what happens when we read this way*. In fact, in this particular chapter I am most invested in how reading genre with a lens provided by the excessive present as a frame leads to work after reading is over. It is in this way that I hope my turn to “witnessing” is not just the same old “reader-as-witness” model, since I am actually arguing that the reader cannot fully embody the position of “witness” while reading, since no matter how powerful the political call of a neo-slave narrative may be, the reader must confront their own imbrication in the very world that must be undone.

This focus on politics and ethics does not, however, mean that form and aesthetics do not matter, as it is to formal literary techniques that I am drawn in positing the generic connection neo-slave narratives bear to their nineteenth-century predecessors. Given that authors of neo-slave narratives written in the latter half of the twentieth century and the years since are aware of

²⁹ Though this of course does not mean that sexual violence is completely absent from the text just because there is no signposted rape scene. For a powerful reading of sexuality and violence in slave narratives see Aliyya Abdur-Rahman’s essay in *African American Review*, “The Strangest Freaks of Despotism: Queer Sexuality in Antebellum African Slave Narratives.”

the absences that their texts attempt to (again, always imperfectly) fill, we would do well to take seriously the formal resonances between their texts and the nineteenth-century precursors.

In *Dessa Rose*, this means that from the very start, readers must take seriously the repetition they encounter in being met with an Author's Note before getting to the story proper. This Note is a repetition and revision of the paratextual apparatus of authentication that packages many antebellum slave narratives. While the paratextual "thresholds of interpretation"³⁰ of the nineteenth-century texts were most often authored by the narrator's editor and/or some other white person testifying to the author's trustworthiness, there are examples of authors writing their own notes to their texts, perhaps the most notable being that of Harriet Jacobs. Ashraf H. Rushdy reads Williams's note thoroughly in his influential 1999 book *Neo-Slave Narratives: Studies in the Social Logic of a Literary Form*, observing about the moment in which Williams declares her novel to be "fiction ... based on fact ... [but] invention"³¹ that she, in his words, "demonstrates her resistance to the editorial fiat regarding the utter separability of fact and fiction [... and] makes an important point about 'truth' value in a society in which the lived experiences of peoples of African descent get discounted in the compilation of historical records."³² Williams also situates *Dessa Rose* as what Timothy A. Spaulding would identify as a "postmodern slave narrative" through this paratextual performance of how neo-slave narratives "call attention to their own process of re-forming slavery, not merely as a metafictional enterprise but also as a way of revitalizing the historiography of slavery."³³ While Williams's novel mobilizes realism in its telling, thus resisting categorization as a tale of what Bernard W.

³⁰ I take this phrase from Gérard Genette's *Paratexts: Thresholds of Interpretation*.

³¹ Williams, Shirley Anne. *Dessa Rose* (New York, NY: Harper Perennial, 1999 [1986]): 6.

³² Rushdy, Ashraf H. *Neo-Slave Narratives: Studies in the Social Logic of a Literary Form* (New York, NY: Oxford University Press, 1999): 142.

³³ Spaulding, Timothy A. *Re-Forming the Past: History, The Fantastic, and the Postmodern Slave Narrative* (Columbus, OH: The Ohio State University Press, 2005): 4.

Bell, the scholar who first named the neo-slave narrative as a particular genre, calls “fabulation” or Sheryll Vint’s sense that neo-slave narratives are invested in the limitations of realism,³⁴ *Dessa Rose* does self-consciously re-form the relationship between the writer of a slave narrative and the editor of the work. *Dessa*’s resistance to having her story written down by an amanuensis is the neo-slave narrative resisting the terms under which slave narratives were published in the nineteenth century, a resistance that is not absent in slave narratives but which has a postmodern inflection in neo-slave narratives.

D’Aguiar illuminates what this postmodern inflection does for neo-slave narratives:

Whereas in the slave narrative the life of the slave is the subject of the story that the reader is privileged to overhear, in the slave novel that life is rendered in such a way that the reader becomes the subject, no longer able to sit outside it as witness but put in its place. The reader becomes both the ‘thing’ doing the talking and the ‘thing’ talked about in slave novels: not a single entity but splintered; not in one fixed location or vantage-point but shifting.³⁵

This “splintering” of the reader into “shifting” locations destabilizes the reader’s distance from the past and dispels any romanticized notion of the “reader-as-witness” which would have one believe that by holding a novel about slavery in one’s hands one is inherently dismantling the master’s house. Instead, the reader, like time itself, is “out of joint,” and this out-of-joint-ness necessitates the production of the potentiality running through the novel’s literary form.³⁶ In the case of *Dessa Rose*, the conscious confrontation with the novel’s resistance to the nineteenth-

³⁴ See Vint’s essay, “‘Only By Experience’: Embodiment and the Limitations of Realism in Neo-slave Narratives” in *Science Fiction Studies* 34.2 (July 2017): 241-261.

³⁵ D’Aguiar, “The Last Essay About Slavery,” 141.

³⁶ I am of course thinking here of Derrida’s citation of *Hamlet* in *Specters of Marx*.

century convention of amanuensis-authored narrative prepares the reader for the novel's citation and reinvigoration of the slave narrative genre.

Williams makes a claim for experiential knowledge similar to the way in which Jacobs declares that “only by experience can one realize how deep, and dark, and foul is that pit of abominations,”³⁷ when she writes, “And what is here is as true *as if I myself had lived it.*”³⁸ In this moment of the (neo-)slave narrative's paratextual appeal to truth, Williams works the logic of substitution mobilized by the repetition and revision of performance to claim her body as evidence.³⁹ She is crossing periodizing lines of historical rupture and lingering in the break separating the real from the imagined, since Williams's own pre(-)sent is the future of her characters she sets in the past. In a way similar to Sharpe's reading of *Corregidora*, Williams gives evidence to the future of the past she imagines in her novel, not simply to say “look at this,” but also (even if not only) “do something about this.” *Dessa Rose* solidifies the neo-slave narrative's linking of past loss with future justice that was unimaginable in the present of that loss. Dessa's first lover, Kaine, knows this conundrum of slavery: When considering her second lover, Harker's, attitude toward her, Dessa compares him with Kaine and reflects, “And here [Harker] was promising hisself to me, talking about a future he wanted for us, and this frightened me. Kaine hadn't done this. You know, the future did not belong to us; it belonged to our masters.”⁴⁰ The first-person voice of the slave narrative – the enslaved person's testimony – cannot in the nineteenth century call directly for the law to bring justice, since, as Kaine points out, “a nigga can't talk before the laws, not against no white man, not even for his own self.”⁴¹

³⁷ Jacobs, Harriet. *Incidents in the Life of a Slave Girl* (Mineola, NY: Dover Publications, 2001 [1861]): 3.

³⁸ Williams, 6, my emphasis.

³⁹ For more on the logic of substitution mobilized by the repetition and revision of performance, see Joseph Roach's *Cities of the Dead: Circum-Atlantic Performance*.

⁴⁰ Williams, 193.

⁴¹ *Ibid.*, 49.

So if the enslaved wanted to give evidence to the law, they would need to pass the evidence on to future generations to hold up; this is the neo-slave narrative, and this is why Williams ends her introductory Note declaring, “And this is for the children -- Malcolm Stewart, Patricia Grundy, Steven Allen, Evangeline Birdson – who will share in the 21st [century].”⁴² The fixation in this generic sibling to *Beloved* is most definitely *not* on the past, even if the past is its setting.

This prefatory note thus orients readers toward the future as they begin a novel with a plot situated in the past. So when Rushdy argues that *Dessa Rose* makes readers look again at what *happened* in order to “read resistantly,”⁴³ it should be recognized as absolutely true, but in looking back at what happened, the novel also asks readers to look at what *is happening* and what *will happen*. In fact, this meshing together of past, present, and future facilitates what Rushdy argues through his reading of four different novels is the neo-slave narrative’s potential to “[develop] an intersubjective model for the construction of subjectivity.”⁴⁴ If the difference between Self and Other can be a temporal one – i.e. if we can think difference as mapped across time as well as race, class, gender, sexuality, nationality, and other ostensible markers of identity – then suturing together the past and present in the ephemeral moment of reading is able to dissolve the gap between the Self of the Present and the Other of the Past in a way that is congruous with the intersubjective model which reconfigures Self and Other into collective voice. This dissolving of the Present/Past gap which is coterminous with the dissolving of the Self/Other gap then shifts the project of the neo-slave narrative away from being a project of recuperation or redemption – a project that not only Best finds untenable but which Hartman considers “obscene”⁴⁵ – and towards a project that renders the past as inheritance within the pre-

⁴² Ibid., 6.

⁴³ Rushdy, 166.

⁴⁴ Ibid., 231.

⁴⁵ Hartman, Saidiya and Frank B. Wilderson. “The Position of the Unthought.” *Qui Parle* 13.2 (2003): 185.

sent, such that there is no Other to redeem that is not inextricably tied to the Self reading the text. The neo-slave narrative cuts time in such a way that refigures readers' positions within conceptions of temporality, bringing into the event of reading a neo-slave narrative a multi-layered, messy ethics of witnessing which demands a refusal of the separation of the present from the past. That is, because the reader's self is splintered, as D'Aguiar argues, and this dislocation happens simultaneous to a dislocation of the past such that the present self and the past other cross, break, and reform through each other, the notion of witnessing as acknowledging, holding, and carrying a previously unknown truth falls short of the complexity of intersubjectivity. This is not a simple ethics where there is an answer of what the right thing is to do. When the reader crosses the threshold of interpretation of Williams's Note, they are not only asked to witness the blood-stained gate of slavery as an artifact to be handled and studied, but as that which they hold, in the words of Morrison's *Jazz*, in their hands, now. This *nowness* of the witnessing – this present moment that exceeds the boundaries between “past” and “present” and “future” and that I have named the excessive present – is exactly what pushes the ethical demands of history beyond witnessing itself in a simple sense and beyond the simple filling in of a gap or shedding light on a loss. In fact, one of the paradoxes of the excessive present which neo-slave narratives bring to light is that even though the *now* of reading is excessively full of multiple periods of temporality, that excess highlights what is *lacking* in the now: the intervention which would instantiate the potentiality conjured by the presence of the past. Witnessing here becomes a potentiality and obligation for intervention which erupts precisely from the recognition that holding the book in one's hands, now, fails to rise to the ethical problems posed by the afterlife of slavery.

This closing moment of Williams's Author's Note resonates across the novel's own closing moments when the fictional plot and characters reach toward futurity. In the Epilogue following the final chapter, the reader is privy to Dessa's reflections on her life out west and the methods that have apparently produced the text of the novel: "This is why I have it wrote down, why I has the child say it back. I never will forget Nemi trying to read me, knowing I had put myself in his hands. Well *this* the childrens have heard from our own lips. I hope they never have to pay what it cost us to own ourselves. Mother, brother, sister, friends ... my own girlhood all I ever had was the memberence of a daddy's smile. Oh, we have paid for our children's place in the world again, and again ..."⁴⁶ These final ellipses coming on the heels of a declaration of passing on the story of slavery to the children of the self-emancipated stretch out into the future, carrying the word *again* ad infinitum, invoking the spirit of the changing same and thus striking against any kind of simplistic "celebratory narratives of the oppressed" that would disavow what Hartman and Frank Wilderson call "the existence in the space of death."⁴⁷ And yet in the same act that forestalls celebration by declaring that the price for securing a place for the children will continue to be paid again and again, the novel's final stretch toward futurity also suggests that because the price will continue to be paid, the children will continue to have a place. This is the "optimism" that Moten asserts "is the condition of possibility of the study of nothing as well as what derives from that study [...] Blackness is more than exacted cost."⁴⁸ This optimism is a kind of melancholic hope like that articulated by Baby Suggs's ghost. The ellipses carry both the afterlife of slavery and the affirmation of black life in excess of slavery's legacy of violence into a future structured by both of these conditions.

⁴⁶ Williams, 236.

⁴⁷ Hartman and Wilderson, "The Position of the Unthought." *Qui Parle* 13.2 (2003): 186-187.

⁴⁸ Moten, Fred. "Blackness and Nothingness (Mysticism of the Flesh)." *The South Atlantic Quarterly* 112.4 (Fall 2013): 774.

Both *Dessa Rose* and *A Mercy* recycle the antebellum genre's convention of directly addressing the reader with the second-person pronoun, *you*, and given the explicit ethical demand made by the nineteenth-century narrators not only to look at slavery's truths but to abolish slavery altogether, making a citational use of this technique invokes an ethics of recognition, witnessing, and political action, such that witnessing itself is rendered a means, not an end.⁴⁹ I use "citational" in a Derridean sense to read neo-slave narratives as *performing* texts. In "Signature, Event, Context," Jacques Derrida aligns citationality with iterability: "This citationality, this duplication or duplicity, this iterability of the mark is neither an accident nor an anomaly, it is that (normal/abnormal) without which a mark could not even have a function called 'normal'" (12). I read this with and against J.L. Austin's account of those performatives which he excludes, as Derrida does in his essay, to mean that a performative utterance (or a performative textual act, in the case of a literary text like a neo-slave narrative) is given meaning by the very fact that it calls to it all previous utterances of the same kind. To use a paradigmatic example, if an actor playing the part of a clergy in a play utters "I now pronounce you married" before two other actors, it is not the case that those two actors are then married because the speech act was not uttered with serious intention beyond the context of the play. However, the *characters* are married, and this meaning is able to congeal in this moment precisely because the utterance of the first actor gathers to it previous utterances of the same kind so that *it is given meaning by its very repetition, its reiteration – its citation*. With this in mind I use "citationality" rather than "intertextuality" because what I have in mind is not simply that neo-slave narratives contain references or addresses or borrowings from nineteenth-century slave narratives, but

⁴⁹ In other words, antebellum slave narrative authors were not merely saying "look at this," but "do something about this." It is not merely the looking, the witnessing, or the recognition which is the final point, but the political work of abolition.

rather more specifically that *neo-slave narratives are given meaning in the first place by their incorporation of literary “acts” which are “restored” – in the theoretically rigorous sense of “restored behavior” rather than the colloquial or even the psychoanalytic sense of making whole again – from slave narratives.* That is, whether by authorial intention or not, the meaning of a neo-slave narrative’s use of second-person address, or paratextual “authentication,” or other formal technique that recognizably echoes the aesthetics of slave narratives is constituted by those echoes, not as additional references, but as the very fabric of meaning. Now, that meaning may be inflected in new ways that differ from what was intended, possible, or probable within slave narratives, but even insofar as the postmodern neo-slave narrative changes the convention, the convention is cited in order to be changed. These acts are, in my view, therefore citational and not merely intertextual. It is with this understanding of citationality that I focus on direct address in *Dessa Rose* and *A Mercy*, recognizing of course that such address is mediated through the most distinct difference between neo-slave narratives and their nineteenth-century antecedents: the postmodern novels are fictional as opposed to testimony of the lived experience of the narrator.

Reading the shift in narrative voice throughout *Dessa Rose* from Nehemiah’s filtering of Dessa’s words to a third-person narrator to Dessa’s unmediated first-person narration, Rushdy powerfully delineates how “by subversively inhabiting Nehemiah’s written text and supplanting Rufel’s personal memory, Dessa is incrementally assuming a voice that not only resists and revises master texts, but also claims itself as a resplendently clear and inviolate production not subject to the kind of appropriation and commodification to which her body had been subject.”⁵⁰ Such a reading is necessary insight, but I want to shift focus from the “I” of the narrator to the

⁵⁰ Rushdy, 165.

“you” of her address. If Dessa assumes a resplendently clear and inviolate voice by the novel’s final section, to whom is this voice speaking when it addresses “you” or “honey?” Reading while attuned to the conventions being invoked – reading according to genre and citationality – can allow the moment when the unmitigated “I” says “You know...” to pass by the reader without interrupting the flow of the narrative, since the reader can assume that they themselves are being directly addressed, just as readers of the antebellum slave narratives knew they were being directly addressed by the “you” in those texts. For the entirety of that third and final part of the novel, the reader is in dialogue with Dessa, and she is demanding that they listen and take her as honest. But of course, the address is not unmediated, even if it is direct, if we recall D’Aguiar’s sense of the “splintered” subject or Rushdy’s sense of the “intersubjective” voice of neo-slave narratives which differentiate them from slave narratives. Thus, while the reader is able to read smoothly through second-person addresses without interruption to ask “to whom is the text speaking?”, they are unable to comfortably occupy a position as observer and holder of the story-as-object. Narrator, reader, story, and subject are cut across each other by the neo-slave narrative’s excessive present of narration.

So when Dessa, at one point while narrating the provisions for safety she and Rufel took on their journey through the south to collect money to head west, says, “They tell you *now* about the glorified south; south wasn’t so glorified *back then*, honey,”⁵¹ to whom is she speaking and when is that now? The convention would answer that she is speaking to the reader, but given the way in which neo-slave narratives trouble the distinction between present and past and therefore between the Self of the Now and the Other of the Then, it is difficult to place the “now” in Dessa’s statement. And if the now is in question, why not also the “back then?” It is simple

⁵¹ Williams, 210, my emphasis.

enough to read it as *back when slavery was still legal*, but what if it means something like *back in the time of this narration, long before you, reader, were born, and yet after the supposed end of slavery?* The “now” and the “then” overlap in their multiple possibilities of signification.

This overlap reverberates with the overlapping subjectivities hailed by Dessa’s address towards “you.” While convention dictates that the reader understand themselves to be interpellated by the text throughout their reading of Part Three, the Epilogue reveals a different, revised way to read Dessa’s address: she is dictating her story to her son so that he may remember it. She is talking to Desmond “Mony” Kaine. On the surface, this is a simple act of substitution, an alternative selection between two options of an either/or binary. Either Dessa is addressing the reader, or she is addressing one of the other characters, and the Epilogue gives the answer, so this reading would go, by telling the reader (notice that the reader can never fully be removed from this equation) that the “you” is not them, but Dessa’s son. Of course, such an either/or proposition is untenable when reading with attention to not only the surface of the text, but its genre and the way in which the form and history of the genre enact the text as a written performance that troubles divisions of time and subjectivities. The substitution of Mony for the reader as the antecedent under the sign of Dessa’s “you” is incomplete because the citationality of the neo-slave narrative genre’s literary conventions guarantees that an act of erasure cannot escape carrying that which it seeks to erase. Both Mony and the reader remain as the subjects of Dessa’s address, and so the novel reinscribes the past within its call to futurity and futurity within its past. The process of witnessing, in this light, becomes one of layered, fractured subjectivities coming together across distances in time as well as space rather than a direct transfer of testimony in a one-to-one transaction between the distinct testifier and witness.

Such a task is nothing if not demanding, and requires the act of reading not to be taken for granted. As such, Morrison's *A Mercy* opens on its first page by asking two questions: "One question is who is responsible? Another is can you read?"⁵² Reading through the book's paratext, which identifies Florens as a small slave girl who can read and write, a reader of *A Mercy* might well assume that it is Florens whose voice is represented on this first page, and such an assumption activates the act of engaging the neo-slave narrative as a familiar form since, as is the case in *Dessa Rose*, the convention of the antebellum slave narrative dictates that the second-person address is directed at the reader.

Thus, the reader of *A Mercy* is immediately challenged to call on the full strength of their hermeneutic powers and consider the possibilities of responsibility as they engage with a literary convention that brings the reader's Self of the Present into contemporaneous coexistence with the Other of the Past in a moment of witnessing that splinters both Self and Other across easily recognizable positions of intelligibility. And then later in the novel, as happens in *Dessa Rose*, the reader learns that Florens is writing her words on the walls of Jacob's third house and that the "you" she uses is aimed precisely at the blacksmith. As was the case in *Dessa Rose* when readers learned that Dessa was narrating to her son, at this point in *A Mercy* readers have a choice about how to interpret the second-person address. On the one hand is the method of substitution by which the reader is erased and the blacksmith is inserted as the antecedent for the second-person pronoun. This is an either/or reading: Either Florens is addressing the reader, or Florens is addressing the blacksmith. On the other hand, the reader can employ an accumulative hermeneutics and read the *you* as pointed at both the blacksmith and themselves. Given the novel's own method of generating meaning through repetition and accumulation, and the tension

⁵² *A Mercy*, 3.

produced by the undecidability of contradictory interpretations among the different characters,⁵³ as well as the citationality of the neo-slave narrative genre, I believe we ought to read the you through this both/and, recognizing that Florens is, or at least could be, addressing the blacksmith as well as the reader, rather than one or the other.

Reading neo-slave narratives as participating in an excessive present through the mode of fiction thus lands readers at an arrival site characterized not by answers to the questions posed by the present's inheritance of the past, but by uncertainty and instability. Witnessing is definitively not only recognition or confirmation of truth in this formulation. Witnessing emerges as a potentiality for ethics – a potentiality that carries with it the risk of failure at every turn, such that the first words of *A Mercy* are, and perhaps must be, “Don’t be afraid.” As was the case with nineteenth-century slave narratives, postmodern neo-slave narratives position readers to bear witness to truth, and this bearing witness in turn entails intervening in the violence to which the narrative testifies. While of course no interpretation can provide the necessary, inherent meaning of a text, so this will certainly not be the case for every reader, it is nevertheless the case that neo-slave narratives bear the potential to exceed their own boundedness as book-objects, not merely through changing the imaginations, thoughts, and feelings of their readers, but by touching the afterlife of slavery through the actions of readers who attempt to be faithful to the

⁵³ I have written about “the novel’s method of generating meaning through repetition and accumulation” as well as “the tension produced by the undecidability of contradictory interpretations among the different characters” in “Slavery’s Ghosts and the Haunted Housing Crisis: On Circum-Atlantic Memory and Narrative Economy in Toni Morrison’s *A Mercy*”: “Thus, *A Mercy*, as a book which is read from first page to last, ‘progresses,’ but in that ‘progress,’ meaning is built through recursive accumulation. The novel is a series of re-turns, just as Florens is witness to the re-turn of a *minha mae*’s specter in her dreams” (128). In terms of the novel’s ending, I argue that the final chapter is not a simple “reveal” of the “true” meaning of the scene when Florens’s mother begs Jacob Vaark to take her daughter, wherein one interpretation – a *minha mae*’s intention – erases and replaces another – Florens’s mis-perception. Rather, it produces a tension between two simultaneous even if seemingly contradictory meanings of the initial scene; both Florens’s perception and her mother’s intentions matter equally to the novel’s narrative economy. Similarly, the blacksmith does not erase and replace the reader as the sign under Florens’s “you.””

event of their reading. The afterlife of a neo-slave narrative can, potentially, intervene in the afterlife of slavery itself.

Once More, With (More Than) Feeling: *Feeding the Ghosts* and the Call to Action in Neo-Slave Narratives

But before celebrating this potentiality, melancholy hope reminds us that there is a warning that Best and Warren independently levy in their work which I believe must be taken seriously. In his essay, Best at one point follows up his account of Walter Benjamin's influence in historical black studies scholarship on slavery with the explanation, "Fanning the flames of hope, however metaphorical, transforms the historian from a subject who provides an account of the past to a historical figure in it, [as Kenneth Warren puts it,] 'thereby casting the present-day historian in the role of potential hero, or even freedom fighter.'"⁵⁴ Following up on how perforation focuses on the small holes which let light through even if they do not dismantle the walls of oppression, my assertion of the abolitionist politics engendered by neo-slave narratives is explicitly wrapped in the sober reminder that we are coeval with the dead, but the dead remain out of our reach. Those of us currently living would be fooling ourselves to think historical knowledge of slavery is the same as *knowing* slavery, as being able to hold the object of knowledge and treat it as complete.

Octavia Butler's *Kindred* teaches this among its many lessons. After Dana's first trip to see Rufus in the nineteenth century she returns and Kevin has a hard time believing what happened to her, even though he saw her disappear and reappear. She senses his doubt and says to him, "I'd like to give you some of this pain that I must still be hallucinating."⁵⁵ Butler sends her protagonists back in time to experience nineteenth-century America because such a

⁵⁴ Best, 463. Best's citation is of Warren, 82.

⁵⁵ Butler, Octavia E. *Kindred* (Boston, MA: Beacon Press, 1979), 46.

fantastical move is the only way to suture the living and the dead so that the living might really know the dead, might really touch the dead, might really rescue the dead. While the excessive present of slavery makes the living and dead ethically coeval, it does not erase the loss engendered by slavery or repair the gap carved by history. It is with this lesson from *Kindred* in mind, a lesson that speaks directly to one of Best and Warren's most important critiques of the so-called historical turn in African American literary studies, that I turn to the final close-reading of a novel in this manuscript. If we cannot touch the dead, we can feed their ghosts.

Fred D'Aguiar's 1997 novel *Feeding the Ghosts* models the ethical relationship between the reader of a neo-slave narrative and the so-called past by drawing together past and present and calling directly for witnesses to slavery. While Williams's and Morrison's novels directly address the reader, calling for an abolitionist witnessing, D'Aguiar's novel interrogates the abolitionist ethic of witnessing suffering as part of its own plot. *Feeding the Ghosts* offers multiple scenes of potential and realized witnessing where characters come face-to-face with the horrors of slavery. Sometimes these moments are accompanied by recognition, and other times they are not. In any case, the novel clarifies in these moments that the moment of witnessing is an excessive moment reaching across temporal boundaries, and the demands of witnessing exceed the present *now* of sight or recognition, thus rendering witnessing an insufficient ethical end in and of itself. Again, the point of the neo-slave narrative is not simply to say, "look at what is missing in the archive; look at this object of history and recognize the injustice." Instead, witnessing becomes a potentiality for ethics.

Beginning with the declaration, "the sea is slavery" (following an epigraph from Derek Walcott's poem, "The Sea is History"), the prologue to D'Aguiar's novel immediately positions the text in relation to the ethics of witnessing, ending with the line, "this one-hundred-and-thirty-

second body will have to be a witness again.”⁵⁶ This witness is called to observe an event on board a ship floating on “a sea oblivious to time,”⁵⁷ thus cutting off from the start any simple distancing between the present moment of the reader’s actual reading and the past moment that the historical fiction of the novel re-members. The epilogue underlines this point, calling the *Zong*’s journey “a voyage without beginning or end.”⁵⁸ So while the plot of *Feeding the Ghosts* intervenes in the historical event of the *Zong*’s actual trans-Atlantic voyage in 1781 and the following insurance claim case in order to tell the story of the fictional Mintah, an enslaved woman who is thrown overboard the ship but – like a revenant refusing to be relegated to the dead past – manages to climb back on board to lead a failed resistance effort, its thematic concern with witnessing and temporality plays with the genre of historical fiction to bend the rules of realism in ways that approximate Bell’s conception of fabulation. Mintah is not given fantastical powers and her story is not a direct telling of a myth, but her presence becomes mythic to the other enslaved Africans on the *Zong*, as well as their descendants who settle in Jamaica. In any case, *Feeding the Ghosts*, like *A Mercy* and *Dessa Rose* and the nineteenth-century slave narratives, makes explicit demands to the reader, even though D’Aguiar does not make as frequent use of second-person address as Morrison or Williams.

In the scenes on board the *Zong* in the first half of the novel, the third-person narrator makes multiple appeals to moments of potential recognition of enslaved characters’ suffering humanity. Early on, the narrator observes that for most of the crew, “All [the slaves] seemed one miserable, tangled mass of humanity.”⁵⁹ From out of this tangled mass two enslaved men are

⁵⁶ D’Aguiar, Fred. *Feeding the Ghosts* (New York, NY: Harper Collins, 1997): 5.

⁵⁷ *Ibid.*, 4.

⁵⁸ *Ibid.*, 229.

⁵⁹ *Ibid.*, 19.

brought forward for examination to determine if they are sick enough to jettison overboard.⁶⁰ The ship's first mate, Kelsal, is charged by Captain Cunningham to determine their health and gives them a thorough physical examination, even making sustained eye contact with one of the enslaved before declaring that they would be dead from sickness in one or two days, thus sentencing them to death by drowning. This scene offers a moment of intense examination without recognition of the Other; Kelsal can only evaluate these bodies within the terms set by Captain Cunningham, who while on board the ship represents the law itself. This boundedness of the law around Kelsal's capacity for recognition and thus ethical witnessing is challenged and ruptured by Mintah's call of Kelsal's name, which itself is the result of a recognition in the direction from enslaved to enslaver. In John Caputo's formulation, Mintah's calling of Kelsal's name is an articulation of his "obligation" to the Other: "An obligation is a call we receive to which we must respond, a prescriptive to which we must keep an open line."⁶¹

Recognizing Kelsal as a white man whom she nursed back to health while working in a Mission on the west coast of Africa, Mintah calls his name with "commanding"⁶² and "accusing"⁶³ tones. She is brought before the crew and forced to dance, and following a remark from the captain Mintah glares and says to him, "I am baptized like you," provoking Captain Cunningham to storm off after ordering Kelsal to beat her, presumably because he cannot bear being forced into recognition of any similarity between himself and an enslaved person. Similar moments recur throughout the novel, as Mintah either positions herself or is positioned to force a moment of recognition to give witness to her humanity and her pain. Repeatedly, she is enraged

⁶⁰ In writing the word *jettison* I hear echoes of Suzan-Lori Parks's *Imperceptible Mutabilities in the Third Kingdom* and Edouard Glissant's *Poetics of Relation*.

⁶¹ Caputo, John D. *Against Ethics* (Bloomington and Indianapolis: Indiana UP, 1993), 26.

⁶² *Ibid.*, 22.

⁶³ *Ibid.*, 28.

by the ineffectualness of these moments, thinking when she observes the sleeping face of a member of the crew assigned to guard her and four enslaved men following their failed insurrection, “How could peace settle on that face? She was appalled at the possibility.”⁶⁴ And in recalling later in her life an episode of torture she endured on board the ship, she wonders, “Who watched and did nothing to stop them? Kelsal.”⁶⁵ She cannot understand how crewmembers can witness with their own eyes the horror of what they are doing to the enslaved and not intervene.

This is how the novel illustrates in no uncertain terms the limits of witnessing as a mode of ethics, since these numerous characters do in fact witness suffering and comprehend what is happening, but they do nothing to stop it. In order to follow Captain Cunningham’s orders after Mintah reminds him that she is baptized, Kelsal, holding a whip, orders members of the crew to hold Mintah down on the ground. While doing so, “The men on either side of [Mintah] restrained her effectively, but looked elsewhere and flinched with each blow as if a relative of theirs was the object of [Kelsal’s] attentions.”⁶⁶ Yet the fact that they do not intervene, as one might imagine them doing if one of their relatives was indeed being beaten by Kelsal, reveals that, as Saidiya Hartman tells Judith Butler, “slavery is the ghost in the machine of kinship.”⁶⁷ Following this beating, Mintah finds herself thinking of the ship’s dead surgeon, and she imagines that were he still alive then as he usually did he would tell her she brought her beating on herself, all the while seeing clearly what the violence of enslavement did to human bodies. “He was old and had grown sick like the others and died shrugging his shoulders and shaking his head to the end but *without breath to power the vocal complaints that, doubtless, had been running through his head*

⁶⁴ Ibid., 117.

⁶⁵ Ibid., 215.

⁶⁶ Ibid., 33.

⁶⁷ Butler, Judith. *Undoing Gender* (New York, NY: Routledge, 2004): 103.

but had failed to connect with his disobedient tongue.”⁶⁸ There are of course multiple ways to interpret this line, but in the context of Mintah’s reflection that he could have and did not do anything to stop the worst torture of her people, one can read that the surgeon harbored complaints about the treatment of the *Zong*’s human “cargo,” perhaps brought about by his position as necessary witness to the physical effects of violence in his role of keeping the “stock” healthy and profitable to sell. And yet he never gave voice to these complaints because his tongue would not obey his command. Thus, these protests remain essentially ineffectual, and his witnessing of human suffering is a failed pathway toward, but ultimately not an achievement of, ethical relation to the Other. In this moment, *Feeding the Ghosts* is fully aware that the project of the neo-slave narrative – and more broadly the project of analyzing the time of slavery as a way to understand the problems and politics of the contemporary *now* – is not simply to provide the presence of narratives of horror. Recovering what was lost is insufficient to the task at hand.

The novel adds one more layer to these moments of witnessing which ultimately fail to ascend to the level of ethical action by directly drawing into question one of the signature arguments for the ethical potential of reading fiction – namely, the commonly rehearsed claim that by reading literature real people can develop feelings of empathy for those different from themselves, and these feelings result in more ethical people. In D’Aguiar’s novel, however, Kelsal and Simon demonstrate precisely the ineffectiveness of feelings for approximating justice. After throwing Mintah overboard, Kelsal continues his work jettisoning the enslaved from the *Zong*, but he begins feeling conflicted about the job. “The feeling [Kelsal] had inside would not leave him. The female had brought it on by a mere calling of his name. And with each slave disposed of, the churning sensation in his stomach had intensified.”⁶⁹ On the one hand, this

⁶⁸ D’Aguiar, 36, my emphasis.

⁶⁹ *Ibid.*, 67.

moment of feeling proves that Kelsal successfully witnesses the pain of the enslaved and recognizes the horror of suffering human beings. Yet on the other hand, these feelings do nothing to ease, end, or somehow intervene in that suffering. It is not until the entire crew can no longer stomach the work and Kelsal realizes morale would bottom out that he suggests to Captain Cunningham stopping the massacre. It is not the suffering of the enslaved, then, that persuades Kelsal, but the suffering of his crew. *Feel all you want, dear reader, one can imagine Feeding the Ghosts to be saying, but those feelings are meaningless if not moved to action; your complaints are meaningless if your tongue is disobedient.*

Similarly, while Simon purportedly falls in love with Mintah and contributes to her material survival, meaning that he *does* perform actual ethical deeds on behalf of the Other and is thus distinct from Kelsal and Captain Cunningham, his feelings alone do not allow him to intervene in the massacre on board the ship, nor do they allow him to change the course of the insurance trial so that the law acknowledges the humanity of the enslaved. While he comes to the trial bearing the book written by the woman towards whom he feels such a strong connection, he cannot make the book matter to the court, since the writer is absent and the word of an absent slave is simply no good against the word of a ship captain. Simon's expressions of feeling do not serve as effective paratext (as prefatory remarks that could be taken to verify the book's contents) to Mintah's literal slave narrative that is brought before the judge; her testimony remains unheeded by the law, which of course calls back to Harriet Jacobs's plea to be heard and trusted in *Incidents in the Life of a Slave Girl*. Ultimately, the fact that Simon does indeed keep Mintah secret and bring her food and clothing after she climbs back on board the ship reveals not the ethical power of his *feelings*, but the ethical power of his *actions*. If Simon is isolated, this distinction can seem arbitrary, since he acts on behalf of his feelings, but in the wake of Kelsal

and the surgeon, who both also *feel* towards the enslaved and yet *do nothing* to stop their suffering, it is apparent that it is the actions which the novel calls for in response to witnessing human suffering, not merely the recognition or the feelings of empathy or sympathy or love.

It is true that *feelings and action* is a simple binary that any reader of *Feeding the Ghosts* can interpret upon coming across any of the scenes I have briefly touched on here. But while I believe this binary's relevance to the plot and characters is obvious, I am invested in taking this obvious idea and moving it outside the bounds of the novel's pages to consider what kinds of politics and ethics are demanded of the readers of neo-slave narratives. I am invested in this seemingly simple binary because I believe it puts pressure on some common interpretations of the "utility" of fiction about slavery. In his essay, D'Aguiar himself writes that

‘things’ happen to all witnessing readers that affect their view of themselves and of the multi-racial world they inhabit. One of these effects is emotional: readers find that their coveted maps of empathy are redrawn by their engagement with these slave novels; redrawn in terms of their ability to experience fellow-feeling for someone of a different race, the opposite gender and the power-brokered relationships between such groupings. Readers emerge emotionally bruised, mentally reconfigured and, as a consequence, with a deeper knowledge of those relations.⁷⁰

I read this description as fairly conventional wisdom about the value of reading fiction about historical trauma and oppression, employed in arenas of debate ranging from department curriculum meetings, to conversations with state legislators, to local PTA meetings about which books should or should not be allowed in school. And I believe in the value of that conventional

⁷⁰ D'Aguiar, "The Last Essay About Slavery," 139.

wisdom; literature truly harbors the power to change how readers think, feel, and experience empathy. But if we take *Feeding the Ghosts* seriously in its biting criticism of its own characters who feel empathy but enact oppression, I believe this means we must consider how that criticism applies not only to characters but to readers as well as the pool of potentialities which accumulate through the act of reading and the responsibilities to carry out those potentialities. Put another way, there is a link between the simplistic frame of feelings-versus-actions and the question of what it is neo-slave narratives might be doing as works of historical fiction. The reading of postmodern fiction about slavery exemplified by Michaels or Warren sees the neo-slave narrative as attempting to produce an object – to produce a history of the enslaved. To critics like them, this in turn reads as a call for recognition and a shallow identity politics which are insufficient for the current world in which we live. What this view of neo-slave narratives mistakenly does, however, is it confines the novels within the frame of seeking recognition, as if that was the limit of the literature's concerns or addresses. This view of fiction about slavery reads to me like a preoccupation with how literature makes readers *feel*. But I believe that *Feeding the Ghosts* highlights how these novels reach toward readers to ask them to *do* in addition to *feel*, because recognition is such a bare minimum of humane conduct that the depth of these novels (at least the ones I have discussed in this chapter) far exceeds it.

Feeding the Ghosts is a text of critical pedagogy, teaching readers how to read and how to witness through a story of storytelling and witnessing. Like M. NourbeSe Philip's *Zong!*, it exceeds the boundaries of its printed pages, if not through its visual form then through its meta-narrative concerns with witnessing. Mintah's call to Kelsal makes audible the obligation to the Other, similar to how the neo-slave narrative's intervention into history makes visible the reader's obligation to the Other of the past within the matrix of splintering I have traced through

readings of *Dessa Rose* and *A Mercy*'s use of simultaneous second-person address. This making audible or visible of obligation that occurs through witnessing, however, is an invitation to act. We should think of witnessing obligation as a Badiouian event in need of fidelity. This is what an abolitionist ethics looks like: recognizing the obligation one has to the living and the dead, the named and the unnamed subjects that machinations of oppression attempt to render as objects, and from the position of uncertainty and discomfort that results from such recognition forging a praxis that can make good on the potentiality of the event of witnessing.

Ultimately, it is Mintah herself who is the ethical center of *Feeding the Ghosts* – the witness who goes beyond witnessing, treating it as a means towards ethics and not an end in itself. Not only does she use her time back on board the *Zong* to plan a mutiny against the crew with her fellow enslaved Africans – a plan that puts her in harm's way again as she is re-captured after helping to kill a member of the crew – but she also becomes a conductor on the Underground Railroad after buying her own freedom with the money she accumulates doing extra work as an enslaved laborer in Maryland. In the final third of the book, the third-person narrator is displaced by Mintah's first-person voice, and at one point she recalls why she moved from Maryland down to Jamaica: "I left because I had to. My name had got out."⁷¹ It had become known that Mintah was helping enslaved people north to free states. She recalls, "For every one thrown to the sea I multiplied by two in Maryland when I acted as guide. As they walked with me [...] and moved farther and farther from slavery with me, and nearer to freedom, I imagined one of those men, women, and children rising from the sea into the air, *their lungs being emptied of water and replaced by air.*"⁷² She is doing what Sharpe would call "wake work." And this wake work, insofar as it performs its ethical reach for freedom for others as an extension of

⁷¹ Ibid., 207.

⁷² Ibid., 209. I hear in these words more echoes from Sharpe's desire to put air back into the body.

freedom denied to the dead, is work done in the excessive present. Decades have passed since Mintah witnessed her fellow prisoners thrown overboard the *Zong*, but her response to that moment is called for again and again and again; that present now is always with her, and she is always acting in that now, even when she acts in a materially different now. She is giving breath back to the already dead as she removes the chains from around the ankles of the living. This way, she may never be able to actually resurrect the dead, to pull those bodies up from the ocean floor, but she is able to insist black life into being in the wake of those bodies, holding the dead in coevality with the living, but letting go of the fantasy that the dead themselves can be rescued by a contemporary savior.

Early in *Against Ethics*, as he is beginning to illustrate what a poetics of obligation might look like, Caputo moves from considering obligation to the individual Other to considering the obligations opened up by “the disaster,” which is characterized by “an unrecoverable loss [...] for which there is no compensating return.”⁷³ While Caputo writes that he prefers to pair disasters with specific dates, in this project I am concerned with a disaster that exceeds a single date, or, to recall the first chapter, an event which exceeds its own eventness. Slavery is the disaster to which we bear obligation. The traditional temporality of the law renders so much distance between the present and the time of slavery that this obligation is obfuscated, and so neo-slave narratives do, for many though certainly *not all* readers, need to do the work of awakening recognition. But once that recognition is raised by the time the reader closes the book, a key moment of undecidability hangs in the air because neo-slave narratives draw attention to the disaster, and “disasters do not produce a result. That is what is meant by a disaster. An obligation is a matter of being bound (*ligare*) to a disaster. That prevents you from looking for a

⁷³ Caputo, 29.

result. It makes the search for a result an obscenity.”⁷⁴ Precisely because these texts use fiction to offer readers a mediated encounter with the event of disaster, neo-slave narratives decouple the commonly imagined pairing of calls for political and ethical action with underthought, overconfident, or crude prescriptions for how to solve complex problems. The neo-slave narratives I discuss in this chapter may directly address their readers, but through playing on the slave narrative genre with postmodern fracturing and interweaving of subjectivities and the perforation of boundaries between timelines and real and fictional worlds they leave readers in a place of discomfort and uncertainty, with not only no list of directions for how to enact the politics of abolition called forth by the novels but with the affirmation of the impossibility of finding an exhaustive, definite list of directions in the first place. This is an ethics which proceeds from uncertainty, a politics generated through the confusion of the excessive reach of slavery’s afterlife.

Even more explicitly or obviously than the other novels I have discussed in this chapter, *Feeding the Ghosts* highlights the binding together of the uncertainty of what to do with the certainty that something must be done beyond recognition. The novel uses the slave narrative technique of second-person address within first-person narration only in the first two chapters of the third part of the novel, until the epilogue, which itself restores the first person “I” from chapters eleven and twelve but does not ground it in a specific character or voice, all while challenging the temporality of the genre of historical fiction itself. The epilogue begins by placing the *Zong* in the past: “The ship *was* full of ghosts.”⁷⁵ But by the end of the first paragraph the past tense has become the present and the speaker declares, “I *have* a list of names. I *know* who did what to whom. But my detailed knowledge has not made an iota of difference to history

⁷⁴ Ibid., 30.

⁷⁵ Ibid., 229, my emphasis.

or to the sea. All the knowledge has done is burdened me.” This speaker is not asking to be believed, like Jacobs is in her nineteenth-century text, nor do they see their knowledge as having any effect on the world around them, heeding the warning of Best and Warren. The knowledge itself, gained by witnessing, is ineffectual. Then in the next and final paragraph of the novel’s epilogue, this speaker slips fully from the past into the present: “I am in your community [...] The *Zong* is on the high seas.” The novel concludes:

Men, women, and children are thrown overboard by the captain and his crew. One of them is me. One of them is you. One of them is doing the throwing, the other is being thrown. I’m not sure who is who, you or I. There is no fear, nor shame in this piece of information. There is only the fact of the *Zong* and its unending voyage and those deaths that cannot be undone. Where death has begun but remains unfinished because it recurs. Where there is only the record of the sea. Those spirits are fled into wood. The ghosts feed on the story of themselves. The past is laid to rest when it is told.⁷⁶

Who is this “I” if no longer Mintah? I would suggest it is the figure of the witness emerging from the neo-slave narrative. *Feeding the Ghosts* makes explicit the process happening when a reader picks up *A Mercy* or *Dessa Rose*, thus engaging in a performance that forces contact with generic literary techniques that produce ethical relationships between the reader’s Self of the Present and the narrator’s Other of the Past. In this *now* of reading a genre which pulls together that now with the now of the nineteenth-century abolitionist movement, the past and present, and the self and other, swirl together into an excessive present when the violence that at first glance appears long over demands justice in the immediate moment, right now – even though the violence is so

⁷⁶ Ibid., 229-230.

excessive that it is beyond repair. The reader may be *witnessing*, but *the witness* cannot be present merely in the “I” or the “you” of the neo-slave narrative’s use of second-person interpellation. Rather, the witness is produced by, through, and in the break between the “I” and the “you.” The figure of the witness manifests at the time of reading a neo-slave narrative, and as such the witness calls on the pre(-)sent to enact a future justice to come that opens a space for being which is not circumscribed by law (be it the law of the overseer, the plantation owner, the police, the judge, the ship captain, or otherwise). The reader, then, is not merely acting *as* a witness who sees and recognizes violence and trauma, but is rather called on to act on the *demands* made legible by witnessing.

The project of abolition, neo-slave narratives tell us, is not over. There is more work to do. The question is, what are we, as readers and witnesses, willing to risk? Like Mintah, who risks her life multiple times in *Feeding the Ghosts*, there is a character in *A Mercy* who gives one final model for an ethics beyond witnessing: the Widow’s daughter, Jane. At the mercy of the judgment of the village elders who because of her lazy eye believe her to be a demon, thus causing her mother to beat her to prove she can bleed, Jane understands that “they look at [Florens] and forget about me.”⁷⁷ And yet, even knowing that Florens’s presence is her protection, is that which keeps violence directed elsewhere away from her, Jane gives Florens food and shows her how to escape to complete her journey. She throws away her own protection, her own safety, to help Florens. In Florens’s own words, “Her bloody legs do not stop her. She risks. She risks all to save the slave you throw out.”⁷⁸ Who is that *you*? It is the blacksmith, right? Or is it the reader?

⁷⁷ *A Mercy*, 135.

⁷⁸ *Ibid.*, 188.

Perhaps more than any other genre of literature, it is the neo-slave narrative that is most illuminated by reading through the lens of the excessive present, and in the other direction, the neo-slave narrative most clearly illuminates the political stakes of thinking the excessive present. Neo-slave narratives exceed the project of merely attaching themselves to an object of loss or recovering an absence in the historical archive. A number of works in this genre, including *Beloved*, *Feeding the Ghosts*, *Kindred*, and M. NourbeSe Philips's *Zong!* are self-aware about the ultimate unknowability and untouchability of the experience of slavery that rests with the dead who are out of our reach. But while the experience of slavery is out of reach, and while slavery therefore exceeds the capacity to be contained as an object of knowledge, the paradigm of slavery and the wake it forces into existence constitute our present moment. The project of the neo-slave narrative, then, is to extend the nineteenth-century moment of abolition which saw the end of *legal* chattel slavery as an experience into the contemporary moment. This must be done while maintaining the sense of abolition as a movement which, through building on the consistent perforation by generations of people resisting the overwhelming force of slavery's afterlife, works to abolish slavery as paradigm. As Dana tells Kevin in *Kindred* when she returns to their contemporary moment after beginning to teach her fellow enslaved comrades to read, "It's nineteen seventy-six shielding and cushioning eighteen nineteen for me. But now and then, like with the kids' game, I can't maintain the distance. I'm drawn all the way into eighteen nineteen, and I don't know what to do. I ought to be doing something though. I know that."⁷⁹

This not knowing what to do is the uncertainty with which neo-slave narratives leave readers. It is easier to manage this uncertainty by diagnosing the text as being obsessed with a past that is no longer relevant to the present. But when thought is structured by a sense of time as

⁷⁹ Butler, 101.

the excessive present, that move is no longer possible. Instead, the reader of a neo-slave narrative is forced to stew in the discomfiture of knowing something is wrong and knowing that something currently unknown to them must be done. Because as D'Aguiar's novel teaches, feeling bad about bad things does not do anything on its own. For my project, saying that the excessive present is the excessive present of slavery and therefore slavery is the horror and the moral failure that still imbues our existence diagnoses, but it does not yet solve the problem. That is why it is imperative to remember that the excessive present of slavery is also the time in which we might find a here and now of an ethics before law, a justice that exceeds the law's monopoly on violence. In the excessive present of slavery, which is the excessive present of abolition, we are called on to take up the task of abolition as that event which exceeds its own eventness and therefore cannot be contained in the nineteenth century. We are called upon to concretely dismantle the conditions of society held together by the afterlife of slavery. It is our turn to join Harriet Jacobs and puncture holes in the structure of white supremacy. Some may organize against mass incarceration, others may fight for climate justice, while still others, like Rachel, will extend nourishment to their neighbors, building queer kinship networks while refiguring futurity in a way not beholden to capitalist logics of reproduction. Because we do not know what it is we are supposed to do, at every turn we risk doing the "wrong" thing, we risk harming those with whom we are striving to be in solidarity, and we risk opening ourselves to the possibility of violence. This risk is mediated by an enormous range of factors including our individual social positionings, so that perhaps few of us will find ourselves in a position to "risk all" in the way that Morrison's fictional character Jane does. But even if it is to a lesser degree, risk itself becomes a condition of possibility for ethics, or at least for an ethics which exceeds law. After all, when the world order itself has been constituted by the paradigm of slavery, and justice

demands an abolition of that paradigm, it is impossible to know just what lies on the other side of our own act of abolition; we only have tiny holes in the wall through which to catch a glimpse.

Coda

Scenes of Resurrection: Black Lives Matter and the Here and Now of Black Queer Futurity

Thus the question remains as to what exercise of the will, forms of action, or enactment of possibility is available to animate chattel or the socially dead or to the excluded ones that provide the very ground of man's liberty. The double bind, simply stated, is: How does one account for the state of domination and the possibilities seized in practice? How does one represent the various modes of practice without reducing them to conditions of domination or romanticizing them as pure forces of resistance?

-Saidiya Hartman¹

The question here concerns the inevitability of such reproduction even in the denial of it. This is the question of whether the performance of subjectivity [...] always and everywhere reproduces what lies before it; it is also the question of whether performance in general is ever outside the economy of reproduction.

-Fred Moten²

How can “playing dead” in the street effectively mobilize against state-sanctioned anti-black killing? This question merges with Hartman and Moten’s dialogue on the reproductive capacities of black performance to haunt my participation in Black Lives Matter protest actions when I am called to participate in a die-in. While lying on the ground playing dead with dozens or even hundreds of other people – mostly people of color – what does the simulation of death say in protest of such excessive and unjust death?

I believe these questions call for a pessimism without a paralysis and an optimism against hope which echoes Rachel’s final decision in Angelina Weld Grimke’s play. That is, thinking Black Lives Matter protests as happening in the excessive present of slavery reveals the simultaneity of pessimism and optimism such that the former is not resigned to the permanence

¹ Hartman, Saidiya. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York, NY: Oxford University Press, 1997): 55.

² Moten, *In the Break: The Aesthetics of the Black Radical Tradition* (Minneapolis, MN: University of Minnesota Press, 2003): 4.

of the violence of domination and the latter is not seduced into reliance on a future solution that may be beyond contemporary conceptualization. Such a simultaneity may capture something of the “militant mourning” articulated by Act Up’s use of the die-in as political protest against the government’s inaction during the AIDS crisis in the late 20th century.

Black Lives Matter protests seek to both historicize the particular deaths of particular people at the hands of the state and to resist the periodization which would separate these deaths from the social death inaugurated by the Middle Passage. Die-ins or highway shutdowns seek to resist the violence of police brutality that has remained so unflinchingly consistent despite the illusion of newness to some observers engendered by augmented technologies of visibility. These protests highlight the urgency of resistance against violence happening *now* against *particular* people, while tracking the movement from plantation police powers to post-emancipation police power that Hartman sketches in her concluding chapter to *Scenes of Subjection*. If slavery and freedom are always mutually imbricated and the violence of slavery was transfigured into the violence of police powers, then Black Lives Matter protests against such police powers must reckon with the aftermath of slavery and its attendant doubling of resistance with domination as it manifests in scenes of black performance.

Or to think through one of Jared Sexton’s questions, “But how, then, does one mark time and think historicity, how does one engage the iterability of the performative, if nothing ends? How to orient or make sense of lived experience, the lived experience of the black no less, without break or interval or punctuation in the fact of (anti)blackness?”³ Sexton is asking how it can be possible to say that performative actions and/or speech acts are new iterations of those which have come before when it seems impossible, when looking at anti-black violence, to

³ Sexton, Jared. “The Social Life of Social Death: On Afro-Pessimism and Black Optimism.” *Intensions* 5 (2011): 6.

identify a point where one “iteration” might be said to end. For Sexton and for Hartman, there is a profound difficulty in thinking the performative in the face of an event (slavery) that exceeds its own supposed ending. The demand to historicize requires that we emphasize that Black Lives Matter was mobilized by three black women, two of whom identify as queer, Alicia Garza, Patrisse Cullors, and Opal Tometi, in response to the specific event of George Zimmerman’s acquittal in 2013 for killing Trayvon Martin. But the anti-blackness without break or interval or punctuation that is before, during, and after this moment of origin explodes the time of Black Lives Matter beyond its ostensible beginning and expands its performative beyond the purview of Martin’s male, gender-conforming body into the possibilities of becoming and enacting a queer performative, as Tavia Nyong’o has argued, that demands diachronic analysis in the very same moment it calls for synchronic attention.⁴

As Nyong’o reminded those at the 2015 Futures of American Studies Institute, by riffing on Sharpe’s work, “Black Lives Matter is always uttered *in the wake* of black death,” and yet as a queer performative it both refigures mourning and queers melancholia, thereby offering a “militant mourning” reminiscent of “Douglas Crimp’s 1989 call for both mourning and militancy.” This realization, Nyong’o argues, reveals the historical contingency of anti-black violence in the very same moment it recognizes its consistent presence. This queering of temporality begins to “mark time,” “think historicity,” and “engage the iterability of the

⁴ While thinking through Nyong-o’s meditations on Black Lives Matter and queer performativity certainly makes clear that aligning the movement with queerness is not merely an essentialist nod to the identities of its founders, it is also worth quoting Alicia Garza herself, from her essay, “A Herstory of the #BlackLivesMatter Movement”: “Black Lives Matter is a unique contribution that goes beyond extrajudicial killings of Black people by police and vigilantes. It goes beyond the narrow nationalism that can be prevalent within some Black communities, which merely call on Black people to love Black, live Black and buy Black, keeping straight cis Black men in the front of the movement while our sisters, queer and trans and disabled folk take up roles in the background or not at all. Black Lives Matter affirms the lives of Black queer and trans folks, disabled folks, Black-undocumented folks, folks with records, women and all Black lives along the gender spectrum. It centers those that have been marginalized within Black liberation movements. It is a tactic to (re)build the Black liberation movement.”

performative,” by both refusing to periodize the violence of anti-blackness into a memorialized past and historicizing this violence to show how it has always been anything but inevitable, even if it has remained structurally persistent. Ultimately for Nyong’o, “Queerness is everywhere in the vicinity of a slogan that rarely speaks its name, not because its sexuality is on the downlow, but because it realizes that queer performativity’s doing in the world can work intersectionally within word assemblages in which ‘queer’ is not always front and center. Queerness here becomes a periperformative, not because one needs to be queer to say black lives matter, but because one can hardly claim to be queer if one does *not* say it.”⁵

While Nyong’o invites us to think of the speech act of *saying* “Black Lives Matter” as itself a queer performative, in the wake of my literary and performance analyses in this dissertation I am interested in different performatives employed by the *doing* of performing bodies under the sign of the movement – specifically the performatives of “Hands Up, Don’t Shoot” and the performances of “die-ins.”

These embodied performances and speech acts have become common practices in rallies, marches, occupations, and other protests mobilized around the Black Lives Matter slogan and movement. The first involves protestors holding up their hands, palms outward, in the position which is supposed to signal non-threatening submission to officers of the law. At times protestors will remain silent, while signs or designated speakers provide commentary on their actions. Further versions see protestors participating in a call-and-response wherein callers shout “Hands Up” and responders finish the statement, “Don’t Shoot.” The second bears traces of the iconic sit-ins of the 1950s and 60s and is an instantiation of a protest performative that has been used for different causes, including environmental protests in the 1970s. Dying-in involves

⁵ Nyong’o, Tavia. “#BlackLivesMatter and Queer Performativity.” Talk given at the 2015 Futures of American Studies Institute. Written text provided by author for direct quotation.

protestors lying down motionless in public spaces to represent dead bodies en masse and bring attention to a cause by interrupting people's daily lives with simulated death. This strategy has a long history of use in radical queer politics, being employed to make vivid the mass death from the AIDS epidemic under the Regan administration, and to mourn lives designated as unmournable, as Dagmawi Woubshet recounts in *The Calendar of Loss: Race, Sexuality, and Mourning in the Early Era of AIDS*. In Black Lives Matter protest performances, there are often activists who walk among the symbolically dead protestors and outline their bodies with chalk as they lie on the ground. In some iterations, the names of victims of police murder are read aloud by one voice as a mass of protestors continues to "play dead."

Both of these performances have proven effective in garnering attention for the Black Lives Matter movement – a success which I do not wish to dispute. Rather, I want to keep in mind the "ambivalence" of black performance, the fact that "since performance sustained slavery and freedom it could not be trusted *nor* neglected."⁶ In other words, performance exceeds the intention of performers such that even when framed as protest in explicit opposition to dominant powers, the structures of domination which necessitate protest in the first place are reproduced. Again, "How does one represent the various modes of practice without reducing them to conditions of domination or romanticizing them as pure forces of resistance?"

This question resonates in these Black Lives Matter performatives. On the one hand, witnessing the call and response of the "Hands Up, Don't Shoot" chant can seduce one into romanticizing the protest as a *sine qua non* of resistance to state violence. A large group of protestors literally face-to-face with armed police put up their empty hands and assert the antithesis of police brutality by reciting a script taken directly from orders given by officers of

⁶ Jones, Douglas A. "Slavery, Performance, and the Design of African American Theater." *The Cambridge Companion to African American Theater*. Ed. Harvey Young. (Cambridge, UK: Cambridge UP, 2012): 21.

the law. It is even a deconstructive performative in this way, beginning the call and response with a police officer's hail – "Hands up!" – and responding with what is implied by the social contract underpinned by the terms in which that hail is ostensibly uttered – "Don't shoot!" Yet, the embodied performance which accompanies the performative speech act in this call and response reproduces the scene of subjection as the scene of protest, if we recall the image of Michael Brown holding up his hands before being shot in the head by Darren Wilson. The performance of raising open hands to the police to signify one's non-threatening status is undercut by the racist imagination which allows so many unarmed and non-threatening black people to be killed by police.⁷ Thus, the conveyance of submission to the rule of law – one is legally not allowed to meet non-violence with lethal force, even if one is an officer of the law – is both a resistance to the abuses of law and a reproduction of the domination of "the force of law" and its repetition of its "founding violence."⁸

In the case of Black Lives Matter's use of die-ins, the ambivalence of black performance is perhaps even more starkly felt. On one hand, the arresting power of a die-in goes without saying, and the solemn occupation of public space as an interruption of not only business as usual but life itself with the image of mass death literally resists the machinations of the state by blocking the physical and affective flow of bodies in space. And in the case of Black Lives Matter, these die-ins enact what those three words would insist by demanding, through the very presence of bodies interrupting public space, a space for the mourning of black death(s). Yet on the other hand, the very image upon which this performance draws its power is the lifeless black body. The fact that protesters register their resistance to murderous state violence by assuming

⁷ My second book project, *Getting Away with Murder: Whiteness and the Alibi of Fear*, will take this thread of the racist imagination of a "threat" further by exploring how iterations of the phrase "I feared for my life" are used in legal, journalistic, and popular discourse to ostensibly justify the murder of black people.

⁸ This language in quotations is drawn from Derrida's *Force of Law*.

the position of dead bodies invokes Moten's questions to Hartman in the second epigraph to this coda. It seems that "performance in general is [n]ever outside the economy of reproduction." One could question whether a die-in is the appropriate genre of protest when the stated goal is the realization that Black *Lives Matter*. While protestors certainly intend for their verisimilitude to dead bodies to register as an invitation to critique the forces of violence which produce so much death and necessitate protest in the first place, it is also possible that some observers may witness the die-in as spectacle, or as a putting on display of exactly what the white supremacist imagination desires for the position of blackness. In other words, if anti-blackness is indeed the norm in this world of white supremacist capitalism, then putting on display a simulacrum of black death invites the desire for wish fulfillment and provides the reproducible image for those who would peddle such desire.

Such a desire for black death is certainly external to the protestors themselves, who are making public their internal, otherwise private desires for a world with less death. One way of reading the mass of bodies participating in a die-in is as a refutation of the public/private split which renders public action political and private action apolitical – the kind of divide eschewed by Johanna Hedva when she raised her fist from her bed upon hearing a Black Lives Matter protest out her window, and the kind of divide against which she therefore positions her "sick woman theory." Hedva reminds her readers that "we must contend with the fact that many whom these protests are for, are not able to participate in them – which means they are not able to be visible as political activists."⁹ Indeed, following the release of the policy platform of The Movement for Black Lives in summer 2016, a group of black disabled and deaf activists writing as The Harriet Tubman Collective critiqued the platform for neglecting disabled black people in

⁹ Hedva, Johanna. "Sick Woman Theory." *Mask Magazine*. January 2016. <http://www.maskmagazine.com/not-again/struggle/sick-woman-theory>

its vision. Such erasure, they argue, “is disingenuous, at best, and violently irresponsible at worst.”¹⁰ The particular points levied by the Harriet Tubman Collective are substantive critiques of the political vision of The Movement for Black Lives. I want to suggest, however, that in the specific moment of a die-in, protesters are radically fracturing the divide between the public and the private, thus rendering politically visible those private desires for a different world which may otherwise go unaccounted for in public. This is not to say a die-in is a utopian, universally inclusive form of protest that mitigates the issues raised by the Tubman Collective, but it is just to say that the die-in imagines a different kind of politics that could begin to enact in the here and now an intersectional praxis of protesting anti-blackness, queer antagonism, misogynoir, *and* ableism.

At the same time, however, the risk in collapsing the distinction between the internal or private and the external or public is the fact that performance exceeds the intentions of the performer. Attending to the ways in which the die-in enacts a space of radical mourning for those involved in the protest both in its immediate spatial configuration and in its larger psychic space which stretches to the bedrooms of those too sick to make it out to the street or the park does not negate the possibility of making a spectacle of black death in service of the libidinal economy of white supremacist capitalism. As Kashif Powell persuasively argued in a presentation at the 2015 annual meeting of the American Studies Association, by reproducing the scene of the obliteration of black life, die-ins “fail to imagine life somewhere else” and therefore cannot escape reproducing the scene of subjection within the scene of protest.¹¹ But of course, a die-in does

¹⁰ Harriet Tubman Collective. 2016. “Disability Solidarity: Completing the Vision for Black Lives.” <http://harriettubmancollective.tumblr.com/post/150072319030/htcvision4blacklives>

¹¹ See Powell’s published essay “Making #BlackLivesMatter: Michael Brown, Eric Garner, and the Specters of Black Life – Toward a Hauntology of *Blackness*” for more on this reading of the die-in. The end of the article condenses some of Powell’s remarks from his conference presentation and synthesizes it within a larger thinking towards the hauntology of the slave trade.

imagine black life, if not elsewhere, then in excess of the terms of the here and now. The protestors eventually stand up and walk away from the scene of death. This is an imagination of something similar to what Jose Munoz would call a utopian futurity. “The here and now is simply not enough,” he writes. “Queerness should and could be about a desire for another way of being in both the world and time, a desire that resists mandates to accept that which is not enough.”¹² This is part of what Nyong’o means by calling Black Lives Matter a “queer performative.” It is not only an appeal to identity politics or reference to the queerness of some of the movement’s founders, but a recognition that insofar as Black Lives Matter dares to imagine the world existing in a way that differs so fundamentally from the way it presently exists – in a “then and there” within the space of the “here and now” – it is fundamentally queering dominant modes and temporalities of being. In this way a die-in is fundamentally a performative that queers futurity not only because of its history as a strategy of queer identity politics, but also because of the way in which it imagines the world otherwise through the figure of the dead body, what should otherwise be a symbol of futurity denied.

Die-ins incorporate resurrection in the scene of subjection, inscribing an impossible freedom in an embodied performance that reiterates the all too imminent and immanent death that marks black life. This is a symbolic act of resistance as powerful as the material occupation of space, and at the same time its symbolic power is undercut by the fact that it depends upon resurrection’s material impossibility for its affective force. But again, that is exactly the power and the pitfall of the die-in. Rather than imagining life someplace else, someplace that is not the trenchantly anti-black world that currently exists, the resurrection at the end of the die-in inscribes the possibility of freedom *within* its very impossibility, thus holding open a space for

¹² Muñoz, José. *Cruising Utopia: The Then and There of Queer Futurity* (New York, NY: NYU press, 2009): 96.

thinking the practice and praxis of freedom within the discursive terms and material realities of the current world. In the same moment that inscribes the threat of violence in the act of resistance, that risk is weighed against the inscription of a world which might be different, thus inscribing the “not yet” within the *right now*. There is not a someplace else, and in that sense the die-in does fail to imagine escape or an alternative to the violence of the real, while at the same time the violence of the real remains unable to obliterate all possibilities for life that exceeds mere survival. Indeed, these are performatives that can be neither trusted nor neglected. The mutual imbrication of slavery and freedom, of domination and liberation, in the scene of subjection is also the mutual imbrication of the here and now of anti-blackness and the then and there of a blackened world.

Black performance is thus of course thoroughly more complex than pure resistance or pure reproduction of domination. The die-in is neither complete failure nor ultimate victory. Burdened by the history of slavery and the immeasurable tear in the fabric of the world rendered by the Middle Passage, the performing black body reinscribes the scripts of the racist dominant world order within the very gestures which enact the possibility of overturning that order. As Hartman writes, “these acts of redress are undertaken with the acknowledgement that conditions will most likely remain the same. This acknowledgement implies neither resignation nor fatalism but a recognition of the enormity of the breach instituted by slavery and the magnitude of domination.”¹³ Black Lives Matter protesters organizing in the streets and attracting the surveilling eyes of a state that is still fearful of the specters of slave rebellions are enacting a world that does not exist within existing scenes of subjection. This is synchrony meeting diachrony. This is optimism for a potentiality already existing in the world and a rejection of

¹³ Hartman, 51.

hope for an as yet non-existent future. This is a queering and blackening of an anti-black world that offers no illusion that such anti-blackness will disappear. This is a present moment that exceeds the limits of itself and spills into the past and the future, queering temporality into a blackened excessive present – an excessive present in which the mark of slavery outlives legal abolition at the very same time that legal abolition still matters, and an excessive present in which the freedom-to-come resides *not* in an unreachable “then and there,” but in the queer performatives enacted in the *here and now* of the present moment of corporeal presence. The scene of subjection *is* the scene of resurrection, and the scene of resurrection *is* the scene of subjection. That is both the challenge and the promise.

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