PIRATING HUMAN RIGHTS

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Preguntando, caminamos.

—Zapatistas

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The criterion and rule of the true is to have made it. –Vico

Who cannot see that this ethics which rests on the misery of the world hides, behind its victim-Man, the good-Man, the white-Man? Since the barbarity of the situations is considered only in terms of "human rights"—whereas in fact we are always dealing with a political situation, one that calls for the political thought-practice, one that is peopled by its own authentic actors—it is perceived, from the heights of our apparent civil peace, as the uncivilized that demands of the civilized a civilizing intervention…And this is why the rein of "ethics" coincides, after decades of courageous critiques of colonialism and imperialism, with today's sordid self-satisfaction in the "West," with the insistent argument according to which the misery of the Third World is the result of its own incompetence, its own inanity—in short its subhumanity. –Badiou *Ethics: An Essay on Understanding Evil*

The Flotsam and Jetsam of Rights

Wendy Brown, in a searing response to Michael Ignatieff's defense of human rights, seems to jettison the discourse for progressive politics for good. Rehearsing his claim that although the left-critiques of human rights are sound—they are hollow, bent to the purposes of global capital and imperialism, and they revere and work to naturalize the vexed category of the human—she argues the greatest danger is the shrinking political horizon his defense offers: they may be flawed, but they are "the most we can hope for." Can we not, she asks, imagine a politics that might do more than merely shield the subject from pain and suffering? To turn to human rights, she concludes, must always be understood as a dimming and damning fatalism "since international human rights are not designed as a form of collective

power or a vehicle for popular governance…" (461). "Design," though, not only invokes the sovereign state that is part of Brown's larger critical project, and her Foucauldian analysis of the disciplining powers of human rights discourse. An emphasis on "design," I suggest, *also* provides a theoretical opening to make visible the teeming, unmanageable, and destabilizing subversion that has not only preceded but now accompanies an international and hegemonic design of human rights. In other words, this project draws its contours from the rich body of intellectual work that makes up what Mary Ann Glendon calls the current "critique of rights", but instead of jettisoning rights discourse, it looks to how twentieth century literary and legal narratives have taken them up *as* collective power and *as* vehicles for popular governance.

This project, though, is not an exercise in utilitarianism, nor is it an exercise of finding *right* rights[1]. The literary archive that I turn to is not an archive that might be familiar to much of the burgeoning field of human rights and literature; there are no genocides, there is no war, there are not even direct appeals to the discourse of human rights[2]. This archive does not use rights claims as "rhetorical leverage" to

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[1] Although David Harvey's response to the emptiness of bourgeois rights—to fill them up with a "socialist conception of rights" (19)—is tempting (if, for no other reason, the brilliant 1883 Cuban "right to laziness" might be included), it only offers an uncritical out-with-the-bad-and-in-with-the-good programmatic response. Instead, I am arguing that rights emerging out of my archive are not programmatic, but a critical methodology; they become the political "right to have rights" that must always attend to power.

[2] For the most part, this field remains a rhetorical criticism that is driven by the human rights content in literature. Although some of this is theoretically rich and powerfully articulates a critical vocabulary to tease apart the ideology of the discourse (this dissertation, for example, is inspired by and works from a

appeal to the state. Instead, they are used to make visible the hegemonic powers that create the material, structural, and political conditions making these claims necessary. This is to say that while rights do become instruments, they become instruments as *critique*. The texts I analyze narrate violences in order to make visible the historical causes, not to invite an external solution; these texts offer a methodology with which to critique transcendental ethics and to create a material analysis. What emerges is, I suggest, the next stage of a critique of rights: rights *as* critique, and, more importantly, rights as collective critique; rights as *labor*. Emphasizing the *politics* of rights—the right to have rights—my project finds footholds in literary, social, and political movements that are occupying and resisting hegemonic human rights, and that are producing human rights as an immanent politics, as *democracy*.

The "right to have rights" is the phrase Hannah Arendt first used to distinguish between natural rights and legal rights—the empty natural rights of the stateless and the civil rights of the citizen—in her analysis of human rights and totalitarianism in "Decline of the Nation-State; End of Rights of Man." And it is the same phrase picked up later in the decade in Earl Warren's dissent as the court stripped citizenship from a man in *Perez* v. *Brownell*. Warren—like the earlier Arendt and a forthcoming argument by Margaret Somers' *Genealogies of*

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framework set out in Joseph Slaughter's *Human Rights Inc.*), much of the work might be accused of perpetuating the humanitarian impulses of the discourse itself. At a recent PMLA conference, the majority of papers were using Third World literature about human rights violations as a pedagogical tool to mobilize what Mahmood Mamdani might call saviors.

Citizenship—defines citizenship as "man's basic right for it is nothing less that the right to have rights" (qtd. Somers 1). By setting these two concepts in equal relation, membership emerges as the political engine of both. "If we want to advance the cause of actual (rather than metaphysical) human rights," Somers insists, "we must embrace them as being anything *but* natural" (7). "Man," she cites Balibar as demonstrating, "does not make citizenship; citizenship makes the man" (7). Arendt, Warren, and Somers—to varying degrees and with different allegiances and anxieties—moves rights in to the social sphere to insist recognition, inclusion, and the right to personhood do not conform to liberalism's metaphors of private possessions. Rather, rights in this iteration are "public goods, and thus can only be sustained by an allegiance of public power, political membership, and social practices" (5).

This right to have rights, read in the context of the Arendt and Warren tradition, is not an empty slogan and it does not fall from the sky. Rather, what this phrase does is no less than to denaturalize rights themselves; it insists that the plane on which a discourse of justice takes place is always social, always political, and always teetering and in need of adjustments. Embedded within it are two iterations of rights—the first foregrounding membership in political communities and the second marking the civil-juridical content—that do not merely supplement one another, but radically transform the discourse of rights. The *right* to have rights, in other words, qualitatively changes the discourse from that which appeals to nature to that which forecloses the pre-social and pre-political appeals of natural rights by foregrounding the social and political plane on which they move.

This dissertation, though, does not take the state as the predetermined gatekeeper of this membership. Turning from the Chief Justice's assumptions the state would play this role and toward Arendt's and Somers' anxieties of those who are internally excluded, this project turns to the emerging political energies at the sites of subversion and resistance to imperialism and global capital to ask what non-contractual membership might look like that is not solely or singularly in service to the state. Taking cues from Nancy Fraser's "all-subjected" principle, Paulo Virno's grammar of the multitude, anarchist and radical democracy activists, I will engage the right to have rights as, above all, future-oriented and uncertain public goods; as socialized rights beyond national borders. Making Arendt's phrase more explicitly geared towards denaturalizing rights and towards this project's emphasis on collective justice, I will employ the intellectual history of this language but will always insist on foregrounding the phrase's politics. The right to have rights, then, will be drawn out in these following chapters to more specifically read: the right to collectively struggle to set the terms of rights.

As this project's language of *archeology, architecture,* and the opening invocation of Vico indicates, my argument builds from a Nietzschian and Foucauldian method of genealogy in order to refuse transhistorical claims of good or evil. To paraphrase Mahmood Mamdani, the clarion call of rights in this project is not to *save* the world, but to *see* the world[3]; it is a call to move from looking up *into the blue* and to instead

[3] In a 2009 interview Mahmood Mamdani argues that, "…there is no such thing as a trans-historical evil in the world in which we live; in fact, all violence without exception has causes, and the causes are historical ." Mamdani's correlative

record and document the *grey* of what has happened and what is made[4]. In this sense, it is a project about occupation: how to occupy the once-hollow discourse of rights leveraged by the state—a discourse obscuring its illegitimate power that really is no more than "nonsense upon stilts"—and how to occupy the now-impotent discourse of rights leveled by the academy. What emerges is a history of counter-hegemonic rights claims that work to illuminate the exorcized politics of human rights, to widen the frame of this discourse to account for the historical causes of violence, and to adjust the focus of the discourse to move from accounts of individual or isolated pathologies to structural analysis.

It is against this backdrop that I want to suggest this project of occupation shares an analogical relationship to the maritime laws of flotsam and jetsam. The nautical meaning of the two terms carry different legal consequences: flotsam is that which floats in the water after a shipwreck and remains the property of the original owner,

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argument in his recently published book that was the occasion for the interview, *Saviors and Survivors*, is that not only is there no such thing as a trans-historical evil, but there is no such thing as a trans-historical good. This project, a critique of the contemporary de-politicizing humanitarianism of the human rights regime, is an indictment proclaiming: do not *save* Darfur; *see* Darfur. Shifting from the vocabulary of ethics to a vocabulary of analysis, *Saviors and Survivors* suggests historical causes of violence are occluded by the moral language of human rights.
The counter-hegemonic rights' primary energies, in my dissertation, gather from the deferral, disruption, and destabilization of liberalism's abstractions of the subject from history, politics.

[4] Nietzsche's *On the Genealogy of Morals* begins: "At any rate, I want to focus this sharp, unbiased eye in a better direction, the direction of real *history of morality*, and to warn…against such English hypothesis-mongering *into the blue*. It is quite clear which colour is a hundred times more important that blue: namely *grey,* which is to say, that which can be documented, which can actually be confirmed and has actually existed, in short, the whole, long, hard-to-decipher hieroglyphic script of man's moral past!" (8)

while jetsam is that which has been jettisoned into the sea and is then the property of the finder. This dissertation registers both that these counter-hegemonic rights claims are *not new* but rather have a rich history that, while wrecked in the course of history, float to the top to be claimed again. But also, that the rights discourse jettisoned by both the state's violent maintenance of its power and by the academy, is now being occupied by a new and collective ownership whose claims open this discourse up to be used in political and powerful ways. This is a making of rights, an occupation of rights discourse, and a claim that rights do not come from out of the blue.

Human rights, though, have managed to become the bogeyman across the political spectrum: on the right, the universalism of human rights masks the particular *inclusions*—of terrorists, of external sovereignties, of, say, pirates—while on the left, the universalism of human rights masks particular *exclusions* under the Enlightenment rubric of an abstract human *qua* human. Because this dissertation is not invested in answering the right's Westphalian allegiances, but rather in being in conversation with critical theorists' claims that human rights discourse becomes a rhetorical surrogate for the violent maintenance of hierarchies and hegemonic power, I will briefly outline these critiques because while they are not explicit in the chapters, these critiques give shape to the dissertation as a whole.

From a Critiques of Rights to Rights as a Collective Labor of Critique

In "On the Genealogy of Morals," Michel Foucault declares, "My points is not that everything is bad, but that everything is dangerous" (231). And this is not a bad gloss of critical theory's engagement with human rights discourse itself. Each of the rhetorical footholds used in the contemporary human rights regime—"universal," "human," and "rights"—raises central questions about power, subject formation, and history that critical theory takes up in order to heave the discourse overboard. These rhetorical footholds will, additionally, serve here to map out the critical theorists' engagement with the meta-narratives underpinning the discourse.

First, "universal,"—as an ambiguous and deeply troubling qualifier—slips between contingency and the transcendental. Read, on the one hand, as something shared and consensual, the "common ground" is contingent on who is a member of the consensus; it is contingent in both time and space. On the other hand, "universal" is read as a supposedly transcendent ethical moral view encoding an Aristotelian notion of equality that is ahistorically *in*dependent of membership. This conflict runs beneath the word, destabilizing its allegiance to both "human" and "rights" and this conflict itself becomes the site of a theoretical interrogation of this language in human rights discourse.

The first set of questions raised by the idiom of the universal, asks if there might be something shared or something reaching consensus that might look like a universally agreed upon right. It asks: are there universal values?[5] Bracketing

[5] I am glossing over the critique of production often leveraged against human rights instruments that read these texts as products of the West, and specifically, of American interests. I am glossing over these critiques because the more important

Rawls' "overlapping consensus" or Habermas' "public sphere" as possible spaces wherein this universal value might emerge, Amartya Sen proposes the criteria for a universal value should not be assent but rather "the claim of a universal value is that people anywhere may have reason to see it as valuable" (12). His work as an economist has produced an alternative metrics for the Global South to measure communities' and citizens' "capabilities" instead of relying on the top-down financial metric of a country's GDP[6]. But his theory's reliance on "reason"—that people have "reason" to see something as valuable and that their "reason" will lead them to a reasonable choice—does not distance himself, but rather becomes the transcendental secular link to both Rawls and Habermas. All three thinkers are tied to the idea of universal values undergirded by the rational foundations of modernity and the Enlightenment that poststructuralists work so hard to dislodge.

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and urgent questions of what can be read in a rights claim are more effectively raised in the theoretical questions I take up in the body of this project, but also because a number of good historians have painstakingly shown the diverse ancestries of human rights discourse. See: Susan Waltz's "Reclaiming and Rebuilding the history of the Universal Declaration of Human Rights" and An-Na'im's *Toward an Islamic Reform* in particular. These both work to dislodge the Huntington-esque "clash of civilizations" discourse buried in a thesis writing all human rights as western.

[6] Sen and Martha Nussbaum have combined an economic model and an Aristotelian notion of "flourishing" to offer their "capabilities approach" which they argue lets the metrics for establishing economic justice reflect the lives of individuals rather than being only able to report things like the grossly subsuming and monolithic number of the GDP. Critiqued as reproducing neo-liberal economic model that privileges both the free market and the individual, the work lists such capabilities as: "Life. Being able to live to the end of a human life of normal length…not dying prematurely; Bodily integrity. Being able to move freely from place to place, being able to be secure against violent assault, including sexual assault…having opportunities for sexual satisfaction and for choice in matters of reproduction…" This "capabilities approach" was popularly well-received—Sen won the 1998 Nobel Prize for his work—but must wrestle with the, I think, good critiques that this model offers a consumer model of human rights.

Poststructuralism, taking an infinite number of forms but converging to declare that universal and normative "postulation[s] of rational unanimity [are] totalitarian and hostile to the challenges of otherness and difference," breaks away from consensus and offers instead variations on Lyotard's "dissensus.[7]" Universal values, whether appealing to transcendent metaphysical or transcendent secular authority, are theoretically unable to entangle themselves from the totalizing and imperialist force of consensus[8].

The second question raised by the language of the universal hovers around the relationship between "universal" and "equality". Universal in this sense refers to scope and inclusion and in doing so invokes the Aristotelian rule of treating "likes alike" in order to elide difference; this is the universal taking most concrete form in the French *Declaration of the Rights of Man and Citizen* that wrote over particular

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[7] This is Leela Gandhi's characterization of poststructuralists in *Postcolonial Theory*. That humanists—including Marxists—see consensus as politically necessary, whereas poststructuralists see consensus as ethically dangerous, is one of the many uncrossed divides in human rights discourse. Lyotard's "dissensus" is rhetorically easier to leverage in this brief overview of the inner workings between consensus and universals, but William Connolly's call for "pluralization" might be more relevant to my work here. An "ethos of pluralization" is "regenerative", "attentive to fugitive energies", requires an "active cultivation of generosity", and recognizes a "multiplicity of intersections", collaborations, and lines of connection. This call is set against the "conservative", essentializing "old code" of a universal we that congeals modern identities; "pluralization" is set against the totalizing, normative, and transcendent orders—both as verb and noun—of consensus.

[8] Consensus flattens the peripheries and the paradoxes that might make justice-oriented projects possible; it collapses thinking into either "common sense" or one-dimensional—and so achievable, defendable, stagnant—solutions. As Chantal Mouffe argues, "there is no place where reconciliation could be definitively achieved as the full actualization of the unity of 'the people'. To imagine that pluralist democracy could ever be perfectly instantiated is to transform it into a self-refuting ideal" since it is conditioned on the "impossibility of its perfect implementation" (*The Democratic Paradox* 16).

group differences in order to leverage the abstracted individual *as* citizen[9]. Classes—like race, religion, gender, and class—are shuffled under the rug to allow everyone to fit inside the abstract universal categories of "man", "citizen", "human". While an historical look at the work of these categories eliding difference would reveal particular exclusions—of color, of gender, of class—a theoretical look reveals these exclusions to be masked by the rhetoric of the universal. Thus, by invoking the universal, particulars become leveragable as deviance from a purportedly general norm. This norm then rationalizes exclusion because it departs from the universal.

Derrida's inaugural moves of deconstruction open the door for this type of theoretical work. His analysis first reveals the hierarchical relationship between operations (such as that between the universal and the particular), and then it undoes the hierarchies embedded in these binaries to reread the newly—now interdependent—deconstructed terms. In *On Deconstruction*, Jonathan Culler outlines the implications of restructuring temporal binaries of presence and absence arguing that the "presence of motion is conceivable…only insofar as every instant is already marked with the traces of the past and the future. Motion can be present, that is to say, only if the present instant is not something given but a product of the relations between past and future" (94). Oppositions and binaries—

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[9] The work of this document is to move the subject of liberty from corporate groups to individuals. In other words, the Huguenot disappears and the citizen appears. This change is most visible by looking to two appeals—the first in the Edict of Toleration of 1787 and the second the 1790 Petition of the Jews—that registers the historical change of asking, first, what groups are recognized by the law to, second, making group status *irrelevant* for legal condition. These two texts ask what the law sees—particularity or abstraction—and if the law registers or is blind to difference.

presence/absence, universal/particular—are necessarily shaped by the qualities and constituent characteristics of their shadowy double. Culler reveals that something "can be happening at a given instant only if the instant is already divided within itself, inhabited by the nonpresent," and so this argument becomes an argument about *temporality* and the necessary limitations of any particular historical narrative.

The most dangerous particular that is elided by the rhetoric of the universal in human rights discourse is the particular authority of the state. The rhetoric of the universal appeals to natural rights—those rights that, as Locke would have it, precede the state—and yet those same rights are coherent only insofar as they are juridically fixed to the political orders of the state. Recognizing this paradox, Hannah Arendt argues that the loss of human rights "coincides with the instant when a person becomes a human being in general—without a profession, without a citizenship…without a deed by which to identify and specify himself—and different in general, representing nothing but his own absolutely unique individuality which, deprived of expression within action upon a common world, loses all significance" (*Origins* 302). Her theorization of the "stray dog" or the "refugee"—those stripped of nationality, of name—is a remarkable critique of national rights theory; human rights, instead of *preceding* state authority, end up in her account being that which the state can use to de-"nature" humans. The rhetorical and theoretical elision of the state in human rights' appeals to the universal, becomes the state's very own engine to banish, exile, eradicate.

Unwilling or unable to recognize its own source of authority—the fundamental philosophical and juridical question posed by human rights discourse—the rhetoric of the universal perpetuates the violence of consensus, masked exclusions, and hidden foundations. These critiques amount, in sum, to a rejection of universalism's transcendental appeals; they voice the disquietude of placing politics beyond history, beyond power. Each thing, they argue, carries traces of its particular and material history and the work of critique is to make visible these invisible allegiances.

The second rhetorical foothold in mapping the critique of rights—the "human"—violently registers these invisible allegiances, in part, because the answer determines the body count. Who *counts* as a human, critical theory reminds us, is always essentially historical. What is "human", and, its correlative question of what—in the language of international human rights—is "barbaric" or *in*human has proven to be contestable, contingent, and radically exclusionary.

Contemporary human rights discourse primarily traces its lineage to the 18th century iterations of natural rights and to the Enlightenment humanism lighting the rights' way. The Cartesian *cogito* and Diderot's claim that man "is the single place from which we must begin and to which we must refer everything…" both work together to position the reasoned subject at the center of a knowable, orderable, and fundamentally humanist universe (qtd. Gandhi 29); man *knows* and therefore *is*. This Enlightenment formation of the subject ties together being and meaning—in Descartes' words "reason…is found whole and entire in each man"—but also carries

the "barely discernible corollary which suggests that some human beings are more human than others" (Gandhi 29). What Aimé Césaire would decry three hundred years after the *cogito* as the "thingification" of the discourse of colonialism—the intellectual justification of turning a man into a beast—sits at the center of all invocations of the human and its correlative claims on the inhuman, the barbarian, the uncivilized.

This Enlightenment conceptualization of the human appears again in the Universal Declaration of Human Rights that gives birth to a new person in international law who is "endowed with reason and conscience and should act towards one another in a spirit of brotherhood" (Article 1). To then destabilize and de-center this Cartesian subject becomes the task of critical theorists who see the subject as the *product* and not the *source* of meaning. For Lacan, the subject emerges out of the mirror stage, for Althusser the subject is an external production that only emerges out of the mechanisms of the ideological state apparatus, and for Foucault, "the archaeology of our thought easily shows, man is an invention of recent date. And one perhaps nearing its end" (*The Order of Things* 422). To dethrone, deconstruct, and even discard this sovereign subject becomes the aim of critical theory; political analysis or any possibility of emancipation from the choke of humanism must refuse a stable or naturalized conception of the human[10].

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[10] In *Human Rights, Inc.*, Joseph Slaughter also raises the complications of legal personhood extending to corporations in his discussion of the abstract human personality written in to human rights discourse. Offering a history "not merely to remind us that the human rights conception of the human being as a person has a

Finally, "rights", not only invite critique of their artificially fixed and stable codification as a set of rules, but critical theory has primarily been invested in how rights violently and discretely form the subject in rights discourse. Marx's famous critique of the "egoism" of rights discourse is, in part, a reflection on how the *Declaration of the Rights of Man and Citizen* marks a shift from law recognizing a class of men to the law recognizing an individual man. In part, it is also an iteration of rights conceived of *as* property—*my* right is mine and no one can take it away—and of rights emerging *from* property and *for* protection of individual property. Glossing his critique, Wendy Brown concludes that, "If, according to Marx, the bourgeois constitutional state is premised upon depoliticized inegalitarian social powers, if it depends upon naturalizing egoistic civil society… then *rights* are the modern political form that secure and legitimate these tendencies. Rights emblematize the ghostly sovereignty of the unemancipated individual in modernity" (109-110). But Brown goes further, drawing on Foucault, to ask: "When does identity articulated through rights become production and regulation of identity through law and bureaucracy? When does legal recognition become an instrument of regulation, and political recognition an instrument of subordination?" (99) Arguing that these happen immediately by invoking rights, she concludes that the demands of the state encourage these attachments to wounds—demand, even, this "identity as injury"—in a necessarily depoliticized and naturalized rights claim

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discursive genealogy that is entangled with the corporation and with capitalism, nor simply of the law's figurative work," but also to recognize the possibility pointed out by Barbara Jordan that "what have been claimed to be the essential characteristics of man [may] have in fact been borrowed from the corporation" (21).

(131). Rights, then, constitute a subject recognized only in the injury they seek to redress; rights *violate* because they naturalize the injustice they were invoked to remedy.

This violence, critics argue, is not coincident to but is *constitutive* of rights discourse precisely because of rights' allegiance to property. Talal Asad traces the genealogy of rights discourse and the secular entanglements with notions of the state: The English Bill of Rights is the product of the 17th century civil war, the American Bill of Rights is the product of the war of independence, the French Revolution produces the Rights of Man, and the Universal Declaration of Human Rights is penned in the bloody aftermath of World War II. Rights, as iterations and declarations of something that might look like private property or something that is fought for and defended, are cast in the violence of territorial and property rights claims; set within this mold, rights, as Marx earlier claimed, take the form of these "bourgeois revolutions." Property can now be made visible as the founding principle of the individual person and the central problematic of an iteration of justice within the idiom of rights.

Critical theory makes legible how the rhetorical footholds of this discourse—universal, human, rights—all employ and collaborate with hegemonic power. But what is more, all cumulatively converge—within the framework of international governance and the scaffolding for a world federalism—to naturalize the Westphalian order of the nation-state that alternately forecloses a political analysis of violence and stands as the principle perpetrator of that violence. Introducing the

term “globalization of contingency,” William Connolly argues that it “refers to the a perverse correlation between the drive of dominant states to master contingency in their internal and external environments and the corollary production of dangerous possibilities that outstrip the capacity of any single state or interstate system to control them” (22). “These new possibilities,” he suggests, “include the creation of global greenhouse effect; crises in the supply of essential economic resources located in foreign lands through crisis or decay in the supplying regimes; the escalation of state and nonstate terrorism into a permanent condition; the production of an international economic crisis within a world economy of extensive interdependence; a nuclear exchange that destroys regions of the world…” (22). The globalization of contingency, then, is not only an attempt to denaturalize the Westphalian order and to open up a space for political analysis of hegemonic powers, but it is also a radical reframing of what both sovereignty and citizenship might become within this order.

Foucault, though, after arguing that everything is not bad but everything is dangerous concludes that, “If everything is dangerous, then we always have something to do” (231). Politics—opened up by this labor of critique—becomes a continuing, imperfect process that grammatically and theoretically insists on remaining “not past.” It is into this critical space that Connolly offers a call for “imperfect responsiveness,” Jacques Derrida for a justice that is yet to come, Thomas Keenan for a “new right, one which would be anti-disciplinary,” Brown for a subject “understood as an effect of an *ongoing* genealogy of desire,” and—even Kant!—for “imperfect obligations.” The labor of critique, then, becomes a politics that refuses to

reduce the subjects to stasis, programs, or singular solutions; it opens up the asymmetry, incommensurability, and what Connolly calls the "dissonant interdependence" of justice and critique (187). It is here, also, that this dissertation emerges. It takes the above critiques as its entry point but then goes on to unearth an anti-imperialist, anti-hierarchical, and anti-humanist archeology of counter-hegemonic rights discourse emerging from the struggles against the imperialist desires of human rights. In other words, I argue, the labor of critique cultivated in these struggles—against colonialism, global capital, and state-centered violence—produces a wholly different rights discourse; at the site of the general's strategy—to borrow de Certeau's formulation—there appears the dispersed tactics of the poets.

Pirating Human Rights

This dissertation is about the political occupation of human rights discourse. It is about an ongoing resistance to domination and an ongoing resilience to collectively labor for comprehensive justice. Rather than concluding with the left's critique of rights, it instead begins there and then asks: but what about the political subjectivities, literacies, and energies gathering at this de-politicized site? How do these counter-hegemonic forces indicate that we are now somewhere else, somewhere beyond the critique of rights? How might they be read as producing rights claims that light from within the dimmed humanitarian rhetoric and reveal the political, historical, and material worlds beneath? How do they recalibrate the

familiar, consumable, and stabilizing narratives of morality in order to register structural violence and call for structural analysis?

I develop the first part of my argument, about rights as instruments of political literacy, over the first three chapters. These three chapters analyze a literary archive of counter-hegemonic rights that both offer a cumulating critique of liberalism and a cumulating methodology of political rights. This first part, "The Archeology of Counter-Hegemonic Rights Discourse," is a genealogy that installs deferral, disruption, and destabilization at the center of its claims in order to offer a political methodology of critique. The first chapter looks to a postcolonial literary archive to exhume the lost subjects and subjectivities beneath the 1948 international codification of human rights. Analyzing Edouard Glissant's *The Ripening* and a number of poems by Louise Bennett next to Article 29 of the UDHR, I rephrase Ranciere's germinal critique of human rights and ask: who are the *postcolonial* subjects of the rights of man? Article 29, often read—and certainly drafted to be read—as the article most invested in articulating the "development" of the human personality, I suggest inadvertently *interrupts* this development and installs an instrumental deferral in the core of the document itself. This deferral, though, rather than being an isolated, unintentional, or top-down political possibility found in the UDHR alone, I argue, is in fact cultivated as a strategic and aesthetic deferral against the colonizing project of development by the postcolonial subject of rights. Reading these literary and legal texts together, this chapter finds an articulation of temporally and structurally future-oriented justice projects that embed dissensus, paradox, and politics in to rights themselves. This turn to unearth what I call a

"transitional sensibility" in the postcolonial literary archive, inoculates the law with the ongoing ripening, rot, and turbulence of a subjectivity that refuses to be fully developed in service to the state.

Chapter 2 continues this critique of liberalism's teleological impulse but does so against the backdrop of the growing neo-liberal rhetoric of freedom and equality emerging from the International Monetary Fund's tightening hold on Third World political projects. Analyzing the self-conscious literary formalism of two Jamaican texts during what I am calling the long Manley years—*The Harder They Come* (1972) and *No Telephone to Heaven* (1987) –I argue this attention to formalism is part of a larger political project to make visible the economy's occluded formalism and to answer Michael Manley's most vexing political question: how do you narrate economic violence? These texts do so, I suggest, by first making the economic formalism visible and laying bare the power structures hidden underneath the rhetoric and myths of the global capital's claims of equality, universality, and freedom. And, second, the texts cultivate a literacy of formalism by narrating those subjects *de*formed by the economy's hierarchies and exclusions. In other words, this chapter documents and analyzes the literary disruptions of the global economy's occluded formalism. The implicit aim of this chapter is to reveal how this literary project cultivates an agency wherein subjects are not merely constituted by the ordering forms—of the nation, the economy, and institutions—but by de-naturalizing these forms, these subjects also produce emancipatory forms that become the tactics for a critical and democratic collective agency. My analysis therefore engages with the dangers and the possibilities of formalism: it is both an

ordering mechanism that by eliding its own rules pathologizes the outlier *and* it is a method that can cultivate a literacy to attend to the outside and the horizon of both formal and substantive claims of freedom.

Chapter 3 takes up Barbara Foley's charge to link generic and doctrinal politics and asks: what genre is best suited for articulating a radical left politics in the alter-globalization movement? Analyzing the network narrative, I argue that although it might seem to offer another iteration of a Judeo-Christian ethics of the neighbor, it actually has the potential to articulate a new rights literacy. It does so by first offering a critique of liberalism's protagonists—the sovereign state and the sovereign subject—and, second, by making visible the unmanageable new protagonists of globalization: the ensemble, the network, the aggregated habits, "accretions of decentralized choices", and the material paths between the static and now-visibly fictional individual protagonists of liberalism. Turning to two exemplars of this genre—*Babel* and *Syriana*—I suggest that instead of telling a story that would have the stranger just be a neighbor who hasn't yet been met, the genre allows the narrative intersections to make visible the material connections and implications of global capital and neo-liberal globalization. In other words, I argue that the generic politics of the network narrative explode the logic of liberalism by revealing the fiction of the autonomous subject and the dangers of a political project privileging individual freedom. The genre's potential to refuse these fictional vacuums, instead can offer a literacy of the relational, interdependent, and shape-shifting subjectivities that can collectively work toward the alternative worlds that are not only possible, but necessary. The "gimmicks" of this genre—the crash, the thread—

become sites for a production of knowledge that directly challenges the *cogito* and it lays a framework for rights discourse that refuses a rational humanism; instead of I *think* therefore I am, the genre articulates something more along the lines of Nancy Fraser's "all-subjected" principle: we are *subject* and therefore we are.

The second part of the dissertation analyzes how justice is imagined spatially in order to pry free from human rights' interventionist and humanitarian impulses. I begin the fourth chapter with the story of Somali pirates to illustrate the selective abilities of international legal structures to see violence, and suggest that a central factor in this entanglement of geography and justice is the question of how justice is negotiated and imagined spatially. Analyzing Rene Cassin's legal metaphor of the portico and the Beehive Collective's graphic campaign "Free Trade of the Americas" depicting a *social* geography, I suggest both are engaged in constituting spaces for justice and are committed to articulating justice spatially. I first argue that a close reading of the legal metaphor of the portico makes explicit the Declaration's tacit complicity with a depoliticizing humanitarian rhetoric; the freighted ethics of its idealizing theory forecloses analysis of structural violence. Second, by putting pressure on what I suggest is a false binary in Ranciére's analysis of rights—the binary between sphere and process—I turn to the Beehive Collective's depictions of geography as social to argue space here becomes not only a site for critical analysis but also a site for collective, democratic, and participatory action. In other words, human rights, once the purview of a Westphalian order presiding disinterestedly over something *over there*, is imagined as a shared practice and a shared labor *right*

here; human rights are wrestled into the social space and the political struggles and emerge *as* democracy.

Finally, I conclude with a reading of Frederick Douglass' "Parody of Human Rights" and argue that parody, in this text, is leveraged as a political and pedagogical tool by which justice and claims to justice can be seen against their material contexts. "Parody"'s subversive and destabilizing tactics introduce an aesthetics of rights that insists on exposing the power structures of both rights discourse and rights claims; it is a call for an epistemology, not an ontology, of rights. This conclusion also seeks to situate critical theory as an *ongoing* and activist method, rather than understanding it to be a recent trend in the academy. Douglass' coda invites the questions of how these counter-hegemonic rights literacies might be read and how they might be taught. It asks readers to take the poetics and the politics of rights as an imperfect, ongoing, and unfulfillable promise; a promise, though, that can bend toward justice.

PART I:
ARCHEOLOGIES OF POLITICAL RIGHTS

CHAPTER ONE

TRANSITIONAL SENSIBILITIES: THE POSTCOLONIAL POLITICS OF DECAY IN ARTICLE 29

We shall see that another solution is possible. It implies a restructuring of the world. –Fanon, *Black Skin, White Masks*

In the whole world no poor devil is lynched, no wretch is tortured, in whom I too am not degraded and murdered. –Aimé Césaire, *Et les chiens se taisant*

The Politics of Decay

Returning to a colonial and postcolonial history, argues Gyan Prakash, is a project "not only to chronicle the functioning of Western dominance and resistances to it, but to mark those…positions and knowledge's that could not be properly recognized and named, only 'normalized'" (6). This project of unsettling and unseating fixed or naturalized subjects is necessary because, "the mission to spread civic virtue with military power, or propagate the text of the 'Rights of Man' in the context of slave and indentured labour, could not but introduce rifts and tensions in the structure of Western power" (4). These rifts and tensions have produced a colonial terror—of the shadowy and gothic peripheries of empire, that which exceeds the grasp of imperial force—but they also become a site for postcolonial disruptions and deferrals. That which escapes the containment and normalizing impulses of Western dominance, I suggest in this chapter, offers another politics lodged in the texts of civilization and of rights. What emerges is a politics refusing the origins, purity, and wholeness of these myths: a politics of decay.

Janet Halley and Wendy Brown open *Left Legalism/Left Critique* with a catalog of the risks borne by the political left's turn toward state-centered rights legalism: internal silencing, loss of nuance and debate, an allegiance to liberalism's objects of affection, monolithic and heavily policed definitions of equality and freedom, and an increasingly less justice-oriented and more management-oriented compass. While law is always political, politics as *merely* law sucks the animating forces of open-endedness, democracy, and accessibility out of struggles for justice[1]. Politics practiced legalistically, they argue, "bears a certain hostility to discursively open-ended, multigenre, and polyvocal political conversations about how we should live, what we should value…and what is possible in collective life" (19)[2]. The political mode, on the other hand, invites rich vocabularies, initiates new conversations and queries, and is registered in "a range of different idioms, from analytic position papers to poetry to biography" (23). This reading of the law does not deny the instrumentality, efficacy, or sometimes necessary and urgent regulative powers of the law. The two writers "confess" their own will to power,

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[1] In part, this collapse takes place in the same ways Aristotle's pen-on-paper collapsed the infinite possibilities *before* he drew his pen from his ink-pot and wrote a word. The law, then, shuffles a static and singular claim on to the page where once multiple, competing, and diverse claims wrestled and shifted together. Within contemporary legal theory, Cover's "Nomos and Narrative," from *Narrative, Violence, and the Law*, this argument reappears. Cover's argument hinges on the paradoxical character of the law that both has emancipatory powers, but first and foremost borns legal meaning through the exiling of alternative narratives with a jurispathic insistence on singularity. In his piece "Violence and the Word," Cover puts a finer point on it, arguing that violence *is* the ontological character of the law. "Nomos" and "Violence" should not be seen as contradictory pieces, though. The former is just the normative companion-piece to his descriptive analysis in the latter.

[2] The Civil Rights Movement is the exemplary case of a political movement that takes law as the principle object.

their own furious deployment of tangled and compromised liberal rhetoric to guard a queer neighbor, a family by choice, a stranger just beyond the sight of the state. But Brown and Halley do not write a confession—they write an elegy.

What is lost, what they mourn in a rights-legalism discourse, is the range and the possibility of subject and subjectivity before the law sets pen to paper. The black letter of the law obscures prior political energies of contestation, critique, and contact; the high relief of the law pulls further from the extant social movements from which it emerges, concealing its own history, its own deep bodies of thought and action. It is against this framework of legally-willed calcification that I turn to 1948 in order to exhume the lost subjects and subjectivities beneath the international codification of human rights. Rephrasing Rancière's now canonical left-critique of human rights, I turn to the mid-century postcolonial literary archive to ask: who are the *postcolonial* subjects of the rights of man[3]? What subjects and subjectivities, nurtured by the fertile political and aesthetic movements accompanying independence projects, were lost in the legal logic of clarity, efficiency, and category[4]? I argue that attending to these contemporary movements

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[3] See Rancière's "Who is the Subject of the Rights of Man?"

[4] Cover's argument in "Nomos and Narrative" is also interesting here. He writes to expand the understanding of law from merely an instrument of the state to that which is expressive, plural, and fluid and so he links narrative and the law in order to move "law" from rules *per se* to a world in which we inhabit (and therefore can signify on, change, interpret, read, etc). "Nomos and Narrative" reveals the fundamentally paradoxical character of law that borns legal meaning by exiling alternative narratives. The "jurisgenerative" "birth" of the law is only possible through the law's simultaneous "jurispathic" insistence on its own singularity. My argument takes up his last line, "We ought to stop circumscribing the *nomos*; we

registers the extent to which postcolonialism—as political, social, and intellectual discourse—explodes the myopic and anemic subject enshrined in the Universal Declaration of Human Rights[5]. In particular, attending to this archive reveals a subject refusing the binaries between the individual and the collective, the modern and the postmodern, the autonomous and the interdependent, the free and the bound, the political and the social. In the place of these binaries—and amidst the political interests policing the boundaries of this newly born rights-bearing person in law—postcolonialism had already begun to articulate and to animate what I am calling a transitional sensibility.

I use both "transitional" and "sensibility" to mark a temporal as well as a structural openness: both refuse the closure required of a Cartesian subject. A transitional sensibility is radically other than this Cartesian subject because it doesn't require reason, but instead requires a cultivation of this openness. It refuses foundations, essence, and purity and instead becomes a way of being that lodges the unknown into the category of the law. I argue this transitional sensibility is cultivated, first, as a strategic and aesthetic deferral against the colonizing project of

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ought to invite in new worlds" (172), but instead of looking toward *new* worlds, I begin first by looking back to old ones by the wayside.

[5] See the introduction's gloss of rights-critique and in particular the legal shift from recognizing particular social groups to recognizing only abstractions of the citizen. This historical shift is most clearly seen by looking to the appeals in the 1787 "Royal Edict of Toleration" and the subsequent 1790 "Petition of the Jews to the National Assembly". The intervening 1789 *Rights of Man* makes particularities irrelevant to the law and produces a ghostly new protagonist of rights that enters international law in the UDHR.

"development" and, second, it is mobilized as an ethical and political deferral within a postcolonial project of independence.

In making this claim, I am also attempting to prop the door open for further critiques as to the inevitability of an apolitical, liberal, and egoistic rights discourse. The dominant narratives of "development," "progress," "consensus," and "brotherhood" all obscure other alternative narratives. Excavating these other narratives is not an exercise in recuperation or recovery; this is not a project about finding "right" rights. This chapter is, though, committed to offering readings of literary and legal texts that embed dissensus, paradox, politics, and a transitional sensibility within the very constitutions of subjects and subjectivities in order to answer the left's critique of rights as apolitical[6]. I will first contextualize the Universal Declaration of Human Rights' most strikingly subject-centered article, Article 29, to ask what the "free and full development" of an internationally-rights bearing "personality" entails within the declaration's state-centered pull. Next, I analyze two Caribbean literary texts—Louise Bennett's 1944 poem "Bans O'Killing" and Édouard Glissant's novel set in 1945 Martinique called *The Ripening*—through the lens of the region's thriving contemporary theoretical landscape[7].

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[6] One of the most powerful critiques of human rights coming from the left is that rights discourse in general and human rights discourse in particular is apolitical. As Wendy Brown in "The Most We Can Hope For: Human Rights and the Politics of Fatalism" says, "human rights take their shape as a moral discourse centered on pain and suffering rather than political discourse of comprehensive justice" (453).
[7]Although Glissant's work is written a decade after the UDHR, it treats the 1945 election of Césaire and so doubles as a documentary novel for that time period. I

I choose these texts—from different countries, different literary traditions, and different languages—because they so differently work toward the same ends: interrogating colonial legacies, critiquing the rhetoric of development, and piecing together a picture of transitional sensibilities against a political backdrop. This is to say, while the choice might seem arbitrary to those who work in postcolonial Caribbean literature, it is a pairing that highlights the aesthetic and political similarities in a region while also recognizing these similarities emerge from vastly different subjects and in vastly different forms.

I also choose these texts not because they represent a *break* or something new and different within the anti-colonial, postcolonial, mid-century social and political movements, but rather because they register an *ongoing* struggle toward transitional subjectivities and sensibilities in Caribbean literature. In emphasizing repetition over rupture in mid-century Caribbean literature, I join scholars like Allison Donnell who interrogate the hard-and-fast boom chronology of Caribbean literature. This chronology places 1950 as the genesis moment that loses all that came before it in service of "a distinct cultural identity" for the newly independent nations (12). Donnell argues the early literary canon produces a "narrative that persuades us to read twentieth century Caribbean literature as being in harmony with, as shaping and being shaped by, a developmental history of decolonization and cultural nationalism" and that most timelines offer a "highly selective all-male crossing from colony to nation (35). In order to deliver us to 1950 and the 'real'

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read it as much as political document as novel, and so treat it within similar historical parameters of the UDHR.

beginning of West Indian writing, these studies cut a narrow pathway through what… was a complex and densely populated literary scene" (42). Using literary history to build a revolutionary consciousness required what Appiah would call a "space-clearing gesture" and so novels were reviewed as fruit from barren soil. This synchronization between the law and the literary history's silencing of the past invites the questions of how to both root out the prior political messiness and dissensus as well as how to read against the totalizing narratives offered to clean up and gloss over this productive and vibrant mess.

The texts I analyze in this chapter, I suggest, are a step in this direction and are exemplars of a postcolonial intellectual project that far outreaches the mid-century independence projects. I focus on the years just preceding the 1948 UDHR, though, in order to point toward the literary and political richness under erasure by the laws and the canons; to let loose the political energies collapsed under the weight of consensus[8].

Article 29's Accidental Ancestry

The 1948 Universal Declaration of Human Rights is neither wholly law or declaration, not entirely a monument to consensus or a document of competing political systems. But these tensions written in to the document, I suggest, are the

[8] To clarify: This chapter looks to the subject before the international codification of human rights law but does not seek to construct a version of Locke or Hegel's "pre-law" subject. To use Glissant's language, I am not looking to a root identity. Neither is there a fantasy of finding a "natural" subject, or the essence or origin of the postcolonial subject. Rather, I am interested in looking to the *political* subjects prior to international law.

hope and the engine of an otherwise flawed, violent, and world-maintaining human rights discourse[9]. The tensions transform the UDHR from a version of an apolitical and "murderous humanitarianism" into a site to test and probe the philosophical and political boundaries between sovereignty and interdependence, between independence and autonomy, and between freedom and obligation[10]. Of all the puzzles in the text, Article 29 holds the most promise for finding in law what was lost in the postcolonial movements at mid-century.

In 1948, the Australian delegate of the Human Rights Commission proposed a change to Article 29. The earlier draft read, "everyone has duties to the community which enables him freely to develop his personality" but was ultimately rephrased to instead declare, "Everyone has duties to the community in which *alone* the full and free development of his personality is possible" (italics mine). The debates surrounding this change invoked philosophical traditions ranging from Confucian harmony to Robinson Crusoe's Christian pluck and these debates used the language of corollaries, solidarity, mutuality, and bridges[11]. Writing exhaustively on the origins and drafting of the declaration, Johannes Morsink claims this "word 'alone'

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[9] For theoretical example see: Schmitt on exception as giving concrete form to the norm (50-51 in *Concept of the Political*); for contemporary rhetorical example see: Operation Iraqi Freedom; for literary mobilization of sentiment as justification of war see: Slaughter on *The Kite Runner*; for institutional example see: UN's Peace Keepers.

[10] "Murderous Humanitarianism", a 1932 manifesto collectively written by French Surrealists, might be read as the anti-colonial rejoinder to the contemporary rights critiques.

[11] Morsink, Johannes. The Universal Declaration of Human Rights: Origins, Drafting, and Intent. Pennsylvania studies in human rights. Philadelphia: University of Pennsylvania Press, 1999.

may well be the most important single word in the entire document, for it helps us answer the charge that the rights set forth in the Declaration imagine egoistic individuals who are not closely tied to or dependent upon their respective communities" (248). The word "alone", he suggests, bridges the emerging Third World nations' communitarian understanding of identity formation through kinship ties and the liberal model of the putatively independent and autonomous individual emerging from Enlightenment thinking. I suggest, though, that it does even more: "alone"—collectively written during a historical moment of exploding globalization—registers the impossibility of aloneness; it is an unintended but radical move that echoes previous theoretical investments in the political ideas of relation and of interdependence. "Alone", most importantly I argue, interrupts a teleological view of the subject since it is through obligations to the community "alone" that the subject will be fully realized. This door-jam of possibility in Article 29—the unfulfillable postmodernity embedded within the article's construction—interrupts the development of the subject's personality and even makes the rhetoric of "development" unrealizable[12]. This abrupt interruption emerges in this article since obligations and duties to the community can *never* be fulfilled and therefore neither can the full and free development of the personality, which is contingent on the fulfillment of those prior obligations. Since the international and statist document *cannot* constitute the subject, the immature, interdependent, and still-

[12] I am following Derrida's beautiful story about the "*avenir*" of justice—that justice is always on the horizon, always what we should be working toward and never fully developed. Article 29's teleological interruption allows this concept of justice to turn toward the subject as a structurally future-oriented subject.

forming subject emerges not as a static person in law in service to the state but as a model and a possibility for an emergent radical interdependence.

In order to make this accidental interruption legible, though, I turn to the prior postcolonial political projects that foreshadow and animate the idioms of interdependence and interruption first internationally codified in the UDHR. I argue the logic of 29 interrupts the constitution of the subject and in so doing registers a new political rights-bearing subject born as potential.

Louise Bennett: Rotten English

Louise Bennett's career is both marked and fueled by her savvy literary transitions. First reading her poetry publicly in the political maelstrom of Jamaica in the 1930's, she went on to publish Anancy tales and perform prose monologues on the radio, as well as to write children's stories and perform pantomimes well into the 21st century. Her prolific output—eleven books, nine recordings, and innumerable performances—was widely recognized by a 1974 national appointment to the Order of Jamaica and subsequent 2001 appointment as a member of the Jamaican Order of Merit. Bennett worked almost exclusively within the oral-culture tradition of Jamaica—using both the Creole language of Jamaica and folk stories from the region—which most critics attribute to a delayed critical reception of her work. It was not until the cultural and national tectonic shifts of the 1960's and 1970's political movements that a reorientation of the aesthetic values toward Jamaican culture garnered the poet a critical reception.

Her colonial education and middle-class upbringing positioned her to ferry between what she called her "dialect verse" and a mainstream Jamaican audience. Her most popular collections of poetry—*Jamaica Dialect Verses* in 1942, *Jamaica Labrish* in 1966, and *Selected Poems* edited by Mervyn Morris in 1982—reflect her almost exclusive use of the dramatic monologue. Written in Jamaican Creole, these poems use a variation of the ballad quatrain. Her typically four-line stanzas follow the a-b-c-b rhyme pattern, but stretch and bend the traditional ballad form to the rhythms of the spoken Jamaican language. Simultaneously subverting the middle-class colonial reverence of England's mother-tongue and the formal order of the ballad, Bennett's poetry opens up a poetics that shuttles between sites of power and modes of play.

Her destabilizing poetics works to unhinge even the most powerful colonial narratives. Throughout her writing, there is a commitment to digging up and upending the assumptions that accumulate in hierarchies of power. In an early piece entitled "Bear Up", Bennett recounts the tram-worker strike of 1948 and in doing so the poem works to denaturalize the relationship between progress and value. Addressing the old tram who is "ole but yuh noh bed-riddden", the new "chi-chi" busses are situated between two "ole-time proverb[s]". The first proverb mirrors the ballad's logic of the value of the old tram, but it does so in the kitchen: use the fancy new pot to cook up some fat, the proverb says, but don't forsake your old pan because you will find it is still useful to have around. The second proverb, though, points beyond staid dichotomies of use-value and points instead toward a value of relation. The final stanza begins with this second proverb—"Noh mock mawga cow,

him a bull momma"—that gestures toward the theme of gratitude that will continue to emerge and develop in Bennett's writing. The poem's speaker continues this theme of relational-gratitude by directing the reader's attention toward whole systems. Instead of value being understood as something lodged either in isolated commodities, or in the rhetoric of progress, value emerges throughout Bennett's work as a relationship between subjects. The closing lines of "Bear Up"—"Noh cuss the hog, a him meck ham!"—playfully returns to a gratitude that refuses to alienate a product—a ham *or* a tram—from its context. As Jamaica and the entire Caribbean region rock beneath the materializing networks of labor power, Bennett's portrait in miniature of these thick networks of relation offer a reminder that the bull *is* only here because of his skinny momma and that the ham does not appear out of thin air, but comes from the hog. Bennett's work recognizes subjects as in-relation and impossible to strip from contexts; this sensibility cultivates readings wherein the subject is only visible as both product *and* producer of a vast network of relationships, systems, and structures.

Before offering a close reading of Bennett's 1944 poem, "Bans O' Killing", I will pause to gloss two more short poems—"Report" and "Census"—in order to demonstrate the pervasiveness of this sensibility in her work. Read against their historical backdrop, these poems reveal this sensibility to be as much a political as an aesthetic tool in addressing the social and political management-impulses of Jamaica's colonial powers in the 1940's. "Census" and "Report" take, respectively, the government's census preceding the first election under the 1944 Universal Adult Suffrage, and, the 1945 report written by F.C. Benham of the Economic Policy

Committee as the occasion for the poems. The census and the report follow a decade marked by a global economic depression and shaped by local labor unrest. Strikes erupted in late 1937 among the Jamaican sugar cane workers and spread throughout the region the following year. Richard Hart in *From Occupation to Independence*, characterizes the Jamaican strikes as reaching a critical point in 1938 and the British government as simultaneously "resort[ing] to a time-honored technique for diffusing dissatisfaction—the appointment of a commission of enquiry" (132). The subsequent 1939 West India Royal Commission buried much of its findings of the Caribbean colonies—extremes of poverty, malnutrition, unemployment, and illiteracy—but ultimately did recommend aligning the labor rights of the West Indies with their trade union counterparts in Great Britain. The commission also recommended "gradual" steps toward universal suffrage with a deluge of attendant "committees to consider the extension of the franchise both for local and for central government" (136). This was because, the committee acknowledged, they attached "more importance to the truly representative character of Legislative Councils than to any drastic change in their functions" (136). "Census" and "Report" taken together, then, both document and subvert the management-as-safety-valve that characterizes the setting sun of England's imperial powers in the Caribbean. The two poems offer a narrative and poetics of the coincident employment of the discourse of rights and freedoms and the reigning political hostility to substantive freedoms.

The poem "Census" recounts the island-wide census taken in Jamaica in 1944 and is as much about dismantling a politics founded in private property as it is about

mocking assumed familiarity. If these seem to work against each other—one critiquing territorial claims at the level of the state and one maintaining social boundaries between two people—Bennett's understated exploitation of this tension is central to her poetic enterprise. The speaker tells the "census man" a "whole tun-load o' lie": she says her dead parents are alive, her goat doesn't belong to her, and neither do the fowl in her yard. This performance of the power of intimate knowledges in the face of state power—"Me stare right eena census face/An tell him bans o' lie!"—is a story in the tradition of the trickster. But as the final stanza tells of the government man "tip-toe go weh" while the speaker "bus out in a laugh", the joke is not about what counts as accurate data, *per se*, but rather who has the *right* to turn the intimate into data. "Census" and the 1944 census, both mark a publicly celebrated historical moment: universal suffrage in Jamaica. But Bennett's poem registers the fantasy of the logic of the universal and it is a parody of the political ideal of the ballot. The poem turns on the way the "census man" asks "de famelia tings": "Him walks een an sidung like is/ Eena my yard him grow." The political ideals of the universal insist on this familiarity; a citizen is a citizen is a citizen. The census man operates within the logic of this Aristotilean equality and proceeds to sit down like he did grow up in this yard. But the speaker and the poet both mark difference, and not abstractions of sameness, in their very language. If the language of the census man is numbers that can be converted into the territorial entitlements of a citizen, the language of the poet and the speaker is the Creole that keeps the census man away from even the jokes. He doesn't even know the joke is on him

because he has no access to the language, and thus no access to the knowledges or "de femelia tings."

"Census" is a poem of evasion. The speaker assures the reader, "Him doan fine out one ting about me", because both know the power wielded by knowledge. But if "Census" teases and plays with the colonial quest for classifying and counting[13] then "Report" thunders at the willful ignorance of this violent ontology. Written about the 1945 financial report by Professor F.C. Benham of the Economic Policy Committee, the poem gathers the blistering popular reactions to the Benham Report. Recommending the privatization of public resources—the railway, the power company—the report eschewed a systemic analysis of poverty and instead offered a cultural justification for colonization. Unemployment and poverty, Benham explained, was "much less serious than the figures suggest…for most people do not want to work for long hours in a hot climate. They prefer to have a lower standard of living and more leisure; they are not educated to appreciate a higher standard of living, and would rather take life easily than to add to their material comfort" (qtd. Ronald Findlay 151). Bennett's poem responds with biting satire and "fool-fool" caricatures thinking aloud, "Koo how me poverty/An never know sey dat me climate/Full up o' money." Bennett's emphasis throughout the poem on the "climate" puts a fine point on the dissonance between Benham's justificatory framework for colonialism and the colonial exploitation of that same environment. Her poem's fool-fool speaker plays it both ways: like a clown for the colonizer

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[13] See also: Dawes Act and the reaction of Cherokee Indians. See also: Arjun Appadurai's *Fear of Small Numbers*.

pretending to believe there is actual currency in the land, and like a critique for the colonized revealing the imperial exploitation of that same land.

Two centuries before Benham, Montesquieu's 18th century *Spirit of the Laws* sets out to provide for nations "justifications of its maxims." Finding that laws are neither historical nor universal, but biological or even climatological, the text lays a justificatory groundwork for the project of colonialism on which Benham's economic advisement builds[14]. After finding a tropical essence, the professor goes on to offer the salve for exploitation, unemployment, and poverty: they're fine, they're happy; they "prefer" things as they are. To respond, Bennett's speakers ironically concur. Although "me house dah-shake like Joe false teet'/Me dun wid fret and strife," and Lou doesn't have to worry any more either "For she can buy few card-board fan/An live offa de climate!" The dissonance increases in the last stanza, as the crowd crescendos in agreement: not only was Benham right—we *do* prefer this climate to health care or housing or meaningful work and control over our lives—but, the report itself is treated as a fungible gift. The final speaker leaves "Benham Report"'s rhetorical contributions aside and tends to its material use-value, closing the poem by saying, "For me kean buy clothes, eat an drink/An pay rent wid Report!"

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[14] In one of the most interesting passages, Montesquieu uses a sheep's tongue to demonstrate that "laws ought to be relative both to the variety of those passion and to the variety of mental characteristics". Presumably, if we are to take his word, he doesn't use the sheep's tongue as a metaphor, but he actually *uses* sheep's tongue to "prove" this point. Montesquieu takes a sheep's tongue and a microscope and goes through a number of freezing and thawing patterns to prove hot climates produce sensitivity of organs whereas the cold climates there is "but little sensitivity to pleasure" (196).

If "Report" and "Census" both respond to the impulse to control by cataloguing, classifying, or counting a people politically, then "Bans O' Killing" addresses this impulse as it reaches toward the Jamaican Creole language itself. The speaker performing the ignorant local—"Meck me get it straight Mass Charlie/ For me noh quite undastan"—asks the rhetorical question, "Yuh gwine kill all English dialect/Or jus Jamaica one?" that the poem sets itself against.

Known as Jamaican Patois, Jamaican Creole, or simply as Jamaican, the language is an English-African language that developed in the 17th century with the Atlantic slave trade and English sugar plantations. Like all Creole languages, it paradoxically remains stable while registering the destabilizing nature of language as a political and historical product. And, like all dialects, it holds the tensions of remaining communicable while also secreting away intimate truths; it holds the tension between the stability of systems and the destabilization of a living history[15]. Language itself becomes a site of postcolonial struggle because the colonizing project begins with language: the imperial standard fixed in the center names all other variations deviant and impure. Postcolonial writers, then, respond by either rejecting or subverting the colonizing language.

Rejection of the colonial language, though, is accused of misunderstanding the heterogeneity of experience and misunderstanding that there is some lost

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[15] Although many avoid using the word "dialect" because of its pejorative connotations (See: Brathwaite's "Nation Language"), Bennett took the word back from critics who marginalized her as merely a "dialect poet". She might say, as did a Yiddish linguist, that the only difference between a language and a dialect is that a language has an army and a navy.

essential element of language that might be found. Subversion, on the other hand, is a task to both appropriate and reject not the language, but the political power of standard and imperial language; it is a decentralized adaptation that fractures the weight of standards and embeds variation.

In *History of the Voice*, Kwame Brathwaite names this decentralizing project "nation language" that is both an assertion of identity and an assertion of radical democratic power. Beneath the colonial standard that offered the colonized more words for foreign snows than for their own hurricanes, the "submerged" languages that the slaves brought were "constantly transforming…into new forms" (310). Although nation language's "lexical features" might have been English, "its contours, its rhythm and timbre, its sound explosions" were not. "'[T]his," Brathwaite argues, "brings us back to the question…can English be a revolutionary language? And the lovely answer that came back was: *it is not English that is the agent. It is not language, but people, who make revolutions"* (311). These people, he concludes, are the ones employing nation language "like a howl, or a shout, or a machine-gun or the wind" to give new shape and sound and direction to language; they speak out loud and in community and claim this "power within themselves, rather than the technology outside themselves" (312). Nation language becomes a creative mix of an imposed colonial order and its emancipatory and radical decomposition of the colonized; it is an act of remembering and an act of creating.

The first major wave of publishing in Jamaican Creole began with Claude McKay's 1909 *Songs of Jamaica* and Thomas MacDermot's experiments writing in

dialect. Bennett's weekly publications in the Kingston paper *The Gleaner* followed a little more than three decades later to good popular reception, but to a critical reception that would continue to ebb and flow according to the larger literary and political debates about language, culture, and nation. Initially excluded from literary groups and anthologies because of her folk language, the ideological shifts of the 1960's—in particular, the explicit cultural call throughout postcolonial nations for shoring up a national identity—proved more welcoming for Bennett's work. An important paper published in 1967 by Mervyn Morris, "On Reading Louise Bennett Seriously", cites her relegation to a humor section of the Independence Anthology of Jamaican Literature in 1962 as indicative of the larger mechanisms of class at work in the reception of dialect poetry. "The Jamaican middle-class," she writes, "was slow to acknowledge an interest in dialect which represented for most of them the speech-forms of a lower class from whom they wished to be distinguished" (69). The call to take dialect writing as a literary endeavor—as opposed to simply a popular form of entertainment—in the 1960's produced four decades of scholarship examining and analyzing Creole writing, culture, and theory.

Marking a decided tempering of this trend, Denise deCairnes Narain's 2003 article "The lure of the folk: Louise Bennett and the politics of Creole", argues that the mere use of Creole should not be enough to secure a poet's reputation. She writes to temper the critical ascendency of folk languages, arguing that an assumption that "West Indian poetry comes into its own when Creole language is inscribed" is just a return of another "dominant genealogy" (13). Mindful not to recreate another dominant genealogy, I return to Bennett because, in part, her

dialect writing within the ballad form is, at its most basic, a "writing back" that plays with, subverts, and parodies the formal requirements of contemporary literary tastes. But beyond—or, more accurately, because of—the rupturing of a linguistic hierarchy, Bennett's poetry collapses the social hierarchies within the poems. In "Bans O' Killing" the speaker immediately forecloses the possibility of a vertical relationship and begins, "So yuh a de man, me hear bout!" establishing an intimacy and horizontality that defines the work. This is an unmediated and un-intimidated voice brashly and defiantly pointing to the absurdity and violence of cultural standardization.

"Kill" is repeated nine times throughout the ten-stanza poem; violence is not peripheral to the project of standardization, the poem argues, but it is its engine. The title, "Bans O' Killing"—translated as "a lot" of killing—registers the unquantifiable nature of this violence, but also the violence's diffuse nature. This violence is not cordoned off to something that might be considered "symbolic", but circulates and violates the bodies in the poem: "kill me" and "kill yuhself" ricochet against the final stanzas and conjure the 1937 Parsley Massacre in Haiti when more than 20,000 Haitians were killed in less than a week by Dominican President Trujillo's army. And even though the speaker addresses "Mass Charlie", the object of critique is not just the colonial master, but it is rather the general impulse to create and maintain hierarchies of power and to erase difference. "Po' Mass Charlie" stands in for the English colonial powers—a synecdoche emphasized by the cultural references to the "Oxford book", Chaucer, Burns, and "plenty o' Shakespeare"—but might also be read as a trope for any hegemonic power bent on eradicating

difference. Both the middle-class Jamaican sensibility that excluded Bennett's early literary writing and the subsequent post-colonial literary movements that circumscribed aesthetic merit to those projects in service to the nation, are implicated by the speaker warning that "Wen yuh done kill 'wit' an 'humour'/Wen yuh kill 'Variety'/Yuh wi haffe fine a way fe kill /Originality!"

Against this searing critique of standardization, Bennett offers a return to the destabilizing energies of humor, the political, and of language itself. The final stanza pointedly registers these three energies concluding the speaker's talk with "Mass Charlie": "An mine how yuh dah-read dem English/Book deh pon yuh shelf/For ef yuh drop a "h" yuh mighta/Haffe kill yuhself." The joke, of course, is both that Mass Charlie doesn't get that English itself did "spring from dialect" and that he doesn't understand the basic relationship between *langue* and *parole*. The joke is that the speaker who plays the part of the rube—"Make me get it straight…/For me noh quite undastan," she says—has to point out the apolitical and ahistorical foundations of Saussure's linguistic thesis. Language, the final stanza argues, can never be divorced from the speaker or the speech; language is political, it is historical, it is full of dropped "h's". "Bans O'Killing" does not deny the existence of language *qua* language, rather, it posits that if there is an autonomous realm of language then it is constituted by—and equally constituting—the living relations of power, violence, and domination bundled up in man. There is no pure language, or language beyond politics, and the claims to this purity will end in violence; you might "haffe kill yuhself", the speaker reminds the impulse to standardize. Language, Bennett argues, is not about purity but about power.

But humor in general—and parody in particular—functions in a similar way as Bennett's Creole humor. Both rely on the play between the gaps and proximity of contrasts. Parody cannot exist without exploiting the gap between the real and the ideal and yet simultaneously pointing to their discomforting proximity, just as Bennett's subversive use of her poetic language cannot exist without the will to power of Master Charlie's "Oxford book" and the bridgeable and communicable links between them. This study in contrasts does not, though, set English dialect as the opposite of the "Jamaica one". Rather ,"Bans O'Killing" works—as does much of Bennett's transitional aesthetic sensibilities—to illustrate the interdependence of these linguistic, political, and aesthetic projects. To paraphrase her final stanza as a familiar schoolyard taunt: if you point at me, there are four fingers pointing back at yourself. Bennett's formal adoption of Creole deepened this political and aesthetic project to reveal the slippery proximity between the straight man and the comic, or the standardization and the subversive use of the non-standard, or the colonizer and the subject wrestling free from the colonial power.

Ken Saro-Wiwa prefaces his Anglophone novel subtitled *A Novel in Rotten English* by defining the term. He explains why his protagonist's language is what he calls "rotten English,' a mixture of Nigerian pidgin English, broken English and occasional flashes of good, even idiomatic English. This language is disordered and disorderly…it borrows words, patterns and images freely from the mother-tongue and finds expression in a very limited English vocabulary. To its speakers, it has the advantage of having no rules and no syntax. It thrives on *lawlessness*" (2 emphasis mine). Saro-Wiwa joins the writers who make a claim on rotten English in order to

mark history, mark colonization, and mark the constitution of postcolonial subjects through linguistic negotiations. He joins, too, Derek Walcott's warning that the "farther the facts, the more history petrifies into myth" ("The Muse of History" 371). All of these work to install the rotten, the "bitter memory of migration", or what Brathwaite calls the "claypots, shards, ruins" into language.

These writers—and I argue Bennett is one such writer—distinguish themselves from those who would reject the language because they see English as toxic and complicit, as a language too stable to subvert. In the idea of the "lawlessness" of rotten English, then, there is a hopefulness, a democratic claim of writing and speaking to collectively unfix the lodged myths of a stable and naturalized empire. This language becomes that which "survives by absorbing and translating materials" and installing the fragments of "conflicting social facts and popular voices"; it is a "language of return [that] must be composed out of the accumulated waste…of the contemporary Caribbean" (Dayan). Against the historical backdrop of the Caribbean in the 1940's, Bennett's transitional sensibility, or "rotten" poetry, becomes a subversive mode with which to pry free from the standardizing energies of the middle-class, the new nationalisms, and the late-colonialist powers.

"You too will only have been a shadow": Glissant's *The Ripening:*

A decade later and across the Caribbean ocean, Édouard Glissant's 1958 *The Ripening* novel set in 1945 Martinique tells another story, but cultivates a similar

transitional sensibility to Bennett's poetry. Glissant's novel tells the story of a group of young political activists who work to elect their candidate to office. The events follow Aimé Césaire's overwhelming mayoral victory in Fort-de-France in September of that year, and it is a hopeful work and a semi-autobiographical account of Glissant's own political and cultural group *Franc-Jeu*'s success in that campaign. But even as the people "thronged the streets and…visibly suppressed their impulse to burst into enthusiastic shouts….[e]merging from the black hole of the war… eager to affirm their rebirth," the celebration is tempered by the novel's question of "whether the long night was over and a new dawn [was] at hand" (146). The irony, some have said, is that this political victory memorialized by Glissant—for all its promise and successes—contributed to the foreclosure of Martinique's independence movements[16]. But to read *The Ripening* as a memorial to electoral victory is to misunderstand it. Mycea, one of the activists, recognizes the impossibility of procedural freedoms apart from substantive ones. Soothing the worry that all of their work was for nothing, Mycea replies, "No, no, the seed is sown, others will follow us, who will be wiser and better prepared. I do not have

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[16] In a review of the novel, Nick Caistor, says that Martinique is the political opposite of Haiti in French-Caribbean politics. He goes on to note the irony of Glissant's revolutionary memorializing of the novel (333). But these comments misunderstand both the material conditions of the two countries and the philosophical project of negritude: Haiti is not the opposite of Martinique, they are intimately bound by the *procedural* freedoms of political independence and also by this procedure's lack of *substantive* freedom. Haiti is "independent", yes, and Martinique is a department of France. But Glissant's poetics and politics cut against the way this distinction suggests a complete un-relatedness. Nick Caistor. "Review: Shared History: Novels from the Francophone Caribbean." Third World Quarterly, Vol. 10, No. 1, Succession in the South (Jan., 1988), pp. 332-334

much faith in these elections. Did we decide to vote? In precisely this manner? No. Really, I am against all this business of ballots. And what about its true meaning, our real needs?" (115-116). The vote is finite, but Mycea's politics are infinite; the stasis of the ballot amputates and deforms the *movement* of a movement. And while it might seem obvious to emphasize the *movement* of movements, or even clichéd for Glissant to employ the metaphor of sowing seeds juxtaposed to the fixed "business of the ballots," the novel's focus on these un-fixed possibilities is able to get at the anxiety, tensions, and compromises that postcolonial politics have historically always had to confront. Lingering in the moments prior to the ballot allow the novel's historical focus to stake a claim on the *coming* justice and the *possibilities* for continuing to sow Mycea's seeds.

Even captured in the title—in English *The Ripening* and in French the name of the central protagonist, the river, *La Lézarde*—reinforces the text's insistence on process, movement, and a necessary fluidity and incompleteness. Glissant's first novel closely follows his 1956 collection of essays, *Soleil de la conscience*, beginning his exploration of a "Caribbean sensibility based on a convulsive, unregimented ideal" opposed to the order, stasis, and "symmetry…he associates with Europe" (Nash 3). *The Ripening*, though, extends this theoretical exploration to offer a poetics that embodies interruption, paradox, and excess to temper the instrumentality, strategy, and activism of his characters; it is not completion or resolution that is valued, but tension, dissensus, and the "convulsive" that animate the text's politics.

But this is not to suggest that the novel's dominant structure is convulsive. In fact, the organization of the text mirrors the activist-protagonists' strategic and instrumental teleology: the first chapter is "The Flame" and the last is "The Explosion"; Mathieu searches throughout for the "original source of our strength" and wishes to "come to a conclusion, to have meaning"; the plot moves from unrequited to requited love and continually moves from innocence to experience (39). It is generically close to the *bildungsroman*, in that it gathers its strength from moving from the individual and toward the social, from the outside or the periphery and toward a consensus, toward a general will[17]. But although the text takes shape around the norms of the *bildung* and a teleological narrative, thematically and poetically it radically pulls against them[18].

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[17] This chapter, as does much of my project, takes Joseph Slaughter's analysis in *Human Rights, Inc* as a springboard. He argues that the "*Bildungsroman* is the novelistic genre that most fully corresponds to—and, indeed, is implicitly invoked by—the norms and narrative assumptions that underwrite the vision of free and full human personality development projected in international human rights law" (40). I agree with his analysis, and use it as an opening to finding exceptions: moments of paradox and possibility that offer a way toward justice.

[18] An argument could even be made that the teleological impulses of the novel function as a re-writing of "development" in some respects. Article 29's central concern is the "development" of the subject of human rights (see Slaughter for a critical and insightful reading of the analogical relationship between the *bildung* and human rights; Article 29 stands at the intersection of this project) that while tempered by the third-world block's communitarian ethos, is still saturated by the rational humanism that defines the colonial enterprise. In other words, "development" drags the cogito, Kant's "mature" subjects, and the whole of a philosophical project aligning the immature and irrational colonial subject with the mature and rational empire. Glissant's re-writing of "development", then, is a postcolonial political replacement of development-as-vertical to development-as-horizontal. Hierarchy is replaced by ecology.

In *The Ripening*, the activists' story is secondary to—and structured by—the narrative of the land, the sea, and the river. There is a schematic quality to the hills as legend, the sea as future, the land as material reality and Glissant uses that schema to open space for the tensions and convulsions emerging from cracks or fissures in his textual world. The political implications of Glissant's aesthetic mapping point toward a social geography which both shapes and is shaped by its inhabitants; the geography refuses neutrality and reveals itself as political. An unnamed narrator recounts the events leading up to and following a political assassination in the small town of Lambrianne. Thael, a young man from the hills, is

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In a 2009 collectively written manifesto entitled, "A Plea for 'Products of High Necessity", Glissant et al write:

> "Ours is therefore a call for those utopias where politics is not simply the management of inadmissible miseries nor the regulation of the market's wild excesses, but where it is restored to its true essence, and made to serve all that confers a soul upon the prosaic by surpassing it or putting it to strictly limited use.
>
> Ours is *a call for politics to be elevated into an art*, with the individual, and the individual's relation to others, at the core of a common project that gives pride of place to life's highest, and most intense, and most radiant exigencies.
>
> And so, dear compatriots, by getting rid of all the colonial archaic legacy, the colonial dependence and assistance, by resolutely committing ourselves to the ecological revival of our countries and of the world to come, by challenging the economic violence and the market-based system, we shall be born again into the world, and shall appear in the full clarity of a post capitalist dawn and of a global ecological relation to this world's environmental balances.
>
> Such, therefore, is our vision:
>
> Small countries suddenly at the heart of the new world, suddenly immense for being the first instances of post-capitalist societies, *capable of nurturing a full human development inscribed in the horizontal plenitude of all living beings*."
> (http://www.humaniteinenglish.com/spip.php?article1163, emphasis mine)

Glissant's later explicit reframing of development as development-as-horizontality (what Latin American anarchists call *horizontalidad*), first begins to take shape in *The Ripening.* Both the implicit and the explicit reframing, though, understand "development" as an unrealizable horizon; that which is "inscribed in the horizontal plentitude of all living beings."

recruited to help assassinate the corrupt and land-hording local politician Garin who is the only obstacle in the way of the young activists' unnamed candidate's electoral success. Thael, who "knows the old legends…is interested in the unknown…[and] speaks like a prophet" (27), finds Garin in a house he built over the source of the local river, the Lézarde. Thael follows Garin down the river for three days from the hills, to the sea.

But instead of the journey resolving itself as in a version of a dialectical materialism or even the earliest iterations of negritude during the Caribbean labor movements in the 1930's, Glissant explodes these essentially closed-systems[19]. Thael and Garin do not remain the static hero or villain, they do not join in synthesis or even oppose each other as thesis and antithesis, but rather their meeting in the river interrupts both men's roles. Interdependence is redefined here as the river links the sea and town not like the canal,

> not by just drawing a straight line of water from the town to the sea. No, the river traces a wide curve. It gathers all the land around the town, understanding that both land and town are nourished in the same way, survive in the same way, and it makes a curve in order to carry both land and town away to the sea. Because the sea is the future, isn't it? The sea is always open, it allows you to come and go. And the town is fixed….All the meanness of the town calls out to

[19] Previously, more closely aligned with Senghor's articulation of black equality with French power regimes, negritude moved beyond a politics of seeking equality and toward a politics of difference. By the 1960's Césaire would write negritude is "really a resistance to the politics of assimilation…above all it is a concrete rather than an abstract coming to consciousness" and far from demarcating an essential blackness, Césaire insists "everyone has his own Negritude" (89, 91). In other words, what is important to note here is that Glissant begins to look beyond the binaries of Marxism or an earlier version of negritude, and toward excess, slippages, difference, and paradox to buttress his narrative.

> something beyond the horizon, not so? And so the river is what *prevents the town from being a town* and gives it the chance to be something else, in the heart of the night. That's beauty (100, emphasis mine).

The chance to be something else, the interrupted identity, *that* becomes what the river offers. The river sets itself against the territorial claims of colonialism and of colonialism's purpose: to mark territory, to declare sovereignty, to extract natural resources. The land was that which propped up the "musty" law, the "rituals" of the court, the judge who declared all "these people are like children" (57, 123, 125). It was the site of the "rows of cane, imprisoned by human sweat from the sugar cane, by fat dividends, miserable salaries, by humiliation and exploitation…" (141)[20]. But the river—as interruption—refuses these colonial projects; it becomes an opening for resistance, for excess, for decay and desire. It is both "shot through with currents of filth" and pictured as a woman's orgasm: "In the midmorning [the Lézarde] is exultant and unrestrained, it sheds its clothes and basks in the warm sun, like a naked girl, heedless of passers-by on the banks, she bathes in an eternal present of water passing over water, and soon, like a woman fulfilled and ripe with pleasure, the river, its flanks broadened, its belly burning over the icy depths of its bed, lazily seeks repose…"(32). The river interrupts domination, because it interrupts a stable site from which to dominate and its flow and desire interrupt fixity.

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[20] The town has only a few named spaces outside of the town hall: the distillery, the cemetery, and this site of exploitation. Orlando Patterson wrote of this in 1967, saying that even to talk of "ruin" was too much; empire left an absence, not ruin. Without an infrastructure, for example, Trinidad's illiteracy rate in the 1930's labor strikes was 43% (Kutzinski 11).

The river's interruptions—spatial, temporal, narrative—pool together in this last scene of desire. The tempo of the language has changed and the sibilance and alliterative currents mark this as more than narrative, the scene is marked as a lyric moment. Rivers materially refuse to recognize property or any kinds of fixing of boundaries; they tuck away land and ferry banks out to sea. The shape of a river determines the outer bend's rush of erosion and inside bend's deposits; they shape the land and are shaped by the land and perform the lyrical indictment of territory and property. Within the narrative, the river's interruptive powers function to destabilize the subjects, but Glissant's lyrical breaks within the narrative sweeps through and destabilizes the whole text. These periodic lyrical interludes—surreal sometimes, fragmented and incoherent others—shift the frames of the story. The text's claims as an historical document shape-shift in the river's insistence on "eternal presents"; the past eddies for a while and finally becomes just the same "water passing over water" (32).

The river is also transformational, and gives the town a "chance to be something else" (100). Glissant's river traces his mentor and fictional mirage—Aimé Césaire's—impatience of dichotomies. The river does not offer the past or the present because it is an illustration of Césaire's claim that "the problem is not to make a utopian and sterile attempt to repeat the past, but to go beyond. It is not a dead society we want to revive. We leave that to those who go in for exoticism. Nor is it the present colonial society that we wish to prolong, the most putrid carrion that ever rotted under the sun. It is a new society that we must create…" (52). But

this newness, this "something else" is not the space-clearing gesture Appiah would have write over postcolonialism.

Kwame Anthony Appiah asks, in "Is the Post- in Postmodernism the Post- in Postcolonial?", whether or not the postcolonial is modern or postmodern. He argues that rather than moving beyond the subject, postcolonialism brings the subject about and so might be properly understood as a modernist project[21]. Central to this reading of modernism is his claim of the "space-clearing gesture" that is embedded in postcolonialism. In part, this chapter is an attempt to suggest that Appiah doesn't get it right because he doesn't see the polyvocal, multivalenced, and poetic ways in which postcolonialism refuses this reductive choice as well as how postcolonialism's gift—and lesson—is how to hold the dialectic. The "transitional" sensibilities, interruptions, and paradoxes are just variations on the theme: postcolonialism is always *both* modernist and postmodernist, *both* calling the subject forth and moving beyond the subject, *both* tinkering within the dustbins and clearing new spaces. Appiah's question sinks because it misses the very principle the river offers: the chance to be something else. The holding of the dialectic is both a simultaneous occupation—both, and—and an infinite deferral; it is the excess of desire and the "eternal present of water passing over water".

Glissant and Césaire's turns toward the "new" are not an erasure, or a wiping clean. And even though Césaire invokes the modern, he does not trade in one strand

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[21] His argument that postcolonialism will always ever only be reformist misses the point, though, that David Lloyd's "Nationalisms Against the State" makes: nationalisms can be anti-statist.

of modernism that fetishizes the new *as* erasure. Césaire finishes his thought of the new society we must create, "with the help of all our brother slaves, a society rich with all the productive power of modern times, warm with all the fraternity of olden days" (52). This is not a "space-clearing gesture" or another version of modernism's idiom of the new that animates Césaire's society. It is, rather, a collective production; it is a production that practices holding the dialects. Glissant and Césaire both refuse the false choices of dichotomies and instead turn toward the "beyond" and toward a "chance to be something else".

But if the novel imagines this "something else" to be, in part, the prevention of the "town from being a town," it does not end this political imagining in simple negation. Tracing the thin and loamy lines between land and property; *terroir* and territory, have been central to the shapes and contours of political history and Glissant offers more than a critique of political boundaries that delimit a town, a nation, or a people[22]. The postcolonial projects—diverse, divergent, and

[22] An argument could be made that property is the central political question of a political body: where are the lines drawn to mark ownership, jurisdiction, rights. Territory is the central claim made from Plato's patriotic myth in *The Republic* up to the anti-colonial movements in the 20th century. Most strikingly and explicitly, Hobbes untangles the relationship between rights and property. Central to Hobbes' argument is that in a transition from a state of nature to the body politic, the subject moves from having unrestricted rights and claims (rights here are weak because they are overlapping/conflicting/amoral because all is permissible and every man has a right to everything—including other bodies—which makes security impossible) to relinquishing this liberty to the sovereign. Since no exclusive property rights can exist in a state of nature (since everyone is equally entitled to everything), they are foundational—or at least constitutive—of the state. "Mine" and "thine" exist insofar as there is an authority to enforce the security of those rights.

contradictory as they are—do converge at this one point: the vexed and haunted intersection between land and property.

Glissant's novel is set in the heady days preceding Césaire's 1945 election as Mayor and Deputy from Martinique to the French National Assembly. Amidst the anti-colonial independence movements, Césaire's subsequent drafting of the 1946 law on the departmentalization of former colonies puts a fine point on the questions of land, independence, and territory that run throughout the novel. Mathieu, the intellectual of *The Ripening*'s activists, offers a principle to legitimize territorial rule, but his principle conflates property and land. The young activists have gathered around Mathieu following the celebration of their electoral victory. Discussing the power of officials who are elected deputy to the overseas department of France, Mathieu tells the group, "In order to possess the land, no one must be left out!" (151). This socialization of land, though, is unable to acknowledge the violence of property and of that possession. But Mathieu's foil, Thael, knows that all possession carries within its logic the act of dispossession. The Arawaks, the Caribs, the Spanish, the French, and the Indian have each turned land into property. Descending from the hills to the plains, Thael feels this transformation and watches as "everything gradually comes apart. 'I shall kill you,' he says… 'I will kill you!' he calls out to the ghosts…"(19). Violence, Thael understands, is central to the project of both de-colonization and nation-building; each require "the power to distinguish and to enumerate" (19). Each recognizes possession as the engine of a political order.

Glissant's cultivation of a transitional sensibility takes place most forcefully, here, as he blurs the lines between land and property. I am arguing that Thael's descent from the legends of the hills to the townships of the plains *produces* the ghosts that he then intends to "kill"; Glissant's ghosts emerge in the tectonic shifts between land and property and the ghosts emerge as *deferral*. In order to illuminate how this argument plays out within the novel, though, I will first briefly sketch out a later, theoretical version of Glissant's distinctions between land and property from *Poetics of Relation*.

Poetics of Relation, like *The Ripening,* is centered on the Antillean identity and raises the question of the role of land and property in a global, post-colonial world. He explores the attendant contradictions and anxieties of moving from "possession" of land to "connection" to land, and begins to define an ecological aesthetic and politics. Distinguishing between "root identity" and "relational identity", Glissant says the first "is ratified by a claim to legitimacy that allows a community to proclaim its entitlement to the possession of a land, which thus becomes a territory," while the latter "does not think of land as a territory from which to project to other territories but as a place where one gives-on-and-with rather than grasps" (143-144). Root identity is committed to the idioms of origins and creation and it hides away its violent beginnings within the folds of these foundational myths. Its trouble maintaining these myths leads to its reliance on generalizations and universals. Root identity possesses territory and distributes rights. It is the

political entrails left by Plato's patriotic myths, Hobbes' leviathan, the whole weight of empire; it emerges as territory and as property[23].

Relational identity, on the other hand, is present and based on material networks happening now; it does not look to past entitlements, but "circulates, newly extended" (144). Relational identity is the violence that challenges "the generalizing universal[s of root identity] and necessitates even more stringent demands for specificity" (142). The concrete and the rocks of the earth refuse to become metaphors or myths and the land stands—as relation—against the property claims of the root identity.

In *The Ripening* there is a productive and a tenuous line between land and subject. Introducing the third section, "The Election", the epigraph reads, "And the story goes that they/ came to know the vast world and/ the world was within them" (123). This is not a Cartesian version of knowledge creating the self; it is not a Martiniquian *cogito*. It is a claim of, first, the active and mutually constitutive character of the land as relational identity. When the book opens, the young radicals gather together to find enlightenment "in poets, epic novelists…and in all kinds of *madness*" (23). The "land itself contributed to their feeling of elation," and as they awoke to their land there was a "*mysterious* fruitfulness, a naked sorrow," and they

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[23] Territory and property are philosophically and politically different. Analogies collapse the important distinctions. I think, though, that Glissant's use of the two words takes "possession" as the common and unifying point of departure. The possession of land—whether it be as territory possessed by a state or as property possessed by an individual—roots the identity of the subject and the land; it becomes fixed and thereby incoherent in Glissant's unfixed and relational ontology.

asked if "the land [can] have an identity before the man who inhabits it has arisen?" (24)[24]. The land—and the subject attending to this frontierless land—is opened up to what Glissant calls in *Poetics* this "disruption and intrusion" of an "aesthetic of the earth" (151). Neither anachronistic or naïve, an aesthetic of the earth disrupts the territorialization of land. The land, unlike territory, has no limits and it is open to the mysteries and the madness; it does not collapse difference into universals, standards. The land is not a passive or generalized space, but it marks history and is marked by it[25]. Thael registers this historical communion with the land as he and Valerie walk by the sea. Valerie stood up from the shoreline saying, "Caribbean Sea! Caribbean Sea…You don't find that is too long? There ought to be a more striking name…" and Thael replied, "But it is more just. The Caribs were massacred here…At least let the sea preserve their memory…" (161). The massacre transforms territory into a "rhizomed land" (147) that refuses the root identities of filiation and instead opens the land up to the relations, the memories, the ghosts between territory and land that circulate, evade, and divert projects of conquest.

The mutually constitutive—or relational identity—between land and subject is revealed in the epigraph. But second, "they came to know the vast world, and the

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[24] Taken out of context, this does sound like an awakening. But it is a *re*-awakening—not to new scientific, "progressive" thought but to the madness, the mystery, the legend of the maroon. Papa Langou is the maroon of the novel and he knows the ghosts and the shadows of the land. It is because the young group did not listen to him, that Thael's love, Valerie, was killed by his dogs. In other words, this is an awakening to, say, combat Césaire's "forgetting machine" of colonialism (52).
[25] The epigraph for the book reads, "'What country is this?' he asked./ And the answer was: 'First weight/ each word, know every sorrow'". Walcott also writes of the islands as wounds.

world was within them," carries a temporal and a revelatory argument within it. Knowing did not *therefore* insert the world within or *cause* the world to exist inside of them, but knowing—and here, within *The Ripening* "knowing" is "experiencing"[26]—*revealed* the external world to be repeating, reproducing, and recreating an aesthetics of the earth internally. This epigraph becomes a manifesto for consciousness, for an Antillean awakening and does so by *grounding* the subjects in a material, particular world of difference. The turn toward Fanon's consciousness is also a turn toward the howling insistence on finding a vocabulary with which to strike down the abstractions and Cartesian logic—what Césaire calls the "charter of universalism" (56)—of colonialism. Third, and finally, the epigraph frames the attention to methods—the meta-narrative—of storytelling that opens the land and the subject up to this aesthetics of the earth. "And the story goes," the epigraph begins, and this meta-narrative resonates throughout a novel that moves between

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[26] Too many examples to list, but one to illustrate: "'But the hard facts?' said Mathieu. 'We have spoken so much about poverty that it has become a monster without a solid body. We no longer even know where to find this poverty. It seems to have disappeared'" (174). The first chapter also opens with, "Only the road knows the secret," and although space does not permit much analysis here, I want to insist on reading this within the larger postcolonial project of critiquing Kantian or Cartesian abstractions, and registering a move toward the material and the concrete. Words are both erasure of possibility (see: Aristotle, Agamben, Brown, Cover) as Valerie and Thael lie in silence and "Having exchanged not a word, anything was still possible" (62). But words are also the instruments of domination, and Césaire notes this saying, 'that at the very time when it most often mouths the word, the West has never been further from being able to live a true humanism—a humanism made to the measure of the world" (73). To paraphrase Colin Dayan's reading of Césaire, Glissant becomes a writer by *renouncing* writing, by placing critiques of language—and experiments of experience—throughout the novel. (http://bostonreview.net/BR33.5/dayan.php)

historical document and poem, between parable and political manual in order to disrupt and intrude on the hegemony of genre.

Toward the end of the novel, the narrator and the young activists meet for the last time. Each person has a sense it will be the last time they will all meet together, and so they give their storyteller earnest and urgent advice of *how* to tell the story. They tell him to fill it with "indistinguishable voices," to write it "like a river," and "like a poem" (180). Written like the Lézarde, the story would be sluggish and "murky with secrets that it deposits in the calm sea…" (175). But another young man says the story should be written like a testimony. "Let them see how silly we were," he says, "Let them understand the route we took. And don't forget, don't forget to say that it is not that we were right. It is the *land* which is right. Make that clear and straight and to the point" (175 emphasis mine).

The narrator's compromise is a first glimpse of Glissant's "aesthetics of the earth". The novel is filled with political stump speeches next to the "alluvial deposits" of deliberation and the inadequacies of language; it is full of silent and wordless dialogues in the hills, and of tales of the story buried within the plot as ancient legend (53). "The story goes" here in fits and starts; it is circuitous and errant, and it is shaped—like the river, like the land—by the earth. The polyvocal and multigenre rich narrative undoes the fixity of root identities' drive toward the singular, and the novel stands as the narrative answer to universals, standards, and generalizations.

But most centrally, and most powerfully, the novel's playful techniques—and anguished anxieties—push toward an insistence on the pluralization necessary to answer its central political question of the time: "How many ways are there to uproot a weed?" (81). Relational identity, again, does not hide violence and here the novel gathers the force of an aesthetics of the earth to demand a reckoning. The narrator asks how many ways there are to uproot a weed and says that each generation has their own way, and each land has its own way to uproot weeds. "The important thing," though, he says, "is that the earth is rich and fertile. The value of a story lies in what it teaches, and in its ability to make us know other lands, the way things are done elsewhere and the colour of our land…" (81-82). If the text allows Glissant to resoundingly answer that there are an infinite number of ways to uproot the scourge of colonization, it also insists that a diversity of method must be accompanied by both a singularity of purpose and a future-oriented metric. If there is one central thesis to *The Ripening*, it is that decolonization projects—those working to eliminate forms of domination—must cultivate the attention to particularities of situated lives; they must primarily cultivate an aesthetics of the earth.

It is by attending to the land—and its convulsive turbulence, its uncontrollable nature—that this aesthetics offers a rebuttal to colonialism's "charter of universals." Turning back to *Poetics*, Glissant offers the two ethical models emerging, first, from root identities and, second, from the relational identities that are necessary to cultivate this aesthetics of the earth. The root identity produces the Levinasian "thought of the other." This is the "moral generosity" that would have a

subject recognize alterity but remain, essentially, the same as before. Thought of the other is the logical paradigm that many critics of human rights say functions to collapse politics and allow rights to function like charity; thought of the other, they insightfully note, transforms rights into humanitarianism.

Against this static, pre-determined, and consensual moral code, Glissant offers its counterpart that emerges from his relational identity's cultivation of an aesthetics of the earth: the Other of Thought. The other of thought is a process of alteration and transition; it is the change and the exchange of the subject as the subject opens herself up to this radical and destabilized thought. But, most importantly, the thought of the other is an "aesthetic of turbulence whose corresponding ethics is *not provided in advance*" (155 emphasis mine). The other of thought's commitment to an active, present, and on-going ethics is emphasized throughout the novel as a future-oriented model of justice that stands opposed to the standardized moral code of root identities. Within the novel, this simply means the laws are "musty", the dialogue does not end with elections, and critique must always accompany each decision or victory.

These aesthetic commitments to cultivate paradox, tension, and uncertainty play out in a scene following the electoral victory of 1945. The scene underscores the postcolonial imperative to keep open the future-oriented critical projects of the day and to foreclose the possibility of "yes we can" collapsing into the rooted stench of "yes we did." Mathieu and the others regroup at the town hall after the electoral victory. Exhausted, Mathieu sat and absent-mindedly "played with the gravel on the

path…He had lost ten kilos…Had a dry cough…The cough. The fatigue. Death itself…Thael looked at him in this stricken, crushed state. Why, Mathieu, why? The day has come, the great day. We have won. All of us have won. No more doubt and uncertainty. Ah! Mathieu, do you miss the time when things were not clear, the time of unfulfilled desire, that long, dark night?" (149). But if uncertainty is not the idiom of Glissant's poetic novel, then at the very least the novel is animated by a commitment to unfulfilled desire, and to the tension it produces. Mathieu historically foreshadows the anemia of misunderstanding the ends and the means; of misunderstanding the on-going struggle for justice as something that could end[27].

Looked at again, at a slight quarter turn, Mathieu's wasting away also takes on the hopeful note of a leaderless and democratic revolution. Earlier in the novel, the group meets at "the frontierless kingdom of the beach" that marks their project as one cultivating the relational, and not root, identities. Their talk is "impulsive, crazy, with crosscurrents and alluvial deposits which swirled under the surface of what they said, bearing their secret passions" (53). The scene's poetics of land—the

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[27] Celebration is a part of this novel (this is a young Glissant, and a proud Glissant after a long political struggle and because of a strong political and cultural network he helped create) and a hopeful, joyous, and affirmative part of the novel. But there is also a strong streak shot through with regret and fear. This is the regret of the moment when "Yes, we can!" changes—dangerously, ominously—into "Yes, we did!" For Mathieu, there is a need to remember Derrida's *avenir* of justice and what Butler tasks us with: "It is important to resist that theoretical gesture of pathos in which exclusions are simply affirmed as sad necessities of signification. The task is to reconfigure this necessary 'outside' as a future horizon, one in which the violence of exclusion is perpetually in the process of being overcome. But of equal importance is the preservation of the outside, the site where discourse meets its limits, where the opacity of what is not included in a given regime of truth acts as a disruptive site of linguistic impropriety and unrepresentability" (*Bodies that Matter* 53).

language and imagination and subjectivities let loose by the refusal to mark territory—forges with the politics of the discussion of leadership. The question of who is the leader is raised and the narrator says, "I don't say a word. Mathieu is our leader and yet we have no leader: both things are true" (56). This paradox must remain open in order to produce a reading of Mathieu's withering away. The leader's disappearance—both physically in this scene, and textually once this scene is over—performs the transformation from Glissant's root identity of self, territory, and filiation and toward a relational identity of rhizomed land, an aesthetics of turbulence, and a commitment to an "ethics not provided in advance". Mathieu is no longer a fixed and stable protagonist, but a site to pose the queries of a postcolonial politics: does a revolution require an avant-garde and for how long? When can the state, like Marx promises, wither away? Does a leader foreclose a democracy and what does a postcolonial representative mean? Can Martinique become independent celebrating a departmental victory? What is left of the postcolonial subject at the moment of independence? And, who are the postcolonial subjects writing and telling and remembering the doubts and uncertainties, the times of unfulfilled desires, as the nation builds itself again, in legend and in song? Mathieu's disappearance marks a call for a break from the apolitical morality of the thought of the other and toward the political ethics of the other of thought; it is not universal laws that are needed, Glissant's text suggests, but an imaginative space so that the subject might be opened to the relations and the turbulence of a living justice.

But even if much of the energy of the novel is directed at offering a poetic and political model of an aesthetics of the earth, Glissant is careful to acknowledge that

the root identity's claims on territory, property, the thought of the other, and the standardized and universal laws of abstract moral generosity do hold fast. The colonial projects leverage these incarnations of root identity in order to maintain power, and so it is as a warning, as a cautionary tale for a postcolonial politics, that Glissant ends the novel. By turning my analysis from Glissant's treatment of the relational identities and aesthetics of the earth that emerge from the land, and toward his final parable of property and territory, that the ghosts, the apparitions, the haunting, and the gothic of the novel comes into stark relief.

The Ripening's ghosts congregate around the property lines and lines marking territory; they haunt possessions. But they are not there to make competing claims on property[28]. Neither are they after inclusion into a rights regime or inclusion into a political order based on exclusion. Rather, I am arguing that the ghosts in the novel both reveal the violence of hierarchies and offer a politics of horizontality. They mark a material and violent political exclusion, but instead of incorporation they seek to animate and destabilize—to politicize and to "prize open"—the static body politic. Let me make this more concrete.

In the final scene—what I am referring to as the parable of property—Valérie and Thael climb up the steep slope of the mountain to Thael's property to begin their lives together. He is deep in thought about his hearth, his dogs, and his home

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[28] This is a version of an aside in Benn Michael's argument in *The Gold Standard*: the engine of the horror genre is competing rights claims. The novel in his argument—unlike the romance that is the text of "clear and unobstructed title"—always infringes on someone's property rights since it touches on the real (89).

and so in some sense his return from a postcolonial political movement must be read as a repetition—in miniature—of the exclusions of private property and territory that the colonial project was built upon. His claim that they "have left behind the zombies, ghosts and werewolves" during his final ascent with Valérie, echoes his earlier declaration of murder to the ghosts, that opens the novel. He repeats the cycles of exclusive property claims, I argue, because he first misinterprets and then mistakes the presence of the ghosts.

Valérie, however, sees them everywhere as they walk toward the house. Shuttering in the dark and unfamiliar hills, she "became more terrified with each step, imagining that she saw terrible shadows rise up on either side, waiting to pounce on her…pressing in on her" (190). As she walks she hears "such a savage echo" that she cannot think of the house ahead, "but only of this life rustling around her…she felt deep down that she was being pursued by some unidentified terror" (190-191). The "ghosts" following her up the mud path are terrifying because they mark the subjects written out of the colonial laws of both property and territory; they mark the violence of those hierarchies and refuse to be secreted away by the root identity's myths of empire or nation (192). One way to understand these ghosts is through a passage in *Poetics* that distinguishes between territory and rhizomed lands. The Antilles, Glissant argues, refuses territorial claims because the massacre of the Indians invalidates the root identity's futile search for predecessors. And "[o]nce that happened, Antillean soil could not become a territory but, rather, a rhizomed land" (147). *The Ripening*'s ghosts, then, mark the land as political; they embody a refusal to be complicit in national myths of purity or integrity. The

massacres infinitely return to reveal the soil saturated in blood; the land holds a history that will not be erased or forgotten.

Another reading of the ghosts haunting the path toward the property is that the ghosts mark the physical and social deaths of those under erasure by colonial law. These two readings converge if *The Ripening*'s literary summoning of the ghosts is read within the context of Papa Longou's vodou. The literary invocation of this tradition, then, anticipates Colin Dayan's reading of vodou in *Haiti, History, and the Gods.* She writes that rather than treating vodou as "an experience of transcendence, an escapist move into dream or frenzy," it must be seen as an "intensely intellectual puzzlement, the process of thought working itself through terror that accounts for…the materiality of vodou practice, its concreteness, its obsession with details and fragments…" (xvii). Vodou, then, "must be viewed as ritual reenactments of [a] colonial past, even more than as retentions from Africa" (xvii).

The parable of property takes shape early in the novel as the maroon[29], Papa Langou, warns Valérie she must beware of the dogs (65). Having not heeded his advice, she continues the climb.

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[29] Glissant's definition of maroon in the glossary opening poetics: Maroons are "the fugitive slaves and marronage, originally the political act of these slaves who escaped into the forested hills of Martinique, now designates a form of cultural opposition to European-American culture. This resistance takes its strength from a combination of geographical connectedness (essentials to survival in the jungle and absent in the descendants of slaves—alienated from the land that could never be theirs), memory (retained in oral forms and vodou ritual), and all the canny detours, diversions, and ruses required to deflect the repeated attempts to recuperate this cultural subversion" (xxii-xxiii).

"Then the dogs barked….on guard near the house…they had sensed the approach of their master…[and]the dogs lunged at [Valerie]…[And when] he brought her to the house…she was already dead" (193)[30].

The maroon's warning materializes in this final scene as a critique of the exclusionary logic of both property and territory. The dogs—as the guards of property and the markers of the lines of property—perform and enact the tacit exclusions of property claims. Their act also, most importantly, makes visible the process of how the ghosts in the novel are produced by politics, by history. Once Valérie is killed for crossing a property line, Thael whispers to her body that she "too will only have been a shadow" (194). This gothic final scene, within a novel in the gothic Caribbean tradition and in the lineage too of the Surrealists and the Antillean Surrealists' poetics "yearning to be a radical politics," asks how the dead speak (Dash 5). These ghosts mark the land as political, reveal the violence of root identities and the violence of hierarchies and exclusion. They again anticipate Dayan's critical historical and literary interventions and "reveal the blur at the heart of hierarchy [and the] mutually reinforcing double incarnation, or doubling between…purity and impurity…" (xx). Recognizing that the ghosts and the gothic are productions of a colonial history (192), Dayan and Glissant both force "proximity on categories or claims usually kept separate [to point to the complicities and slippages

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[30] Women—outside of languorous orgasms and bouts of fear—have not played a role in my analysis of the novel. Please chock that up to my fault and not Glissant's. His women *mostly do* have orgasms and get scared, but there are a few moments of interesting and strong women who serve a role outside of inspiring their men to be better revolutionaries.

between]…codes of law" and "sadistic fantasies…[between]…national myths…[and]…gothic romance" (xx). Tracing the literary history of gothic motifs—from the empire's terror of the other, to political terror of colonialism, to the critiques of imperialism in all its forms—Paravisini-Gebert adds: the form is always under revision and being reinvented. The "reinvention of the Caribbean Gothic push[es] the conventions of the genre from a critique of colonialism to an even wider engagement with social justice and political commitment" (246)[31]. The genre here in general, and Glissant's novel in particular, employs this gothic as *method* and as a "new type of critical scrutiny" (253).

As Thael cares for Valerie's body, he begins to sing—"deep inside, without opening his lips" (193)—a school song about his country. The song tells of Martinique's green hills, its gold sunsets and its place as an island of love and as pearl of the Caribbean Sea[32]. He sings of the nation becoming better, stronger and happier until he realizes they were all lies. Turning to Valerie's body, he addresses her saying, "Do you see…do you see…what they are singing? How it is filled with lies. You see them clearly now. They have no time for the leprosy, the yaws, the tuberculosis, the malaria, and the other evils of this rotten land. You can see them now, can't you? That we deceive ourselves if we believe that it is all over. We have

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[31] Paravisini-Gebert's "Colonial and Postcolonial Gothic: The Caribbean" explains the consequences of the "invasion" of the frightening other found in the colonial project.
[32] The final scene of Thael caring for the dead body and singing "Oh Martinique" is part of a radical tradition of political parody. Notable others include Douglas' "What to the Slave" (1852) and the Paris Surrealist Group's "Murderous Humanitarianism" (1932). All take up the task of revealing the lack of criticism—the hypo-criticism—of benevolent domination.

barely begun. And you have already gone. You too will only have been a shadow" (194). But it is not just that Valérie now sees the "blur at the heart of hierarchy," but that Thael himself sees it. Her corpse makes legible these proximities and so her body—the now-ghost—becomes not only that which can interrupt the root identity's claims on nation-building and myth-making, but also it lodges a deferral in the narrative itself. Thael's address to her body is a claim on the on-going project of justice—"[w]e have barely begun"—and the on-going process of becoming a subject. "You too will only have been a shadow," is the future-perfect construction of the liminal, transitional sensibility that Glissant's gothic offers to a postcolonial politics. The ghosts not only reveal the violence of hierarchies, but in this endlessly deferred future-perfect construction, the shadows also offer a politics of relational identity. Thael's critical awakening to the "rotten land" also opens up to a creative deployment of a politics of decay, of rot, of always-already transitional subjectivities.

The dead, instead of being an occasion for enlarging the imagined community of the nation, prop open—corpse-like—a critique of those abstractions[33]. The strategic deployment of language in the text comes to a head as Glissant's own myth-

[33] It is not just the state that employs the dead in its language of "sacrifice" and "died for our country"; personal mourning and grieving also adopt these narrative mechanisms to comfort and to cohere. Glissant's gift, then, of blurring the distinctions between the living and the dead—we all, after all, will only have been shadows and the dead have lives we can make no claims on—becomes that much harder, but that much more generous. His dead offer a new politics that refuse fixity and that awaken us all to the destabilizing and on-going lives and loves that insist: we have barely begun. It is a politics of generosity and of love because it is a politics whose ground will not allow an empire or claims of possession. Our dead become less ours as Glissant's gift allows.

making strikes out at the myths of the colony[34]. This final scene's insistence on seeing the green hills next to the rot, the sunsets next the leprosy, the dead body next to the hymn of nation registers the deep and violent contradictions between the ideal and the real[35]. It registers the contradictions between the deployment of language that "blinds, manipulates, deadens" (Dayan[36]) and Glissant's search for a language "at the limits of writing and speech" (Glissant 256[37]) to get at a "reality" that can only be understood by looking both *beyond* the subject and at the subject[38].

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[34] The sentiment of silence as sacred pervades the text as dialogue takes place with no words spoken, possibility dwells in silence, and characters and the land come to their deepest understandings in silence. But at the same time, the text is self-consciously dedicated to rewriting legend, to rewriting myth. One of the most powerful and cryptic scenes takes place at a country funeral. During the ritual, a man comes to tell a story about two men traveling down a river and "[o]ne wanted to kill the other" (80). Lifting off the page, painting in the broad strokes of a folk tale, the reader hears the novel in another genre, from another narrator, told for another audience. At the end of the short story, and at the end of the funeral, the narrator speaks in first person saying, "and all men are made in order to tell the truth of their land, and some tell it in words, some in blood, and others with a true grandeur (which is to live with the land, patiently and conquer it like a lover)" (82).

[35] Castronovo's "necrocitizenship" is employed and then extended. This is both marking the social death and recognizing the political potential of rot and decay within a body politic. See also: Achille Mbembe's "Necropolitics".

[36] See: http://bostonreview.net/BR33.5/dayan.php

[37] *Le Discours Antillais* 1963. To describe a technique experimenting with layers between language and the world. In particular, see scene of "inward dialogue" in *The Ripening*.

[38] In some sense, the dead here are playing out the distinctions between "straying" and being "culturally bound" that Brydon and Tiffin emphasize as they analyze the trends in Caribbean literary studies. "Straying" signifies the unboundedness to assigned identities such as the nation, while retaining local, material, and specific qualities. Culturally specific, though, only gets dangerous when it becomes "culturally bound". Wilson Harris calls this boundedness "illiteracy of imagination" and Kutzinski says "Caribbeanists can heed Harris' advice by actively imagining new, less bounded identities for themselves and thus inspire greater intellectual flexibility in all scholarly pursuits" (17). Glissant's dead lead the way.

These transitional sensibilities—the not-living yet not-gone souls—offer a postcolonial narrative of subjectivity that is able to both make visible and make use of the political categories of the law. They lodge deferral, decay, and rot at the heart of a political project whose destabilizing forces foreclose "thought of the other" and instead insist on "the other of thought". The exclusive and violent categories of the law are prized open to offer new narratives of independence[39] and personhood that do not give up on the law, but rather insist on injecting it with the destabilizing and political turbulence of a future-oriented justice project. Carried to a re-reading of the Universal Declaration of Human Right's Article 29, the subject becomes more nuanced and open than previously imagined. Not only does the postcolonial transitional sensibility free the shrunken and attenuated subject of rights from the amber, it also opens up rights discourse itself. Instead of a foreclosure of possibility,

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[39] Although I do not have space to address this here, this question of nation or land touches on the sometimes-contentious relationship between postcolonialism and Caribbean studies. Kutzinski writes, "The policing of borders by literary and cultural comparatists raises the issue of identity. More specifically, it raises the issue of the limitations of identity politics as they are deployed, in conjunction with victim mentalities, for the construction of nations and other imagined communities based on the same model…" (17). The fundamental question in Caribbean Studies, she says, is whether the nation itself is even a viable category.

The theme of Glissant's novel puts in squarely in the camp of the contemporary postcolonial independence projects at mid-century. But the texture of the story takes on the feel of a folk story, not dwelling on specific details of place. As he was writing, he also became keenly aware of the "links that exist among various Caribbean islands..." such as the Caribbean literary community of "Wifredo Lam, René Depestre" and of course Césaire (Dash 2). Very much influenced by these thinkers, he also clearly took a particular moment in Martiniquian history to raise many of his political questions. In some ways, then, his writing best illustrates the tension noted by Brydon and Tiffin that the "residual, but persistent, balkanization of Caribbean studies shows…" that national idenitity "is the last—and most resistant—fiction to be decolonized" (qtd 17).

the postcolonial subjectivity jogs the memory and lights the imagination of Fanon's resounding, "Yes!"

Transitional sensibilities have been historically deployed as radically subversive characters: the trickster, the coyote, Ti Malice, Kokopelli, *ad infinitum*. Even postcolonial theory offers versions of transitional sensibilities through the conceptual vocabulary of the hybrid, the *mestizaje*, and inversion. What a return to the pre-1948 postcolonial literary archive offers, though, is a radical and political *legal* inoculation[40]. Law is always political, but pretends otherwise. Exhuming the lost subjects and subjectivities beneath the legal carapace of the Universal Declaration of Human Rights, injects the political processes—the transitional sensibilities—in to the law. Transitional sensibilities—cultivated in both Bennett and Glissant's work—offer an opening toward a comprehensive justice that answers not to a rule, but to a politics and aesthetics of relation.

The discourses of colonialism and human rights—both taking cover under a "charter of universalism"—are littered with "hollow notions" that are "nothing more than a cover for new forms of domination" (Césaire 62). The discourse of postcolonialism, though, offers both a critique of this violence and a politics of its critical aesthetic. It offers a promise of this decay, of this rot, and ripening.

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[40] I mean this in terms of mushroom inoculation, not vaccination; it is an introduction of organic life into a system.

CHAPTER TWO

ITS (NOT) **M**ANLEY'S **F**AULT:
ECONOMIC FORMALISM,
LITERARY DEFORMATIONS, AND OUTLAW TRANSFORMATIONS

Rules are empty in themselves, violent, and unfinalized; they are impersonal and can be bent to any purpose. –Foucault "Nietzsche, Genealogy, and History"

…there is a relationship between violence and
economic backwardness and the trend of such violence is up, not down.
–Robert McNamara, *The Essence of Security,* 1968

No one black dies a natural death. –Jamaican Proverb

If you are the big tree, we are the small axe. –Bob Marley

Formalism and Its Discontents

Culminating the opening sequence of Perry Henzell's 1972 outlaw classic *The Harder They Come*, Ivanhoe Martin stands under a bare light bulb in his mother's spare clapboard one-room shanty and tells her he will make it on his own here in Kingston. Even though the film's non-diegetic song as Ivan arrived from the country that morning—"You Can Get it if you Really Want It"—was interrupted when a city-wise street vendor stole everything including the mango he was bringing to his mother, Ivan still insists he *can* get a record or get a job and get by on his own. When she sucks her teeth, asking what job outside of becoming a criminal he can get, he angrily demands why she would say something like that. Resigned, she sits down on the bed and shaking her head tells her son, "Don't ask me to fix the question" (7:27).

This scene—and in particular this exchange about the impositions, limits, and conventions of the putatively "free" market—circulates not only throughout this film, but it circulates throughout a post-independence Jamaican literary production. Ivan's mother here is *teaching* her son about the hard-to-see forces at work in the economic and social order and so her reply to him—"Don't ask me to fix the question"—is aimed at materializing these economic forces in the golden age of the IMF's hold on Third World political economies. Ivan's faith that he *can* get it if he really wants it—a record deal, financial independence, domestic stability—is laid bare against an economic formalism that denies its own exclusive hierarchies of power; his faith in a bourgeois individualism becomes visible as the engine of global capital's myths of freedom. But it is his mother's understanding of the conventions and of the rules of the economic structures that I want to suggest gives shape and form to the literary texts in conversation with this political economy. The two texts I will analyze—*The Harder They Come* and Michelle Cliff's 1987 novel *No Telephone To Heaven*—piece together both a critique of neo-liberalism's fictions of freedom and a methodology with which to make visible the exclusions and hierarchies of power embedded in any project making claims to formal or substantive freedoms. These texts, both engaged with Jamaica's political economy during what I am calling the long Manley years, to varying degrees set themselves to the task of answering Michael Manley's most vexing political problem: How do you narrate economic violence? First, I will argue these texts do so by making visible the formalism of the economy—its power structures hidden beneath its myths of equality, universality, and freedom—and the true costs of its rhetoric of development. Second, I argue,

these texts narrate the tensions, boundaries, and exclusions of the economy by cultivating a literacy of formalism through literary *de*formations. In other words, this chapter will document and analyze the literary disruptions of the global economy's occluded formalism[1].

Formalism, though, as an abstract and cross-disciplinary concept, needs some unpacking. As the concept emerges in different fields—of art, philosophy, mathematics—it shape-shifts to become not only an ordering claim within a discipline, but it almost seems to disappear as it is naturalized into that same order[2]. But this chapter, in part, attempts to materialize three of its incarnations—economic formalism, literary formalism, and legal formalism—in order to theorize the possibilities coming out of an attention to this concept's hold on collective life.

Literary formalism is at once lauded as the sharpest of literary scholar's tools and maligned as an ahistorical and apolitical privileging of the structures of the text

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[1] By invoking the rhetoric of "literacy" within the framework of formalism I want to tease apart questions of power that this coupling raises. A formalist literacy is both a recognition of dominant hegemonies—the shared and common forms of the status quo—and a cultivation of a similarly shared *deviance* from these forms of power. This language—against the backdrop of colonialism—also must wrestle with the colonial legacies of cultural literacy as a project of empire. And, to a certain extent, this chapter is implicitly working out these paradoxes of a "literacy of formalism", I want to make these underlying tensions explicit at the outset. In other words, this literacy is a counter-hegemonic literacy to critique the literacies of colonialism that would train the colonial subject to be colonized; it is a postcolonial literacy more akin to Spivak's literacies of the oppressed in her article "Righting Wrongs".

[2] Not only does the abstraction of formalism make it hard to grasp—like repeating "fork" until the meaning of "fork" is hard to determine—but because it in some ways takes on the same chameleon characteristics of the sovereign; it is the law-maker and then recedes, out of sight, as it is naturalized and normalized into cultures.

over structures of the world[3]. The isolationist and conservative tendencies of one particular brand of formalism, espoused by the New Critics, often overwrite formalism in general. The group's attempt to untangle the text from the "affective" and "intentional" fallacies of the text's creation or reception was part of a larger project for the text to stand as an autonomous work the critic could parse for meaning. The rise of theory and the political turn of the 1970's began to dislodge this dominant mode of literary criticism in favor of modes more attentive to the political, cultural, and social contexts of the critic, the reader, and the text. And although these theoretical interventions critiqued the New Critics' desire to look only, as Terry Eagleton says, at the "words on the page", formalism itself was never reducible to the isolationist tendencies of a few southern agrarians.

Formalism in general, though, is often maligned for what its critics say is its historical collusions with power. Forms as generalizing and abstracting conceptual categories are implicated in the intellectual histories of Platonic forms, Kantian ideals, categorical imperatives; forms, its critics argue, are that which has spirited away difference, particularity, history, bodies. The singular, static, and oppressive

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[3] Marjorie Levinson's 2007 article, "What is New Formalism" in the PMLA says that often the narrative of the New Critics is reductive and that they were both more historicist and activist than they are often credited for being. Students, Levinson says, would also benefit from hearing about the wider "array of formalisms: Russian formalism; Aristotelian and Chicago school formalism; the culturally philological formalism of Erich Auerbach and Leo Spitzer; the singular projects of William Empson, F.R. Leavis, I.A. Richards, Northrop Frye, Kenneth Burke, Wayne Booth" (563). My point here is to acknowledge that in making a brief patterning claim about formalism, I am also engaged in its reductive tendencies; sketching an outline of a vibrant field carries the dangers of turning that vibrancy into a monolithic and transportable narrative. But this static narrative is, in part, an explanation of formalism's decades of neglect.

nature of forms and formalism has been critiqued by everyone from poststructuralists, postcolonialists, Marxists, critical theorists, gender theorists, to race theorists.

But formalism can also be used to interrogate the intersections between these oppressive forms and social formations. In "Strategic Formalism: Toward a New Method in Cultural Studies," Caroline Levine traces the literary criticism taking up these intersections. Marxists have understood "literary forms as expressions of social and economic realities," Foucauldian and New Historicist critics have "argued that literary forms do not merely reflect social relationships but may help bring them into being"; both critical methodologies agree that literary forms "matter politically because they are indexes of social forms, expressing or fostering dominant social and economic relationships" (625-626). Instead of understanding the singular, dominating, and integrated forms as an Althusserian unity of interpolation or Foucauldian convergence of "discipline," Levine argues that forms are multiple, competing, and shifting. Forms might *seek* to constrain and impose order, but they fail to do so. Her call for a "method of reading the social" which she calls "strategic formalism" is an attempt to use the literary text to point to the social forces escaping these competing forms. This call to strengthen cultural studies by being more attentive to literary forms is, in part, a call to recognize the *incoherence* of forms and thus the possibilities emerging from the collisions and frontiers of forms where they just won't cohere. "Thus," she argues, "the narrative form of *Bildung* might consolidate the unified subject of liberalism, but it might just as well point to its fractured impossibility" (638). The resonance here with Michel de

Certeau's work is striking and becomes even more so in the article by Herbert F. Tucker called "Tactical Formalism: A Response to Caroline Levine". In this "amicus brief," Tucker extends Levine's formalism inward to look not only at the networks or relations *between* forms, but to illuminate the hierarchies or relations *within* the forms. Suggesting that his method draws nearer to the intricate and intimate collisions embedded in forms, Tucker turns to versification as a tool of "tactical formalism" in order to reveal a meter's subversive potential.

Taken together, and read explicitly through the unnamed theoretical work of de Certeau, strategic and tactical formalism begins to piece together a useful theoretical model for analyzing the Jamaican literary productions of the long Manley years. Against the backdrop of the global economy's "free market" machinations, the young nation struggled to articulate an alternative economic narrative that could make sense of the discrepancies between neo-liberalism's rhetoric of freedom and the material obstacles of poverty and debt. Manley's choice of the campaign slogan, "Socialism is Love" in part speaks to the possibility of finding a way to talk about the formal intersections between the economic and the social, the social and the political, and the formal and the substantive that the narratives of neo-liberalism obscures. Vijay Prashad in *The Darker Nations: A People's History of the Third World* points out that just as "the abolition of slavery advanced the cause of human freedom and yet left the formerly enslaved people in decrepit socioeconomic conditions, so too did the national independence move history forward and yet do little for the everyday dilemmas of Jamaicans" (224). Manley's slogan, then, I am suggesting, is an attempt to articulate the distance between capital's promises of

formal freedoms and its inability to fulfill those promises. Materializing capital's formalism *and* using its own formalism as a tool of critique asks—as theory, as art, as politics—the strategic and tactical formalists' refrain: if we are free, why are we not free? In other words, the widening chasm between the formal freedoms and the substantive freedoms of a post-independence Third World is taken up within the idioms and frameworks of formalism itself.

The implicit aim of this project is to materialize the naturalized formalisms of global capital and to ask: what are the hierarchies of power, the histories of exploitation, the material inequalities lurking behind global capital's camouflaged rhetoric of equality? George and Sabelli argue neo-liberalism's ability to "appear the norm" or to appear as indisputable "truths…like Natural Law" is its major accomplishment (3, 70) . Their book, *Faith and Credit: The World Bank's Secular Empire*, is an indictment of the Washington Consensus' liturgy that claims both TINA—there is no alternative—and that its mission is both sacred[4] and natural. This formalist project works to make visible the policies, histories, and ideologies that have been subsumed under the naturalized, messianic, teleological project of development. Reframing this within de Certeau's language, this project works to materialize the formal "strategies" of the global economy. If strategies are the art of the general, and if they do map and plan from on high, then these forms—of neo-

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[4] The authors use the metaphor of the church throughout the text and cite the quasi-religious language of the founders and workers at the World Bank to drive home their point. Keynes says at Bretton Woods, "We have to go from here as missionaries, inspired by zeal and faith" (34). This project of "brotherhood" and "salvation" is the economic kissing cousin of the Universal Declaration of Human Rights.

liberalism and global capital generally, and of the World Bank's Structural Adjustment Programs specifically—must first be made visible.

The practice of everyday life, de Certeau argues, is only partially ordered by these strategies. These ordering forms—of the city, of a text, of a linguistic system, of an economic system—do not have the disciplining power Foucault suggested. Rather, the subjects *create* their own path from a "dispersed, tactical, and makeshift creativity" through the disciplining forces of the city (xv). These "tactics" reframe the subject from the passive roles of a site of discipline or a consumer to a "producer, poets of their own acts"; these tactical subjects make choices and discover their own path by manipulating and subverting the general's art. What is most important for my purposes of unpacking formalism against the backdrop of Jamaica's integration into global capital, though, is the way de Certeau's argument is, ultimately, a productive formalist dismantling of the very practices of privatization the World Bank's SAP's sought to impose on the emerging Third World nations. Levine and Tucker both employ de Certeau's rhetoric of strategic and tactical formalism to unpack the networks and hierarchies of power embedded between and within these ordering forms and patterns. But since neither make explicit the connection between de Certeau and their claims on formalism, a useful analytic drops out of the analysis. By returning to de Certeau and to his focus on "practices that produce without capitalizing" and tactics as a "poaching" on the property of others, an emphasis on both ownership and exploitation, labor and class, the mechanisms and forms of an economy, emerges and moves to the center of a formal analysis (xx, xii).

My analysis of the Jamaican texts takes up the literary engagement with this double-edged sword of formalism: it is both the weapon inflicting economic violence and the tool with which to dismantle the violence. In order to untangle a working definition of these two formalisms—the first that attends to and materializes formalism and the second that uses formalism as a *method* of critique—I will lay out a distinction between "formalism" and what I am calling a "subaltern formalism[5]". "Formalism", for the purposes of these literary texts engaged in making visible the neo-liberal forms of a global economy, is: 1. An approach primarily understood within the idiom of category, rule, and structure. 2. An approach primarily used to elide, contain, or marginalize difference by occluding or de-emphasizing context. 3. A management perspective generating narratives of pathology to contain and marginalize difference by naturalizing political forms. 4. An approach to structures, forms, or rules that naturalizes those forms to occlude power and exclusions to inscribe outliers and difference *as pathology*.

A "subaltern formalism", though, is an approach that uses the forms and conventions to cultivate a literacy of formalism by attending to those subjects who are deformed by the naturalized rules. "Subaltern formalisms" are used here to make the outlier, difference, and exclusions visible and to denaturalize and critique the formal exclusions. It is a project of de-naturalizing formalism to make power

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[5] I am primarily drawing on Spivak's work of the subaltern literacy in her article "Righting Wrongs" wherein the subaltern is that which is outside of hegemonic power structures. The subaltern formalism—like subaltern literacies—is about upending top-down structures of power. It is learning from below and from the "singular and unverifiable." But, I might also use "makeshift" in place of "subaltern".

visible and to use this formalism to critique the forms themselves. The subaltern formalisms in these Jamaican texts hold the singular, the outlier, the exclusion up to the light of the idioms of category, rule, and form; they work to cultivate a literacy about the costs of development and the costs of an economic ideology that is unable to register context, politics, history. Subaltern formalisms are tactical; they are employed by those outside of the hegemonic discourse whose tools of resistance are also the mechanisms of power. They at once reveal how formalism collapses and hides a literacy, and at the same moment they look to the empirical outsides of that hegemonic discourse—to the outsides of that ideological narrative—and open up formalism as a critical tool to interrogate power structures and hierarchies.

This is a literary engagement with the gaps between formal freedoms and substantive freedoms and as such must be taken up within the idioms and frameworks of formalism itself. Formalism is employed throughout the literary texts as a means to critique itself and as a means to repeat the refrain: if we are free, why are we not free? The projects embedded in my literary archive take up the structures of inequality and offer a literacy of the intersections and hierarchies of power. Marjorie Levinson's PMLA article, "What is New Formalism" offers a brief state of the field to orient literary scholars to the productive and emancipatory histories of forms. To read for forms, she quotes a scholar as noting, is to "read against formalism." If the academy needed reminding, *The Harder They Come* and *No Telephone to Heaven* stand as exemplars of a literary engagement during the long Manley years in Jamaica that did not need critics to tell them what they already knew.

I want to pause before analyzing the Jamaican critiques of global capital in my literary archive to briefly distinguish between critical projects offering a program absent of a methodology and the immanent critiques of my literary archive that seek not to offer a new program, but to offer a critical methodology that is always geared towards opening up the space for criticism and renewal. The former, an inherently conservative model and one primed for accretions of power, is a familiar political coup: out with the bad, in with the good. The latter, a radical project committed to critique-as-method, offers a reflexivity that is committed to foreclosing accretions of power. Since this chapter analyzes two immanent critiques of global capital—both attending to the occluded formalism of the naturalized and mythologized economy under global capital—I will pause here briefly to point out the contributions and shortfalls of an example of a non-immanent critique. By glossing Upton Sinclair's turn-of-the-century socialist critique of capitalism, I will outline the overlapping claims of the immanent and non-immanent critiques of capital and then highlight the fundamental difference between these approaches in order to clear the way to attend to the significance of the Jamaican literary productions.

Upton Sinclair's *The Jungle* is a muckraking critique of capitalism, declared by its author to be the *Uncle Tom's Cabin* of the labor movement. Walter Rideout's classic study, *The Radical Novel in the United States*, argues it is an exemplar of the muckraking genre as it "demonstrates…that its author objects to the human suffering imposed by some socio-economic system and advocates that the system be fundamentally changed" (xii). What I want to suggest in the following gloss of the

novel is that Sinclair's critique rhetorically denaturalizes the economic myths of capital while simultaneously formally naturalizing an alternative model of socialism. And while this might at first seem to be an argumentative *cul-de-sac* since it is both seemingly obvious and pointing in the wrong direction—toward projects reproducing hegemonies instead of those that critique and level them—it is actually a necessary detour to first untangle the economic and literary formalisms at play throughout this chapter. After unpacking Sinclair's critique of capitalism's economic formalism, I turn to the text's own literary form to ask how these two formalisms might be more radically and effectively yoked together.

One of *The Jungle*'s central critiques is a critique of capitalism's claims to an egalitarian, non-hierarchical structure[6]. The text works to denaturalize and materialize this economic myth of equality; it works to make visible the social, political, and historical contexts this economic formalism might occlude. Equality is a central claim for the economic myth of capitalism. The claims to an egalitarian economy brings such storylines as: the American Dream, Rags to Riches, the Level Playing Field and other made-for-television narratives that reveal consonance with this characteristic of the myth as non-hierarchical. The stories rely on capital's abstractness, its objectivity; its universality insists one dollar will always equal one dollar, no matter whose it is.

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[6] Betty Sue Flowers argues that the democratic myth has been supplanted by the economic myth in the twentieth century, and she argues this economic myth "displays three central characteristics": it is not hierarchical but it is egalitarian; growth is its ideal; and "its medium is numbers and pictures."

When Jurgis Rudkus, the Lithuanian immigrant and Sinclair's aggregated protagonist, arrives in Chicago he sees the stockyards through this lens: the hungry, the dirty, the miserable, and the weak are somehow to blame for their poverty since the economic myth understands failure as an individual pathology and not as the product of a larger economic system. *The Jungle*'s critique of capitalism is, in this sense, a critique of capitalism's de-contextualizing formalism that itself takes the form of a structural awakening. The rhetoric of poverty moves teleologically in the narrative from individual pathology—"Broken-down tramps and good-for-nothings" (23)—to the metaphysical chances of "cruel accidents" (14), to a naturalized and inevitable result of industrial capital that is the product of the "remorseless machine" of the assembly line (71), and, finally, to the product of structural violence and systems of "oppression" (287). The awakening, then, is an awakening to the limits of an economic formalism that understands the economy *outside* of politics; an awakening to the *political* economy that cannot be measured without taking stock of hierarchies and of inequalities.

Jurgis' awakening is scaffolded—and so pedagogically aimed at a skeptical audience—by his encounters with the hierarchical nature of the economy: milk in the ghetto is diluted and so the family must buy more, the resulting malnutrition means they are more susceptible to illness and so to lost wages, lost wages mean they can only buy the even more diluted milk. The Rudkis family cannot survive—and they die off quickly—precisely because they are experiencing the brutal truths of the capitalist money economy: it costs more to be poor; Jurgis' dollar does not equal his boss's dollar.

In *The Jungle*, the moment of egalitarian exchange is exposed in a scene that reveals the novel's formal reliance on the tone and texture of parables: a very, very rich man gives our very, very poor protagonist a one hundred-dollar bill. But that one hundred-dollar bill cannot be spent, cannot be used, and it cannot be traded. All that one hundred-dollar bill can do is get Jurgis in trouble, get him in fights, get him put in jail (221-250). Sinclair's parable works to expose the ignorance of the rich who would imagine a one hundred-dollar bill to be free of violent exclusions and hierarchy, it suggests a critique of a humanitarianism that would seek to alleviate suffering while leaving the system unchallenged, and it advances a Marxist disavowal of private ownership that narratively strips the one hundred-dollar bill of any exchange value. Sinclair's critique of capitalism, I am suggesting, takes aim at the ahistorical and apolitical claims of this economic formalism within the naturalizing literary form of the parable.

The seamlessness of the text's project—to rhetorically denaturalize capitalism while formally naturalizing the novel's socialist prescription—makes sense within the logic of its explicitly muckraking agenda. The jungle of possessive individualism, competition, and exploitation within the capitalist economy is un-problematically and uncritically supplanted by the communal brotherhood calling for "Chicago [to] be ours!" (328). But the obvious tension that arises when one hegemony is critiqued only to be replaced with another is in *The Jungle*, a literary as much as a political tension; it is about the critical and ironic deployment of the genre of the parable in the first half of the novel being followed by the un-critiqued manifesto that makes up the novel's second half, as much as it is about socialism as

the answer to capitalism. In other words, *The Jungle*'s refusal to make the hierarchies and inequalities of socialism visible raises important critical questions regarding the relationship between economic and literary formalisms.

But this tension between critique and prescription gains historical traction and visibility by turning from economic formalism's reliance on egalitarian and non-hierarchical and toward these same claims made by the social contract. This is, in part, a philosophical claim that—to paraphrase Nietzsche—the more you know the more you see. It is mainly, though, an historical claim that materializes any time power is critiqued and then that critique collapses as power accumulates in its space. This is the logic of integration: power is critiqued only until a particular exclusion can be incorporated into the regime of power and then critique is abandoned as the newly-integrated subjects celebrate a victory; the structure is left intact[7]. Either way, I want to emphasize that the economic myth's reliance on the logic of equality is the same logic that might understand something like an abstract and universal moment of the social contract: both myths tuck away difference, tuck away power, tuck away hierarchies as they claim a non-hierarchical and egalitarian exchange. Both critiques are working to materialize, name, and install difference and power relations within the mythic and formalist moments of equality, equal exchange, and equal contract.

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[7] For historical examples see: civil rights, gay rights. This integrationist strategy stands in contrast to the vibrant political projects of queering, of difference, of negritude wherein the ends are not inclusion into a regime of power, but a critical project aimed at dismantling hierarchies of power.

I raise this structural symmetry within the brief gloss of *The Jungle* to suggest that while Sinclair's project offers a powerful critique of economic formalism, his critique ultimately collapses because it is not a *formalist* critique. In other words, what is most problematic about the novel's critique of economic formalism is that it is deployed within a largely uncritical narrative form making claims to transparency. The text's assertion of a socialist vision of egalitarian communal ownership remains in the thralls of that part of the economic myth that would understand power and domination to disappear if there was only a shift from private property (of homes, of goods, of one hundred-dollar bills) to the final call in the text for "Chicago [to] be ours!", or what might look like a move towards communal ownership. In other words, *The Jungle* itself becomes a monument to the dangers of an *uncritical* formalism[8].

Sinclair, like all the authors I will analyze in this chapter works to engage with how they might make visible the invisible hand of capital in the 20th century. Gandhi writes in 1926, "An armed conflict between nations horrifies us. But the economic war is not better than an armed conflict. This is like a surgical operation. An economic war is prolonged torture. And its ravages are not less terrible than those depicted in literature on war properly so called" (qtd. Klein 128). *The Jungle* offers a meta-narrative moment asking a similar question when the narrator worries: "[poverty's] very words are not admitted into the vocabulary of

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[8] Just as Sinclair's work becomes a monument to the dangers of an uncritical literary formalism, the various iterations of state socialism, too, have congealed and become monuments to an uncritical political formalism. This manifests itself politically, though, each time a movement becomes a program; each time a struggle becomes an enumeration.

poets…How, for instance, could any one expect to excite sympathy among lovers of good literature by telling how a family found their home alive with vermin, and of all the suffering and inconvenience and humiliation they were put to, and the hard earned money they spent, in efforts to get rid of them?" (76). But the two texts that follow—*The Harder They Come and No Telephone to Heaven*—place the critique of capitalism within an immanent critique of formalism itself that works to foreclose—or at least get closer to foreclosing—the collapse of critique into just another hegemonic and uncritical program.

Melvin Lerner, a social psychologist, argues in *The Belief in a Just World: A Fundamental Delusion* that there is a need to believe the economic system is just. This belief prevents people from looking at the system—of foreclosures, of war-profiteering, of the IMF's Structural Adjustment Programs, of homelessness—and instead people look to blame those who are seen to be responsible for their own poverty. Sinclair's text highlights the importance of literary contributions that use structural violence as a tool to materialize economic systems at work in our lives but also highlights the critical oversights of offering an uncritical "just" system to replace the former. The texts that follow continue Sinclair's critical project, but do so after having gathered the critical force and critical methodologies of a Third World political project offering glimpses of a critical formalist methodology.

Literary Deformations: The Practice and Politics of Forms

Jamaica in the Manley years belongs to and follows from a larger narrative about the political hope and possibilities of the Third World. Prashad, in *The Darker*

Nations, offers a portrait of the Third World not as geography, but as political project demanding a redistribution of resources, political equality, labor equity, and recognition for cultural and scientific contributions. This political project was, he argues, a powerful critique of not only colonialism but of imperialism in all its forms. Although much theoretical and political work predated it, the 1955 Bandung Conference was both a first international gathering place to celebrate the demise of "formal colonialism" and an opportunity to collectively articulate an alternative to the global political and economic hegemonic powers (32). Formally, then, these were independent states gathering in Bangung, but the conference's rhetoric was pointed toward the recognition that this formal independence was empty without a federation with which to challenge the rules and conventions of the status quo.

One of the most powerful incarnations of this critical work was the 1955 Non-Alignment Movement. NAM, as an international organization of nation-states, offered a political alternative to the formal alignment to either the two camps of the United States or the USSR. That the United States foreign policy after Bandung strongly opposed what it called "neutralism," reveals the decidedly non-neutral character of the Third World refusal to align with the bifurcated geopolitical programs. Bandung and NAM—although fragile—worked to create a space of non-alignment from which to launch critiques of militarism, economic violence, and hierarchical affiliations. They both offered a critical-affinity of one no and many yes's represented in the Indonesian president's invitation at the Afro-Asian conference for a project "united by a common detestation of colonialism…united by a common detestation of racialism" (qtd. Prashad 34). Above all, the Third World as

a political project caught sight—even if only briefly, and before it collapsed—of recognizing the powers embedded in uncritical ideological formalisms. These political "outsides" of both Bandung and NAM collapsed under the weight of internal accretions of power, but the literary engagements with non-alignment kept the door propped open to catch sights of what possibilities emerge through a cultivation of this outside.

The importance of a cultivation of this critical outside grew as an economic outside grew harder and harder to decipher. Michael Manley, Jamaica's Prime Minister and leader of the People's National Party from 1972-1980 and again from 1989-1992, reflected on the post-war Bretton Woods global economy saying "foreign capital and the foreign expert loomed as the two critical elements of a *deus ex machina* to solve the problems of the county" (qtd. Kaufman 22). This economic reliance and orientation to the metropole is reflected in the fact that in 1960 almost 70% of the national trade was with England and the United States and only became exacerbated in the coming decade as Jamaican debt and the policies of the International Monetary Fund further tied the newly-independent nation to the rules, regulations, and conventions of the global economy (32).

For Jamaica—a former colony—substantive inequalities were not new; what was new was the gulf between these substantive inequalities and the formalist freedoms of independence. The rhetoric of progress, development, and access of the global economy circulates within the literary discourse as pathogen. *The Harder They Come*, which I argue oscillates between a revisionist Western and an anti-

bildungsroman, sets itself against the pathologies of the metropole. Against the landscape littered with advertisements for Swedish shampoo, British petroleum, and the promise of a billboard on the outskirts of Jamaica to "Talk with Phillip Waite for a better life," the film portrays the deadening of the local by the rhetoric and the encroachment of the metropole. The film, in part, is a project to depict the *de*formation of subjects unable to navigate the hollow narratives of freedom and progress of global capital; to perform the violent intersections between the idealized abstractions and the real bodies. It is a narrative about the true costs of the free market.

The Harder They Come, in this sense, is the birth of a local Jamaican cinema. The 1972 film is the first to be more than an exotic and ahistorical backdrop to James Bonds. Kingston and the shantytowns become subjects in a gritty realism about Ivanhoe Martin who is a reggae singer trying to make it in the city and whose character is based on the eponymous Jamaican historical outlaw of the 1940's. But whereas the film was popularly received as an outlaw film—in the spirit of the defiance of films like its contemporary *Easy Rider*—and is often critically maligned for the "fetishization" and commercialized "celebration of the individualistic, self-destructive…rebelliousness of the gun loving *ruud bwai,*" I will argue there is another reading of the film[9]. I will argue that while it might seem to be about an

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[9] See Kenneth Harris' argument in "Sex, Race Commodity, and Film Fetishisms of *The Harder They Come"* where Harris makes the argument that the black body in the film—and in particular the scene of Ivan's beating under the colonial disciplinary regime—is fetishized and nothing more than pornography. For Fulani's argument that the film celebrates a lone and violent cowboy-figure, see "Representations of

outlaw or an individual, against the backdrop of Jamaica's assimilation into the global economy, Ivan becomes a site for recognizing and reading the formal conventions of the economy; rather than being an outlaw or an outlier, his character works to contextualize the subject that both constitutes and is, in part, constituted by the rules and erasures of the ideological project of neo-liberalism.

Ivan—and later Michelle Cliff's protagonists in *No Telephone To Heaven*—are not disobeying or subverting the conventions or the social, political, or economic formalisms. Rather, they become the *site* of a subaltern literacy of formalism. In one scene towards the end of the film, Ivan runs through the shantytowns after killing three policemen. An old man rounds a corner and sees Ivan, frozen and chiaroscuroed under a lamp in the dark alley, standing almost naked with his gun drawn. The old man laughs and asks him, "How you have gun but no pants?" But the joke is not that this is surprising, but that this is *inevitable*. The economy of Kingston has mandated both the savaging of the black man and the aping of the subject. The now naked, sexed, and violent black man becomes what Nadi Edwards in "Notes on the Age of Dis: Reading Kingston through Agamben" suggests is the bare life of Kingston's dystopic dissolution of the "opposition between camp and city" (2). Ivanhoe Martin—the name fracturing against colonial memory—becomes less a singular protagonist and more an ethnographic leitmotif to unravel the violence and exceptions of the ghetto. Standing caught in the light, his body is, of course,

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the Body of the New Nation in *The Harder They Come* and *Rockers*". She argues the Rasta-ethic in *The Rockers* offers a plurality to refuse the glorified figure of the *ruud bwai*.

fetishized as Henzell markets reggae and poverty to an international audience. But it also begins to ask what collective disenfranchisement looks like; it performs the communal bare-life as the city is recognized as camp.

The historical, political, and economic machinations leading Ivan—a talented and beautiful young man from the country—to this alley are set within the film's saturation with the trope of the game. If, as the reoccurring song sings, "you can get it if you really want it," what gets in the way of Ivan's *getting*? Ivan's odyssey from the country to the city followed the demographic trends of the late 1960's in Jamaica. His urban migration story—his grandmother died and the family sold the land—is familiar as the number of small farms was reduced by almost 30% between 1968 and 1978 (Kaufman 14). The film self-consciously frames this historical pattern by saturating the opening scenes with games in order to denaturalize the economic orders. Ivan's introduction to the shantytown is flanked by two scenes of men playing dominoes. As he leaves his mother's house in the shantytown—after she tells him not to ask her to "fix" the question—he stands and watches Jose and his friends play the game. The camera-angle mimics another player at the table and Ivan is shown watching in, apart from the game and trying to piece together the new rules and systems in the city. Jose, Ivan's interpreter of the city's economic conventions, takes him from the domino table to an arcade. Pinball steel bells ring, the arcade balls roll down the game's ramps, and the spinners whistle and fly as Jose takes Ivan to sit down in the backroom at the card table.

The film's insistence on framing Ivan's urban migration through the lens of these games, I am suggesting, is a project of cultivating a literacy of formalism. The

loss of land ownership in the country sent children "flock[ing] to the urban centers" and was part of a seismic restructuring of the postcolonial economy (13). In "The Economic Development of Latin America and Its Principal Problems" Raúl Prebisch sets out the question: after centuries of exploitation, imperialism, and extraction of natural resources, how do postcolonial nations structure the economic systems in order to benefit the whole of a population? The tremendously influential theory to emerge from Prebisch's work—what would come to be called "development economics" by its practitioners in the Third World—was a rebuttal to the apolitical, ahistorical, and de-contextualized "modernization theory" coming out of the United States and Western Europe. "Development economics" begins with the history of colonialism and argued that in order for Third World nations to become competitive in the global market, there needed to be a shift to the manufacturing of goods and away from the production of raw materials. Calling on a combination of capital investment and import-export legislation such as tariffs, development economics sought to incubate industrialization and economic growth. The modernization theorists, on the other hand, "typically put the onus for development on the cultures of the so-called traditional societies," and concluded *pace* Max Weber's de-contextualized ideals of capital that "the darker world did not have the culture of frugality and thus willed itself into poverty" (Prashad 65).

This tension between these two political economies does two things. First, it articulates the development economists' contribution of historicizing and making explicit the political conventions at play in the global economy by arguing that by overlooking the contributions of the darker world in capitalism's success in the west

proves that indeed, the "invisible hand [of capital] is white" (68). Second, it highlight's the development economists' own shortcomings by focusing almost exclusively on accelerating the rate of growth through developing and incubating national industries. Prashad quotes Prebisch decades later regretting this mistake and saying that instead of exclusively looking to industry what was needed was "changes in the social structure…a complete social transformation" (73). In particular, the development economics' emphasis on the ends of economic growth left the means of land reform by the wayside, and it is into this scene that Ivan enters the city.

The games—as a way to register the laws governing migration patterns, economic opportunities—circulate in the narrative against the "high hopes" of the "kids from the country" coming into Kingston (qtd. Kaufman 13). The opening song "You Can Get it if You Really Want It" brings Ivan, smiling and watching the light-skinned teenagers driving around in Cadillacs, into town. Immediately, the stakes of not recognizing the new conventions are made clear as Ivan lets a pushcart boy carry his luggage. Walking through the bustling, frenetic streets the pushcart boy stops Ivan saying, "Hey, that red light. That mean stop, you know. That is why you country boy always come to town and get dead." But the boy, already haven taken fifty cents from Ivan *and* making him push the cart, is not there to give a lesson on traffic patterns. Telling Ivan that another man across the street owes him money, the pushcart boy sends Ivan over to collect the money. Once he has crossed to the other side of the busy street, Ivan turns back and sees the pushcart and all his luggage disappearing as the boy runs away with everything Ivan owns. The pushcart

boy had earlier told Ivan that if you have money you can do anything—qualifying the song's lyrics within the logic of capital—but if you don't have any money, "you're fucked. Better to stay home." His second lesson was just an addendum: the way to get money is to exploit those that haven't caught on to the system yet; survival is for the fittest and fastest.

But in another, very local way, the film's lesson *was* about traffic patterns. Not in the sense that the pushcart boy meant—not about the universal sign for "stop" is a red light—but in a lived, material, and particular way Ivan was duped because he could not read the local landscape, the streets, or his guide. Kingston streets are not—even if only judging by the brief street scenes in the film—ruled by discrete laws, but by shared, negotiated, and enmeshed rights of way. Motorcycles, pedestrians, buses, vendors, and cars share the streets in ways that to an outsider like Ivan are indecipherable.

This impulse to contextualize the putatively universal laws and conventions of the political economy is repeated in a scene later that same night. Sitting in the dark *Kingston Rialto*, Ivan and Jose watch Sergio Corbucci's Spaghetti Western film, *Django*. The framing of *Django* fills the whole screen for an establishing shot of the characters in a shootout and the audience becomes, for a moment, simultaneously both the audience of the Spaghetti Western and of *The Harder They Come*. The shot, angled behind Franco Nero's cowboy character Django, is a long take of Django surveying the scene behind a fallen tree of dozens of approaching gunmen. Cutting to the audience at the *Rialto*, the silence of the western is abruptly broken with laughter and shouts to the screen. Jose, hearing someone warn Django, snaps back

to them, “Shut your mouth. You think hero can dead till the last reel?” Turning to Ivan, but still speaking to the audience Jose repeats, “You think hero can dead till the last reel?” Ivan listens to Jose and then turns to watch the screen, intently, as an army of men approach Django and the *Rialto* audience becomes louder, laughing, and yelling to the cowboy on screen. Django, slowly reaching in to a wooden coffin laying at his feet, pulls out a 1966-model machine gun, and slaughters the dozens of approaching men. The *Rialto* audience explodes.

Jose’s understanding of the generic conventions governing the narrative—that the hero cannot die until the end of the film—requires both a structural and a temporal recognition of formalism. But it also naturalizes these conventions and laws with a shrug: this is the way things are; there are no alternatives. But if *The Harder They Come* is to be read as a revisionist western—as a realist Third World critique of generic conventions naturalizing a universal ethics—then Ivan’s character works to make explicit the particular exclusions that are being masked in the universalizing conventions of the ethics and the genre. In the final scene of the film, Ivan, after finding no work in Kingston, being taken advantage of by those who control the music industry, and being exploited by those in control of the drug business, finds himself surrounded by dozens of police. Grabbing his gun, Ivan stands behind a tree and looks out to the approaching men. Taking aim, Ivan fires his gun and the film cuts to a flashback of the *Rialto* audience watching—bright-eyed and smiling—and then back to a smiling Ivan as he aims again. The camera focuses on the machine guns of the police and then moves to Ivan, posing, two six-guns drawn and standing offhand. But then Ivan moves behind the tree again and

takes out his bullets. The police announce they are making a frontal attack and as Ivan prepares for his stand, the laughter and noise of the *Rialto* audience merge into this scene. The film does not cut between the two anymore, but join them audibly and visually as Ivan calls out to the police, "One man just come out. Who's the bad man? Who can draw?" The final shot, angled behind Ivan, is a long take of the police and their machine guns against the backdrop of the ocean. In the foreground, Ivan facing these men, draws his guns shouting, "Draw!" and he collapses—suddenly and almost mechanically in this gunfire scene that has been edited to include only three of every four frames—and the film cuts to black.

The film's self-conscious formalism—structuring a narrative about the *de*formations of a subject—lays out a critique of misunderstanding that resistance is possible without first understanding the conventions and the inherent hierarchies and ideologies embedded in those conventions. Django's violent victory is possible not only because he somehow "fits" within these conventions in a way a black man from the Caribbean does not, but because that privileged subject-position also affords him the most advanced technologies. Ivan's performance of a resistance must be tragic for two paradoxical reasons. First, it conforms to the conventions of the western—an autonomous and indestructible agent acting singularly against the bad guys—but is unable to recognize the exclusions written into those conventions. Namely, that the side with the most guns wins. And, second, his performance registers as just that: a performance. The gun, *empty* now, becomes just a signifier against the state power that, for all intents and purposes, has been fixing the

questions all along. Its tragedy is that it both conforms and upends the conventions and ends, as Jose has predicted, with the hero dead in the last reel.

But there is an imaginative space within the film that offers an alternative to the violence of Kingston that has become so naturalized by the rhetoric of individual pathology and within the idioms of lone gunmen, cowboys, and *ruud bwais*. This alternative emerges earlier in the film—briefly, fleetingly—as the newspapers and radio newscasters announce there is a suspect loose: a deviant, a threat, a violent man who has to be caught. While Ivan is on the run, his song "The Harder They Come"—the song he first performs defiant, angry, after receiving "eight strokes of the tambran switch"—invites a public political awakening. These lyrics have gathered force throughout the narrative—this is the fourth and final time before the credits role that it is played in the film—but are heard now for the first time in their entirety. The song, first recorded for the film, rejects the transcendental options offered to Ivan through the church and his initial naïve internalization of capital's rhetoric that you *can* get it if you really want it. These lyrics harness Ivan's anger of finding no work and watching children pick through garbage at the dump for food, of hearing the judge tell him he's had "every chance to make good" but instead "chosen" violence, and of realizing those in control—of the industries, the drug trafficking, the record business—are the only ones making any money. His song is a demand for redistribution and for justice:

> Well they tell me of a pie up in the sky
> Waiting for me when I die
> But between the day you're born and when you die
> They never seem to hear even your cry…
>
> So as sure as the sun will shine

I'm gonna get my share now of what's mine
And then the harder they come the harder they'll fall, one and all
Ooh the harder they come the harder they'll fall, one and all

Well the officers are trying to keep me down
Trying to drive me underground
And they think that they have got the battle won
I say forgive them Lord, they know not what they've done…

And I keep on fighting for the things I want
Though I know that when you're dead you can't
But I'd rather be a free man in my grave
Than living as a puppet or a slave…

Yeah, the harder they come, the harder they'll fall one and all
What I say now, what I say now, awww
What I say now, what I say one time
The harder they come the harder they'll fall one and all
Ooh the harder they come the harder they'll fall one and all.

But this song—likes Ivan's later stand against the police—is impotent as a singular declaration. Getting "what's mine" is just another iteration of the pushcart boy and Jose's uncritical internalization of the logic of capital. And although that is the literacy of formalism offered to Ivan, the audience—in this one scene—is offered another literacy. When Ivan goes underground, the film changes registers, and the song is not sung by a person but by a people. "The Harder They Come" fills the streets of Kingston as people dance in the streets, hold transistor radios up to their ears, sway on their mopeds to the alternately diegetic and non-diegetic music. The song become powerfully political because its demands, as a collective declaration now, name history, colonialism, and the violence and degradation of slavery in order to make a rights claim. This song becomes audible as reparation, and as redistribution.

If this song's montage does register the possibilities of a political public sphere, it does so not as a Habermasian suspension of private selves or Rawlsian accessorizing these private selves with veils of ignorance. The montage is audibly connected by the song, but it is visually held together by the graffiti marking a new and radical subjectivity as difference, and as solidarity. The newscasters had earlier announced the pathological nature of the "suspect," but once the song begins the camera finds and holds the new signs written on walls throughout the city: "I was here but I disappear," "I was here," "here." The message, fracturing, is painted on city walls and written on cardboard; on one man's bike he has attached a sign to his seat that points up to him saying, "se[arrow pointing up]e me here." This collective moment—a collective singing—takes on the form and the formalism of capital itself. A transistor radio hangs on one man's bicycle and another listens to the song, his brow furrowed and his expression full of resolve. The camera pans to another of the ads of globalization and the privileging of the metropole: "Skip town" the ad reads, and "Fly Pan Am to New York" and then to another message painted on the walls, "I am everywhere." The resistance here—for a moment in the film—subsumes the *strategies* of global capital and upends its exchangeability to become the *tactics* of revolution. The montage rejects the ideologies obscuring the real violence of capital and offers the radical, plural, and material subjectivities that can declare: the harder they come, the harder they'll fall.

Michelle Cliff's novel, *No Telephone To Heaven*, follows this brief and euphoric imagined resistance by fifteen hard and brutal years in Jamaica. Between 1972 and 1987, Michael Manley's experiment with democratic socialism and contestation

with the neo-liberal economic policies of the International Monetary Fund gave way to Edward Seaga's Caribbean adaptation of Reaganomics. Following the violent campaign of 1980 between Manley's People's National Party and Seaga's Jamaican Labour Party—when more than 800 Jamaicans were killed in that election year—the small nation of Jamaica, "with a population of barely two million people…received over [two billion dollars between 1980 and 1987] in foreign aid as Washington, the World Bank, and the…IMF tried to ensure Seaga's success" (*The Gleaner)*. Manley had called for an election in 1980 in order to "make it a mandate against the IMF and its prescriptions" (Prashad 236) but was unable to make the abstract domination of an international economic policy legible to the nation. Around Kingston, graffiti appeared saying, "IMF=Is Manley's Fault and Seaga was able to win the election by focusing on the current state of the economy and down playing Manley's structural analysis of the IMF-driven reforms that had, essentially, "disembowled" the "national liberation state" (236, 238).

The "hollowing out" of the nation-state, as the IMF-driven reforms privatized once-public services and opened the doors to the new sovereignties of transnational corporations, had dire consequences for the political movements in Jamaica. One illustrative example is the fate of the women's liberation agenda in Jamaica. In the 1970's, within the structural supports offered by the democratic socialist agenda, the women's movement gained momentum. The Women's Auxiliary of Manley's party pressured the party to support legislation that was geared toward addressing the high unemployment rates of women and childcare needs. The government passed the Special Employment Programme in order to provide work for women to

conduct public works such as a backyard day care initiative and also passed equal pay rules and higher minimum wage laws. The Joint Committee for Women's Rights was created to address the worsening economic situation by combining the Women's Auxiliary and the Marxist Committee for Women for Progress in the late 1970's. "This new forum," Prashad notes, "pushed a maternity leave law, fought against price increases, and exposed cases of hoarding by markets," but was eliminated in the IMF-led reforms. These political organizations, without public funding, were now de-politicized as private agencies withdrew or withheld monies for activities focused on rights-based reforms instead of humanitarian outreach. The foundation money—much of it controlled by North America—left the once-liberatory groups unable to act outside of "offer[ing] support or express[ing] discontent" (242).

Recognizing the political ideologies of the World Bank's economic formalism, Third World politicians and academics gathered in Kingston in 1979 to draft, "The Terra Nova Statement on the International Monetary System and the Third World." Offering a version an argument M. Rodwan Abouharb makes in his 2007 *Human Rights and Structural Adjustments*—that SAP's undermine human rights—the group argued that the IMF, "acting on behalf of the major industrialized capitalist countries, has assumed a growing role as a financial and economic policeman in Third World countries" (qtd. 243). Democratic reforms to the IMF-led globalization agenda would have to have the support of the people in order to succeed, the drafters understood. In order to make the economic violence legible to the people of a nation—in order to effectively narrate the abstractions of a neo-liberal economic

machine—a government would have to "adopt forms of popular mobilization, organization and education which enable it to secure the active cooperation of the supporting social alliance, and the moral authority to ask for sacrifices" (244). By the time Cliff's novel is written—in part, as I argue, to make visible what Manley calls the "factor half visible, half unseen" of US and US-led economic formalisms—there is no chance of the JLP's government having any hand in this popular education. Her book, though, might be read as responding to this project.

The sequel to Cliff's earlier novel *Abeng, No Telephone To Heaven* is a story asking what form resistance might take in the neocolonial order of Jamaica in the 1980's. Asked in a 1992 interview with Meryl Schwartz about the possibilities for resistance, Cliff replies,

> You caught me on a bad day. There are so many levels on which the struggle has to be waged. There's self-hatred, there's distrust of each other, there's the fact that whenever Jamaica—I'm speaking specifically of Jamaica—has taken a shot at revolutionary change, when Manley tried his socialist experiments, for example, it didn't last very long. When Bob Marley was coming up and getting a worldwide movement going—a kind of modern-day Negritude movement—he dies of cancer and he's thirty-five years old…And when Walter Rodney, the author of the stunning book *How Europe Underdeveloped Africa* gets killed, blown up. Grenada is invaded, Maurice Bishop is killed. It's like one step forward, seven steps back. It feels like the forces of the capitalist world, the colonialist world, are so ranged against movements of self-definition in the Caribbean that change is almost impossible at this point. The United States, with Grenada and Panama, has used foreign intervention as a way of trying to make America feel better about itself…With Castro in power, the last thing America wants is another socialist country off the American mainland. So I don't think we'll see any significant change, in my lifetime anyway. The other thing is the continuing diaspora. What happened in Jamaica in the seventies was that there was really a brain drain. The middle class left in droves because of Manley's socialist government. Instead of staying behind and trying to work to build up the country, they just left. (GALE 11)

But if this was a bad day for her, then bad days are not uncommon. This doomed-sense of resistance—unlikely and remote at best—overwrites the narrative as her protagonist, Clare Savage, struggles to live up to her mother's hopes that she would "someday make something of [her]self, and someday help [her] people" (103). "There is a space between who you are," Clare hears her mother saying, "and who you will become. Fill it" (103). But Cliff and Clare's adult years of articulating resistance in the 1980's is a much different landscape than the earlier generations; the "forces of the capitalist world" *are* poised as bulwarks for change.

What those forces are take narrative shape around the character in the novel Christopher. Christopher, a yardboy from the Dungle, is overwhelmed with a sense that his grandmother's spirit will not rest until she is buried properly and so goes to his employer in the middle of the night and asks for a parcel of his land to lay his grandmother to rest. Denied the request, and ridiculed, Christopher takes his machete and kills and castrates the husband and kills, rapes, and sterilizes his wife and daughter. Moving to the maid's room, Christopher walks in, covered in blood and sweat, and tells her, "All me did ask was a lickle piece of lan'…Me people no wo'k fe dem long time? Dem no owe we sinting?" Mavis is brutalized the worst—"exacting not just silence but obliteration"—as she loyally defends her employers asking, "Wunna talk 'bout *owe,* bwai? Whatsover wunna have, wunna owe to dem. Dem nuh rescue wunna" (48). Paul, the son, walking in to the house and finding these bodies, though, never thinks to call the police: "The police were worthless. These things happened. Things were out of hand. The police would pick up some laborer, some aimless soul, and let it go at that" (27).

This scene, and this crisis of violence in Jamaica, is immediately couched within the narrative against the structures and the rhetoric of the global market. Christopher, before entering Mas' Charles' room, flashes back to growing up in the shantytown, "near the Esson refinery on the outskirts of Kingston. A town of structures built by women and children. Structures made from packing crates which once housed Vauxhalls, Morris Minors, Renaults, Kelvinators, Frigidaires, Maytag washer-dryers" (31). These homes for children whose bones were so bent by malnutrition and for women never able to earn enough for food were "razed by the police" in 1966 to not be a blight to the nation as foreign dignitaries came to visit. Thinking back to how he had always lived hand to mouth, he realized his only relationships outside of that with his grandmother were purely economic. "People he worked for spoke to him only when they wanted something done, when they complained that he had not scythed the grass close enough, when they told him he drank his tea too slowly. The bus conductors asked only for his fare. The shopkeepers only sought payment, for ten cigarettes, a glass of rum, a snack wrapped in paper…His death would cause inconvenience to no one—unless him dead on dem property" (44). Christopher becomes the constitutive subject of global capital; the fungible body making legible the neo-colonial structures of violence. Living in the waste of transnational corporations, he is the site of a subaltern and critical formalism.

The forces of economic formalism here—colonial, neo-colonial, neo-liberal—constitute and then criminalize Christopher; they form and then deform the subjects who are left with no formal apparatus to adjudicate the grievances. Christopher

enters Mas' Charles' bedroom with nothing other than the conviction that his request for land "seemed fair to him—[he] who had never experienced a piece of fairness in him life" (45). But if his violence is the only means by which he can make this claim, Clare's social position allows this claim on another register.

Returning to Jamaica after living in the United States and then England, Clare comes home to clear her grandmother's now-ruinate land to be used by a group of revolutionaries. Explaining to a leader of the group why she is sure she wants the land to be used, she says that her "grandmother believed in using the land to feed people. My mother as well…" Asked if Clare's group will distribute the surplus to the people, Clare responds, "Yes; we will. But that is not our main purpose" (189). This conversation takes place within the context of the larger revolutionary questions these two women are asking about whether the project should put raising consciousness first—hearts and minds—or whether to first change the material conditions of people's lives—bodies. As Clare talks about teaching history, the woman interrupts and says, "You know then that the rivers run red…and the underground aquifers are colored…from the waste of the bauxite mines and the aluminum refineries?....Children drink from this water every day of their lives. Women wash in it. Men fish from it. Brew coffee. Clean tripe. Immerse believers. The waste leaches into the land. And people for miles around are covered with a fine dust which invades them. Do you not realize that this is but one example of contamination from the outside?....What good is your history to a child with bone cancer…polio…TB…?" (195). But this insistence the material connections of people's lives under global capital and the bodies who are infected by the environmental and

political injustices—this empirical analysis—also, Clare suggests, is a literacy project. The group's land will be used for feeding people but that is not the "main purpose"; the land will grow food but will mostly be a space for a revolutionary project of making those connections visible—of narrating economic violence together.

Clare is "the woman who has reclaimed her grandmother's land" (91); she is who can sit by the river and simultaneously recognize an old woman's lesson that "Massa God [is the only one who] could possess river" and remember her childhood game of "flourishing the machete and planting the flag, claiming the river…claiming the river for Isabella, Queen of Spain" (173). Her social location allows access to contradictions, to simultaneity, to paradox. But Clare's claims on land—even if not for *charitably* distributing food but for working collectively for justice—must be read against Christopher's; the two registers of land-claims have to be read as the text's refusal to leave un-interrogated the hierarchies and exclusions in a justice-oriented rights discourse. Clare is able to reclaim her grandmother's land, in part, because Christopher's claims are illegible.

But the main anxiety of the novel is not about what fairness *is* or what justice *looks* like, but how to resist structural injustices that are unambiguously unjust within the narrative. What form resistance can take in the novel is a question circulating through the overrepresentation and the commercialization of images of revolutions for the would-be revolutionaries. As they travel through the bush, Clare says their camouflage jackets "added…a touch of realism, cinematic verité…made them feel like real freedom-fighters…a cliché, almost screenplayed to death" (7).

And Christopher—the novel's primary site for developing a subaltern literacy—is referred to by his girlfriend as one of the most recognizably apolitical subjects of the depoliticizing genre of blaxploitation: "Is jus' who him t'ink him is? Fockin' Shaft?" she asks[10]. The implication within the text's oversaturation of media representations is that in order for there to be an effective resistance, there must also be a simultaneous *un*silencing of the past; there must be a means by which to break through the fog of sterile, apolitical, and trivializing portrayals of revolution[11].

At the end of Clare's meeting with the revolutionary leader, the woman tells her that she speaks of the "knowledge of resistance" and says, "I ask you to think of Bishop. Rodney. Fanon. Lumumba. Malcolm. First. Luthuli. Garvey. Mxembe. Marley. Moloise. Think of these who are gone—and ask yourself *how,* why…?" (emphasis mine 196). How revolutions are contained and managed is the subject of Michael Manley's preface to his 1982 book *Jamaica: Struggle in the Periphery*. He talks of "patterns of action" and "orchestrated" events next to Kissinger's rhetoric blaming the destabilization of the country on "things that are indigenous to Jamaica" (223). The final section in *Jamaica* is a sequence of events that Manley says "establishes a pattern of disruption new to Jamaica and a level of terrorist violence and murder

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[10] One movie critic notes that blaxploitation brings in black actors but "leaves the revolution out" (Briggs, Joe Bob. "Who Dat Man? Shaft and the Blaxploitation Genre." Cineaste 28.2 (Spring 2003): 24- 29.).

[11] Michel-Rolph Trouillot in *Silencing the Past: Power and the Production of History* argues that all historical narratives are products of power relations. All historical narratives are "a particular bundle of silences" (26-27). Looking to a Disney exhibit on slavery, Trouillot says that what is the scariest about a "tourist attraction representing slavery in the United States is not so much that the tourists would learn the wrong facts, but rather, that the tourist representations of the facts would induce among them the wrong reaction" (147-148). The sterilized representations of historical events can only lead to a distorted and sterile response.

unprecedented in Jamaica's history" (237). A naming of the dead is followed by the final lines in the text declaring that although no official conclusions have been made, we "do know that when the news of the PNP's defeat in the elections of 1980 reached Washington, champagne corks popped. The hawks were celebrating" (237).

But the *how* for Cliff's novel folds in the cultural amnesia, silencing, and domination of narratives themselves to Manley's analysis of the machinations of the political economy. The question of how to narrate economic violence becomes how are these narratives audible amidst the cacophony of the consumable versions of the Caribbean? The final chapter of the novel, "Film Noir" opens with the artifacts of colonial literacy projects as Clare opens her mother's schoolbooks. These books—"history, literature, geography—opened their wormed pages to a former world. Things, beings, existed in their rightful place" (199). This colonial order that her father had internalized of "Aristotelian categories" of "mulatto…sambo…quadroon…mestee…mestefeena" (56) is enmeshed in the narrative's final scenes of an American film crew shooting a "goodwill" movie about Nanny, Cudjoe, Sasabonsam. A special ad in the 1984 *New York Times* has offered foreign films the opportunity to come to Jamaica for the tropical scenery, cheap labor, and because as one on the film crew says, "They're trapped. All tied up by the IMF. All thanks to Manley and his bleeding heart….You can't beat the prices" (201). The portrayal of the slave revolt is set against this running commentary that the Jamaicans will "even give us their fucking army if we need it….They'll give it to us for a price. But not a bad price…not at all" (202). Naming all the movies filmed in the Caribbean, one man begins to worry about the political unrest but is put at ease by

his companion telling him revolution is impossible because of the rigid class system in place. Besides, revolution was a sixties "enthusiasm for turning everything upside down. Christ! This was the eighties" (203).

After closing her mother's history books, Clare and the revolutionaries gather their weapons and steal—"silent as Maroons"—into the bush where the film is being shot. A director, turning to Christopher who has been cast as Sasabonsam and is sitting high in a tree, yells to him, "Howl! Howl!....Try to wake the dead…Remember, you're not human" (207). The "air of the valley was split with his huge wails", the lights of the filming dimmed, the cast withdrew to their trailers, the women and men in the bush felt the wail through the trembling ground, new noises of helicopters drowned out Christopher's voice, and machine guns opened fire, Clare "remembered language. Then it was gone" (208). The final sounds are staccato, fragments; they are the noises in the jungle and the sound of machine guns and then silence.

This is usually read as a dystopian novel about the impossibilities of any substantive change. Like *The Harder They Come*, *No Telephone To Heaven* ends with a dead and defeated protagonist. But these two texts—both aping to some degree the fantasies of killing an oppressor in their revolutionary predecessors—offer instead a literacy of the formalisms imposing order, excluding outliers, and attending to rigid categories. By making these formalisms visible, the texts recognize that substantive freedoms do not come from getting *away* from rules, conventions, frameworks, but rather might come by *recognizing* these rules at work and developing a critique that might always attend to the outside, the periphery, the horizon.

Both texts work to insist that freedom *from* forms is as dangerous a myth as allegiance *to* forms is a dangerous politics. Freedom—if it is to come at all in either text—will come by attending to the accumulations of power as a collective; freedom is only possible where nothing is allowed to settle, to stale, to reign un-critiqued.

Poets of Their Own Acts: Producing Without Capitalizing

In George and Sebelli's critical account of the post-Bretton Woods global economic order in *Faith and Credit: The World Bank's Secular Empire*, they note that the "Bank did not invent neo-classical economics" (72). Neither did it invent,

> liberalism, free market orthodoxy, or whatever one cares to call this doctrine. It did not even invent the notion that the doctrine works in all places and at all times, regardless of historical and social context and the relationships and inequalities between nations. The formalist school of economic anthropology has claimed the same thing for half a century. The Bank was, however, the first (along with the IMF) to put this doctrine into practice and to convince most of its contemporaries that the greatest good for the greatest number of people necessarily emerge from its adoption, voluntary if possible; if not, then under duress (72).

The economic machine of this ideal theory understands those individuals, nations, and communities unable or unwilling to enter into and capitalize on the free market as pathology. The logic of exchange—making abstract, universal, fungible—preyed on the political economies of the emerging and nascent Third World that was beginning to gather force and offer alternatives to the doctrine of the greatest good for the greatest number of people.

The formal interrogation of this logic does not dispense with formalism *per se*; it does not advocate for a withdrawal from the formalisms of the law, the

economy, politics, or identity. But what it does do is it de-naturalizes those forms whose claims to normalcy have pathologized what should be sites of analysis. Ivan and Christopher become invitations to turn from universal and transcendent morals and toward an empirical analysis that would take the outlier as a starting point to interrogate justice.

Talal Asad in his chapter "Redeeming the 'Human' Through Human Rights," articulates one of the fundamental paradoxes of international human rights: the "human" is at once defined and understood as necessarily other to the political conception of the nation-state and simultaneously legible as a subject only within that same sovereign power. The "human" is a category that both secularly transcends and is juridically fixed to the state. To recognize this paradox, though, is to then recognize the subsequent assumptions: that the "human" is not violated by "military action or market manipulation from beyond his own state when that is permitted by international law" (129). In other words, violence resulting from recognized formal relations—war, international trade agreements, national security—is externalized within the discourses of formalism. Structural Adjustment Programs, aerial bombardments, and nuclear fallout are all written off as costs of "doing business." What the Jamaican literary engagement with formalism offers is a critique of these externalized costs.

More than this critique, however, and more than a method to contextualize and denaturalize the abstract and violent rules governing neo-liberal globalization, this literary engagement with formalism might be used to break with economic or

political projects that appeal to the universal and the transcendental. This break—a radical break—emerges from a critical formalism that recognizes politics as the ordering structure of all rules and all conventions. What opens up, then, is a critical vocabulary—"an idiom of criticism that [is] vernacular[12]"—that supplements the Jamaican proverb that no one black dies a natural death to become no one black lives a natural life. What opens up is a production of literacy that refuses to capitalize[13].

Materializing the ideological and political work of economic, political, and literary formalisms comes down to a call to interrupt the violent imposition of a new global order that leverages "humanity" as a vehicle for economic imperialism. In a footnote elaborating his claim that the invocation of humanity leads to declarations of those who are outside of this category, Carl Schmitt asks what will happen when we become so civilized that "outlaw[s] of humanity" do not even need to eat flesh to be exiled. Citing the extermination of the Indians of North America, and foreshadowing the IMF's humanitarian rhetoric, he wonders if dehumanization "[m]aybe one day [will be sufficiently justified] if a people were unable to pay its debts" (55). Returning to the literacy that is cultivated by denaturalizing the categories, the Jamaican literary project offers a glimpse of what it might look like to

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[12] I use this language—drawn from the *Small Axe* journal's intellectual intentions—to make explicit this project as an on-going Caribbean intellectual project.
[13] This critical formalism is the intellectual project of making form political. It is both Raj Patel's insistence on turning to the "right to have rights" and William Connolly's call for understanding rights as "indispensible constructions" (*Identity/Difference* 12). Thank you to Jaya Kasibhatla for introducing me to both authors.

take the outlaw, not the law, as an archetype to work toward global justice. It is an invitation to keep on fixing the question.

CHAPTER THREE

RIGHTS AS LABOR, RIGHTS OF WAY: THE GENERIC POLITICS OF THE NETWORK NARRATIVE

…a purely empirical theory of right, like the wooden head of Phaedrus' fable, may have a fine appearance, but will unfortunately contain no brain" –Kant, *The Metaphysics of Morals*

If every 'I am' is something of a resolution of the movement of desire into fixed and sovereign identity, then this project might involve not only learning to speak but to read 'I am' this way: as potentially in motion, as temporal, as not-I, as deconstructable according to a genealogy of want rather than as fixed interests or experiences. The subject understood as an effect of an ongoing genealogy of desire, including the social processes constitutive of, fulfilling, or frustrating desire, is in this way revealed as neither sovereign nor conclusive even as it is affirmed as an 'I'. In short, if framed in political language, this deconstruction could be that which reopens a desire for futurity where Nietzsche saw it foreclosed by the logics of rancor and *ressentiment*. Wendy Brown, *States of Injury*

We do not lack communication, on the contrary we have too much of it. We lack creation. We lack resistance to the present. Deleuze and Guattari, *What is Philosophy?*

Globalization's Radical Protagonists

Barbara Foley's Marxist tome, *Radical Representations*, asks the central question: what literary form is best suited for articulating a radical-left politics? In this work she analyzes the relationship between the generic and doctrinal politics of 1930's America in order to re-conceptualize the proletarian novel as a pedagogical tool for class struggle. Following her conclusion that although genres are fraught

with dangers that might dissolve political purpose, the "generic politics reinforce rather than undermine the possibility of articulating a revolutionary doctrinal politics," I turn to contemporary generic forms to identify the dangers and possibilities for the radical-left movements loosely affiliated under the banner of alter-globalization (440)[1]. In particular, I analyze three contemporary versions of what has been variously called hyperlink cinema, ensemble film, and non-linear art[2].

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[1] Although the media has tended to lump these movements together with the prefix "anti", the activists themselves insist on "alter" to signify both the critique of neo-liberal capitalism but more importantly the creative alternatives offered in its place. Economic, health, environmental, and political rights violations of global corporate capital are *bad;* worker-owned cooperatives, democratic land redistributions, sustainable and healthy local infrastructures, global social networks committed to diversity and democracy, and just foodways *can* be good. Wary of universals or politics-as-management, the diverse movements affiliated with the alter-globalization movements refuse a platform, a centralized authority structure, or anything other than a commitment to harness strength in numbers to globally oppose global capital and a commitment to un-harness in order to maintain local integrity. This tension between actions on a global scale and attention to local epistemologies is to some extent what underpins this dissertation. The alter-globalization network of activists—best catalogued and documented by Paul Hawken's *Blessed Unrest*—thoughtfully puts this tension at the center of their process. See: Charter Principles of the World Social Forum. The indigenous movement's call to "think locally and act globally" is a useful aphorism for navigating this tension. I borrow this phrasing from the indigenous movement, and in particular Allison Brysk's article "Turning Weakness Into Strength: The Internationalization of Indian Rights*" Latin American Perspectives* 23:2:38-57. 1996.

[2] While the genre of the network narrative is not new—I might count Chaucer's *Canterbury Tales* as a forerunner—its generic claims on contemporary globalization is. The genre is also in murky categorical waters—what, David Bordwell's recent essay, "Mutual Friends and Chronologies of Chance" jokes, "*isn't* a network narrative. Put aside *isolatos* like Robinson Crusoe…"(192). And while Bordwell goes on to offer a comprehensive survey to limn the boundaries of this genre, it is precisely Crusoe himself whose fictitious isolation drives the plot logic of this genre. Crusoe was *not* alone, the genre insists. His crowded island-cum-archipelago—with Friday and his ancestors, the cultural and institutional memory of the archetype of The Adventurer, Crusoe's many artifacts and habits of the nation—hovers in the distance of the genre's literary or filmic *mise-en-scenes*. Poetically, of course. What

My analysis unpacks the constitutive characteristics of what I will call the network narrative in order to articulate this genre's potential to both map the global political economy and to make visible its emergent unruly, uncanny, and unmanageable subjectivities. These subjectivities are not bound, unified, or in service to the state, but rather—unlike capital—draw force from *potential* and not *institutional* powers[3]. The network narrative's new global protagonists prop open the sagging constitutional powers with their animating constituent powers; the genre begins to sketch out an immanent and emerging rights literacy[4].

This genre, most broadly characterized by criss-crossing or intersecting narratives, holds true to Foley's caveat that generic politics don't necessitate

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emerges is a generic desire to make visible the material, historic sediments of the interdependence of globalization.

[3] Power—in most Romance languages—has two versions of the word: one emphasizing *potential* and one emphasizing *might* or centralized *authority*. This distinction I am making between potential and institutional power is the same point in the following sentence about constituent versus constituted power: the former are open, political, and possibly democratic while the latter are closed, static, and often tyrannical. See: Virno and Negri.

[4] Scholarship from Lynn Hunt's histories to the recent ACLA seminar titled "The Invention of Human Rights through the Nineteenth-Century Novel" argues the invention of human rights was aided by the coeval rise of the popularity of the novel. The novel becomes a vehicle by which to mobilize the discourse of "humanity" and cognitively, emotionally, sentimentally shift compassion and regard for the other. My argument launches from this framework: the network narrative is a vehicle by which to eclipse the discourse of "humanity" and to instead look past the "human" and toward the political structures running through, between, just off center of subjects. Critics of human rights have often noted the appeal to abstractions and universals—such as the human—write out the material and political processes creating the subjects who then must erase difference to appeal for these rights. My shift to foreground these social processes, and to unbury these discursive powers works to move from "human" rights to particular, contested, and political rights movements.

doctrinal politics of the artist (436). The genre popularly turns on the face-to-face encounter for artists, the critics, and the audiences. It is panned and praised for what might boil down to a Rodney King Doctrine: if we all could just know each other, better understand each other, were able to *meet* and to *see* each other, then we could all get along[5]. The intersection or network is popularly misunderstood to be an opportunity for the stranger to become the neighbor, to find that the other is really just like us. But I argue that although the genre *seems* to offer this version of a Judeo-Christian ethics of the neighbor, the form actually opens a space to offer something much more radical. It instead offers, first, a critique of liberalism's protagonists—the sovereign subject and the sovereign state—and, second, a literacy of globalization's dangerous and potentially radical protagonist: the ensembles, networks, power-knowledge nodes, aggregated habits, "accretion[s] of decentralized choice[s]"[6], and the economic, social, and political paths and structures in-between. In other words, the generic politics of the network narrative explodes the logic of liberalism by revealing the fiction of the autonomous subject, the inequalities masked by the rhetoric of equality, and the dangers of a political project privileging individual freedom. By refusing these fictional vacuums, it instead offers a literacy of the relational, institutional, and shape-shifting

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[5] This is particularly clear when Haggis describes the film as his "passion project" and the artist attempts to make sense of destruction of private property and poverty, systemic racism by offering portraits of "diversity" that boil down to similarity. Structural class analysis is elided for a redemption narrative based on a transcendental faith in the human *qua* human.

[6] Grewal, David Singh. *Network Power: The Social Dynamics of Globalization*. 2008.

subjectivities that might productively inform the alter-globalization's anti-platform platform that another world is possible. In this chapter I first initially gloss an encounter in network narratives in order to distinguish particular films' quietism from the genre's political potential. This brief analysis of Paul Haggis' deeply conservative film *Crash* is followed by my analysis of two exemplars of the network narrative. I analyze at length Alejandro González Iñárritu's *Babel* and Stephen Gaghan's *Syriana* to offer an account of the network narrative's generic politics and emergent rights literacy. First, though, I want to offer an overview of these generic politics.

Generic Politics: Squiggles on the Carpet

In *The Uses of Literature*, Italo Calvino argues that he is not "attracted to psychology, the analysis of feelings, or to introspection," but rather to the "whole mosaic in which man is set, the interplay of relationships, the design that emerges from the squiggles on the carpet…" (34). He departs "from anthropomorphism. Or a certain kinds of anthropomorphism, since these human presences defined only by a system of relationships, by a function, are the very ones that populate the world around us in our everyday lives…" (34)[7]. My hypothesis for this new genre is that it introduces Calvino-esque "squiggles" as the new protagonist. This new protagonist,

[7] Whereas Bordwell offers a taxonomy and survey culminating in the metaphor of the mosaic, I want to insist it is *not* parts coalescing to offer a picture of the whole; it is not a Leviathan. What it has the potential to offer is something less like Hobbes or Habermas—less something shared and unified—and more like Nancy Fraser, the World Social Forum, or *Blessed Unrest*. It is messy, agonistic, and refuses to coalesce beyond a commitment to offer alternatives to global capital.

however, is not a *quantitative* shift from a singular protagonist to the multiple-as-new-singular implicit in both the aesthetic language of the mosaic or the political language of a leviathan. The new protagonist resists both these unifying tendencies and the meta-narratives subtending them. Rather, the network narrative introduces something *qualitatively* different: the "squiggles" –as sediments of the interplays of relationships and sites with which to activate political energy—become the new protagonist. This genre, in other words, displaces the subject and leaves in its place the vast networks of the global market.

By first using the network to represent the reach of a neoliberal ideology and then to illuminate it as a site of struggle, resistance, and collective political energy, the genre echoes the radical claims that revolution will take the same shape as the dominant ideology. The network is the genre's trope, formal structure, and theme that stands in for both the alienation and exploitation of communities *and* the sites and structures to be reclaimed and to resist that very domination. The technologies of this genre *reflect* material conditions tethered by commodity and exchange and then *repurpose* modes of production, of labor, of cooperation in service to alternatives to neoliberal globalization[8]. The genre—immature, incomplete, flawed, tentative—employs these "squiggles" to move from political projects of world

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[8] What is at the heart of this argument, and which I will tease out of the texts I analyze, is that this genre offers a way to shift from thinking of *rights as commodities*—alienable, sellable—to imagining *rights as labor*—producible, democratizable, relational, on-going, creative. This shift also registers a move away from the ideas of freedom as freedom from—negative liberties—and toward freedom to—positive liberties—that imagine political subjects as producers and not consumers.

federalism or aesthetic projects of the mosaic, and toward the messy, democratic, and necessarily immature project of the alter-globalization movement. It asks the reader to imagine other world*s* are possible—multiple, heterogeneous worlds able to resist the homogenizing and totalizing project of neo-liberal globalization—by recognizing these squiggles—these deep-seated material connections and sites of nascent political energies—as the central protagonists.

The genre's most striking literary feature is the exploitation of the paths, habits, and political energies between the subjects. The routes themselves—of the guns, the oil, and the commodities of exchange—lift from the narrative and sketch out a literacy of how to understand the fluid, shifting material connections between lives. The habits—of consumption, of exclusion, of servitude to states or institutions—congeal within the narratives to offer an analysis of hegemony and accretions of behavior. As the narratives move between different and intersecting worlds, the shifting focus—at times macroscopic, microscopic, and mesoscopic—reframes the stories of singular, autonomous agents to reveal the multiple, institutional, interconnected, and post-autonomous subjects in their place. The "human presences" become placeholders for revealing that which can only be "defined…by a system of relationships." The genre moves beyond the traditional novelistic forms, to explore and explode the political and aesthetic projects imagining the singular and solitary protagonists pinned and centered in a narrative. Instead, the narrative focus and visual direction push beyond the subject and toward the political energies constituting, enabling and disabling, and managing and

being managed by the subjects, now as sites of interdependence[9].

But although the genre moves beyond the single-protagonist, it shares the logic and lineage of many literary projects. Most clearly, the network narrative's literary antecedents fall under the rough category of realism. From Flaubert's call for art to be endowed "with pitiless method, with the exactness of the physical sciences" to Courbet's "Realist Manifesto" of 1855 declaring the democratic project of realism's goal was to "produce living art", realist aesthetics have been invested in the twinned philosophical projects of correspondence and coherence (*Modernism* 97). The network narrative rejects the modernist tendencies of realism to find either the external, objective correspondence or the internal, subjective coherence as "reduc[able]…to a condition of subservient machinery" as Zola says or as reachable by finding the "true point of view from which to contemplate this spectacle" as Arnold might have it (170, 99). Instead, realism in the network narrative interrogates these myths of taming and contemplating truths in its fractured narrative form. The omniscient artist and narrator disappear—and cacophony, chaos, mess, and ensemble emerge—in these narratives to assert the "real" be found on the ground, in the paths between subjects and shifting ground upon which they stand. Realism here goes beyond Courbet's peasants or the anti-

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[9] The foils of this project are the lone rangers, the lone cowboys, the political and narrative foundations of individualism. In a recent film, *Examined Life*, Judith Butler walks through the alleys of the Mission with a friend in a wheelchair. Her friend explains to her that each time she asks for help carrying her cup of coffee to a café table, it is a part of a political project to reveal the fiction of independence. That moment becomes a symbol and a concretization of the interdependence of all of our lives, and a way to make that interdependence visible, sensual, public.

Romanticist urges to reveal all the warts, and it works toward the migration patterns of the peasants, the labor conditions that chafe, and the North-South divide that would provide wart cream depending on your longitude. This new realism focuses beyond the human subject and toward the systems and structures constituting new subjectivities.

In this sense, the network narrative reveals an affinity for what Cecelia Tichi has called "new critical realism." More a canon than a genre, these texts "address global arrangements that obstruct social democracy here and elsewhere while fostering chasmic inequality, political repression, environmental degradation, and human suffering. All engage the abysmal conditions of work and employment and social justice" (*Democracy* 17). These texts work against New Criticism's privileging of symbols and the removal of the text from its social and historical contexts. Instead, they strive for "discursive transparency" and make contemporary social problems the occasion for the art (*Exposes* 11, 18). But while Tichi's canon employs the literary technique of repetition to make familiar and rehearse the "hard facts," the network narrative shares the desire to break free from aesthetic projects of estrangement or de-familiarization, but takes a different tack. Instead of de-familiarization or repetition, it trades in something like simulated bombardment: of information, of images, of fast-talking diegetic news voice-overs, of so much sound. And it all moves quickly. The realism here is invested in recreating the experience of living in the age of information, of drowning in stories and faces and facts. And while the whiplash-experience of watching multiple, saturated, and intersecting narratives is exhausting, this artifice-of-the-real takes on the project of training the

audience, simply, *not* to drown[10]. Moreover, the network narrative's bombardment is a political exercise to recognize social injustice outside of information, to recognize inequity as something that will not change if you just *know* more. To paraphrase Mark Danner's diagnosis of the lack of civic action once extraordinary rendition and torture became public: the problem is not about information; it is about politics. The realism inundates the viewer with "hard facts" and in so doing desires to lead the viewer beyond this labyrinth of information and toward political action[11].

Like the new critical realist canon, this political action of the network narrative is not "united by narrow political goals," but rather opens spaces to recognize the contemporary landscape and recognize a potential and pluralizing global multitude within that landscape. These spaces resist the logic of *e pluribus unum*, mosaics, and world federalism though because of the genre's immanent critiques of totalities and wholes. Neither are these texts utopian, because the primary energies are critical

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[10] Embedded in this "training" is a dialogue with postmodernism. Pastiche, fragment, and montage emerge not to forget Lyotard's critiques of knowledge—not to make *sense* of the bombardment of information—but to recognize the terror and high price "for the nostalgia of the whole and the one" and yet still reach toward collective agency and invention (81). Lyotard argues postmodern knowledge "is not simply a tool of the authorities; it refines our sensitivity to differences and reinforces our ability to tolerate the incommensurable. Its principle is not the expert's homology, but the inventor's paralogy" (xxv). Parology becomes the aesthetic *and* political linchpin from which to engage the dissensus of any story taking heterogeneity and difference seriously.

[11] Many other aesthetic projects "bombard" the viewer in this way but do so without such overt democratic impulses as this genre. Modernism and postmodernism, in particular, underwrite many works that overwhelm the reader but neither desire to lead them toward democratic political action.

and not normative; descriptive and not programmatic; analytical and not ethical[12]. The "answer" in these texts is limited to recognizing participating agencies—the networks, ensembles, institutions, accretion of decentralized choices, etc—and so is able to formally refuse the programmatic or dogmatic temptations of even a particular artist. The genre is able to redirect apolitical and naturalized injustices toward open-ended but contested, political, and democratic forms. So, it might be more fair to say that they do not end in critique, but offer a *procedural* prescription of destabilized, democratic, and always-multiplying public spheres.

Central to my claims about the political potential of this genre, is this narrative form's insistence on juxtaposing the contemporary landscape against political dogma and fantasies. The foregrounding of the material—material bodies, material objects, material paths of global capital—insists on registering the contemporary landscape as a man-made object but also as a mutable one; it allows the genre to set these material claims against both the state and global capital's violent idealizing fictions of unity. This is to say that there is an empirical undercurrent running throughout the genre that nudges it away from a purely aesthetic project. The desideratum of both *Babel* and *Syriana* is not just an aesthetic mapping, but is rather an *actual* map; both trade in a verisimilitude that helps to constitute the genre. Albert Fuguet, contrasting *Babel*'s director to the genre's literary ancestor of magical realism, notes the difference between the exotic and consumable town of Macondo

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[12] This is a colloquial use of "utopia" and a bit of a straw man to make this point. Although I don't have time in this project to elaborate, I want to note that I follow the many scholars who note the critical—and not programmatic—political projects of utopian texts (see: Jameson, Morrell).

in *One Hundred Years of Solitude* and the recent, gritty Latin American aesthetic of what he calls McOndo. Fuguet argues, "[Iñárritu] is no *Like Water for Chocolate.* It's the perfect NAFTA movie, clogged with *maquiladora*-made Kikes and Mexican rock. It's no fantasy theme park junk. It's the real thing" (8)[13]. Magical realism's aesthetic and idiom of interdependence trades on the fantastical, the ideal, and the spiritual, while these network narratives insist on the banal, the literal, and the material[14].

Returning to Calvino, his squiggles become the heuristic with which to narrate this material claim. These squiggles see beyond the individual and toward the structures of power, institutional memories, paths of capital, and patinaed land where habit, custom, and rituals have packed down the earth. This heuristic makes visible the social processes and histories that create and habitually recreate rights violations and social injustices, and it refuses the erasure of the political and the historical in stories only able to frame individual suffering or individual pathology or individual responsibility. Most importantly though, it foregrounds the collective labor necessary to rewrite these stories. In what follows, I turn to two exemplars of

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[13] *Babel*'s verisimilitude even extends to its casting, as the majority of Moroccan and Mexican actors are untrained locals.

[14] Fuguet is much more critical than I am of magical realism, which I think offers just as powerful political critiques, just in a different tradition. Marquez's narrative of Chiquita and United Fruit Company is cloaked in language of ghosts, hauntings, and contagions and the recent *Oscar Wao* is a beautiful example of using the formal properties of magical realism to offer a critique of US foreign policy in Latin America. Diaz uses the curse as a trope to bind political and personal histories, to unravel the fiction of autonomous states under the influence or military hand of the United States. Fuguet's generation of artists, though, critiques man of these "fantasy theme park[s]" and "consumable" fictional landscapes for the ways they can so easily be hollowed out and marketed, losing any critical capacity and fading off into abstract and universal pictures of "humanity".

this genre to unpack a critique of liberalism's protagonists and to draw out the implications of this critique's attendant and emerging global rights literacies.

Three Network Narratives: Metaphors and Metrics of Globalization

I begin with a very brief analysis of the encounter in network narratives in order to distinguish particular films' quietism from the genre's more radical political potential. Paul Haggis' 2004 film *Crash*, is an exemplar of the network narrative and a site at which to analyze the genre's affinities toward an ethics of the neighbor. The film opens to a disoriented camera panning the inside of any-vehicle-wherever. Rain on glass, orbed lights reflect in triplet across windows, and a disembodied voice opens the formal conceit and the narrative center of the film: "It's the sense of touch. In any real city, you walk, you know? You brush past people, people bump into you. In L.A., nobody touches you. We're always behind this metal and glass. I think we miss that touch so much, that we crash into each other, just so we can feel something." The camera pans to a close up of Don Cheadle, sharply focuses, looks toward and then beyond the police at the car window, stumbles out of the car to the pavement, up to the dotted lines, up and past this crash and finds the whole city, holds this shot and stares.

The 2004, three-Oscar-winning movie alternates between the twinned impulses of this opening scene: competing centripetal and centrifugal narrative impulses of seventeen principal lives that converge and then explode in the streets of Los Angeles. The formal structure simultaneously registers the postmodern

fissures and fractures of the narrative landscape and modernism's compulsion to cohere and reveal the whole, the center. Cheadle's character's dialogue is heard before anyone in the film is seen and so becomes less dialogue and more omniscient narrator, thematic center. This epigraph—analyzing urban violence as a misdirected courtship, a half-step from a hug—echoes throughout *Crash*'s intersecting story lines of cops and robbers, the law and the outlaws, the boss and "the help", the traffickers and the trafficked. What begins as more than a dozen fragmented lives in the global city of L.A., unifies under something like the human condition; what begins as stable stereotypes of the other explodes into something like the complexity of "humanity." What Haggis wants his audience to learn in the introduction to this passion piece is that we all are fundamentally the same, we share the need to share, we are social creatures hungry for connection[15]. Class, race,

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[15] Haggis talks about writing this "passion piece" because of his experience being car-jacked in 1991. In an interview he says, "We were coming out to where we parked my first, new expensive car: a white Porsche, and suddenly two men with guns walk up…Over the next ten years, I thought about those two kids a lot, and they wouldn't let me alone. They kept popping up in my head, mostly late at night: who would do that? What did they think of themselves? Did they think of themselves as criminals?...So I finally decided to sit down, and write about it. But I decided to use them as my protagonists, rather than my villains, and tell the story from their point of view" (http://thehollywoodinterview.blogspot.com/2008/01/paul-haggis-hollywood-interview.html) . He says when he sat down one night to write it he was interested in how strangers impact each others' lives and so telling the story of the car-jacking led to the locksmith coming over led to what the locksmith goes home to and, "by ten in the morning, I had the whole story completed". The semi-autobiographical project that Haggis produces is the product of a rich white guy who just got car-jacked: white liberals struggling with guilt of wealth and distrust of brown people, a black kid whose watered down version of identity politics gives way to a moment of global humanitarianism, another black kid whose stock differences (he's black and he likes hockey, he's black and he carries around—so symbolically—the Catholic patron saint of transportation and traveling) make him into a replica of abstract sameness, a poor bigoted white cop who accelerates the

and gender, all dissolve into saccharine versions of what Mary Beltram calls Hollywood's "new raceless aesthetic" and Cheadle's disembodied voice signals the film's commitment to an order and an ideal of abstracted sameness. Visually and audibly, the audience is nudged to see difference as obstacle and to understand the body as too coarse a medium to see the other as neighbor[16].

But whether thematically cohering to a universal notion of humanity or formally registering the alienating fracture of the urban landscape, the encounter with the other is the occasion for Haggis' film. The neighbor—abstracted or even disembodied—becomes the ghostly protagonist hovering behind each character.

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violence by abusing his power *and* shows the power of the golden rule…and on and on. Haggis imagines people who might "think of themselves as criminals" and so the project rests on pathologies or redemption found in the individual, whether or not he calls them "protagonist" or "villain".

[16] Emmanuel Levinas' corpus centers on the ethical imperatives of a face-to-face encounter. Working toward a singularity that would refuse the totalizing politics of universals, he implicitly critiques Kant's objective correlative, Descartes' *cogito*, and Buber's I-and-thou metaphysics. While his work remains committed to transcendentalism and theological idioms of responsibility, taken as a whole it shifts Kant's external objectives toward a relational, immanent—albeit still objective—ethics of the other. His articulation of the neighbor retains the Greek's complexity—*xenos* as both neighbor *and* stranger—as he sorts through the fluid, infinite, deeply singular, non-representable nature of the word and its ethico-political implications. But even as love of the neighbor is never "pure rest that confirms one's identity but always of placing in question this very identity, its limitless freedom and its power," Levinas circles back to say, "it is evident that it is in the knowledge of the other as a simple individual—individual of a genus, a class, or a race—that peace with the other turns into hatred; it is the approach of the other as 'such and such a type'" that is the most dangerous. The neighbor sits impossibly between being neither you nor different from you. Levinas' attempts to offer a postmodern ethics—a critical adjustment to both a Judeo-Christian and Aristotelian equality of treating likes alike—but cannot fully incorporate difference into the ethics. "Such and such a type", the marker of difference, of singularity, is written in as the foundation of violence. The neighbor, then, must still be one with whom something is fundamentally shared. The neighbor remains a signifier of the same, its function appeals to the properties in common.

The differences and particularities are sloughed off the white district attorney vying for re-election, the charitable black car-jacker, and the frightened Persian storeowner as each character is gradually enveloped in the idiom of the neighbor. And what gets abstracted in the characters also gets abstracted in the plot: the bullets become blanks, the car crash victims become occasions for heroic rescue and redemption, and the slaves are neatly emancipated with the opening of one car door. This sanitization of character—that political, economic, or social differences melt into an abstract notion sameness—and sanitization of plot—that violence can be whisked away by luck, by chivalry, by epiphanies of grace—reveal the logic of Haggis' film to require an erasure of politics. Politics is replaced by humanism and the encounter is emptied of history, of politics, of difference. Not only, the film might as well be suggesting, is the stranger really just a neighbor you haven't met yet, but there can be peace on earth through individual moments of chance, heroism, and chivalry!

In "Racial Privacy, the L.A. ensemble film, and Paul Haggis' *Crash,*" Hsuan Hsu underscores this atomizing tendency in *Crash* arguing that Haggis atomizes historical sediments of race in two ways. First, through a "myopic focus on geographically specific ethnic origins" the characters pop up to keep reminding each other Persians are *not* Arabs, Koreans are *not* Chinese, the Puerto Ricans are *not* Mexicans. Nation-states emerge as cultural props more than claimants of sovereignty in the globalized city of L.A., but more than that "it dismisses any…alliances that transcend these groupings." Second, the film's melodrama

foregrounds individual wounds and suffering[17]. The irony Hsu's piece throws into relief is that the ensemble form here is used to elide the collective, the public, and the political and offers up only private, atomized, and individual dramas.

Hsu's analysis is smart and might productively be extended beyond race to how class, gender, and difference writ large are lopped off at the knees in the film. Haggis' apolitical and atomized subjects fit neatly into one of David Bordwell's schemas for the genre. After citing the historical preconditions of the contemporary network narrative—the internet, sociological and scientific theories of degrees of separation and chaos and butterflies, the expansion of the independent film industry, the appeal of shorter filming stints to Stars—he concedes much might owe to the satisfaction and "aesthetic pleasure of seeing unconnected events fall into a pattern…[and the comfort these films provide by]…offering a secular theology" (214). Appealing to a "theological" and transcendental humanism, *Crash* eviscerates

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[17] Although this brief analysis of *Crash* does not allow space to explore this particular point in more depth, I would like to underscore its importance. By focusing on marital fights, the drama of near-miss coincidences, childhood fears and fantasy *instead* of institutional violence or historical sediments of race or class, the film belies the genre's potential. More importantly, though, the wounds and the suffering come to define the subjects as Wendy Brown argues in *States of Injury*. Her project, engaged in untangling the complicity of rights discourse in on-going rights violations, asks the central question: "What are the perils of pursuing emancipatory political aims within largely repressive, regulatory, and depoliticizing institutions that themselves carry elements of the regime (eg masculine dominance) whose subversion is being sought?" (ix-x). She interrogates not only the state, but the subject whose formation is achieved through the power, discourse, and being of the state to reveal the ways in which the "inscription of gendered, racial, or sexual identity in legal discourse could be shown to have the effect of reaffirming the historical injuries constitutive of those identities, thus *installing injury as identity* in the ahistorical discourse of the law" (xi).

the genre's political power[18]. But both Hsu and Haggis, I argue, turn to this genre because it formally takes structural inequalities as its premise: autonomous subjects and individual agents are revealed to be illusions because otherwise the intersecting worlds, networks between and among and through would be *illegible*. That is, inequality and difference—and later I will argue the fiction of the social contract itself—are embedded within the genre's plot device of crashing, colliding, or just crossing paths. The genre emerges from these material differences signaled by multiple, diverse, and radically disparate worlds, even if particular films fail to leverage this radical political potential.

Even if Haggis' project fails to leverage the radical political potential of this genre, it still registers a potentially usable formal response to late capitalism. The encounter with the neighbor requires a transcendental humanism that elides difference and erases historical sediments of inequality. But it also *could* perform a relationship that is all but erased in late capitalism's narratives of invisible hands, corporate leviathans, history-less commodities, labor-less logos[19]. The neighbor, as

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[18] While colloquial references to theology and politics might at any time employ a subtext of transcendental universalisms—whether transcendental metaphysical appeals to a deity or transcendental secular appeals to an authority inscribed in reason—my use of the two terms makes a distinction. In particular, I am relying on the distinction of politics as *process* (see: Rancière in following chapter) and as immanent, and so distinct from the transcendental universalisms inscribed in theology.

[19] Naomi Klein analyzes the brilliant ability of the corporate logo to sweep all traces of labor under its skirt in *No Logo*. The logo as pedagogic, ethical, intellectual hook to global capital are often sold using "euphoric marketing rhetoric of the global village, an incredible place where tribes people in remotest rain forests tap away on laptop computers, Sicilian grandmothers conduct E-business…[and] it is IBM's long-running "Solutions for a Small Planet" campaign that most eloquently captures the

such, might be an impotent category on which to hang political answers, but the genre's potential to encounter the stranger across the gulf of consumption would at least carve a space within which to ask how such material connections are managed by capitalism. The alienation and fragmentation of lives opening Haggis' film ends up relying on transcendental and theological idioms of the neighbor and so he does not exercise the full potential of the genre. I offer this very brief gloss of the film, though, in order to distinguish this potential—albeit unrealized and even impotent within Haggis' narrative project—with the two productive and more fully realized exemplars of the genre that I will now analyze.

Neither the directors nor the critics explicitly articulate the generic politic of the network narrative and the heavy moralizing hands of some artists all too easily obscure the genre's nascent politics, as my brief gloss of *Crash* demonstrates. My argument is that the technologies of this genre, first, *reflect* global capital's networks of exchange and, second, *repurpose* these networks for democratic action. This double aim of reflecting and repurposing takes place at the site of the subject and so allows an emergence of a descriptive critique of sovereign subjects—that which was previously held aloft by political myths of independence is now seen to sustain itself through the exploitation of other workers, other states, other bodies—and an invitation to light up these once-exploitative networks of capital with the dynamic,

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equalizing promise of the logo-linked globe" (xix). Consumers are always supposed to "meet" in this capitalist post-national utopia, and that is much of the appeal. What is being sold is peace of mind: look, all *different* types of people enjoy Coke/McDonald's/etc. Labor, waste, and the exploited of capital remain off-screen. See also: Zygmunt Bauman's *Wasted Lives: Modernity and Its Outcasts*.

multiple, and shape-shifting subjectivities that now recognize themselves as political energy; as sites of interdependence. The allowance, of course, is not a guarantee and so while many network narratives reveal the genre's susceptibility to sentiment, some begin to offer radical blueprints of the genre's de-centering political momentum. An analysis of two in particular—*Babel* and *Syriana*—will offer a cumulative account of the network narrative's potential to articulate a radical-left politics for the alter-globalization movement. My analysis begins with *Babel* because although its critiques of the state rest on a pre-globalization or pre-Westphalian nostalgia, these critiques are leveraged to reveal the violence of state-arbitrated rights and the subsequent commodification of rights. *Babel*'s arguments often collapse under the weight of a sentimentalized humanity—the score and the thematic cutaways doing most of this work—but along the way, they compellingly destabilize violent assumptions upon which universal human rights stand. I then turn from a close reading of the films to a close attention to the formal technologies that further the genre's capabilities for an articulation of radical-left politics of justice.

Babel is the third film of Mexican director Alejandro González Iñárritu's death trilogy and it tells four intersecting stories. A gun passes through these stories, across national and cultural borders and functions as the ballast and unifying force for the narrative: a Japanese suicide leads to a gun gifted to poor Moroccan farmers that leads to sibling rivalry producing an accidental shooting of an American tour bus that leads to political grandstanding and civil paralysis that leads to two kids without two parents that leads to a Mexican-American being

deported. As a descriptive trope, the gun mimics the bouncing ball bouncing over children's lyrics and tells the audience where to look in a darkly asymmetrical globalizing landscape[20]. But more importantly the gun's presence insists on foregrounding the traceable and toxic material connections, answering simultaneously the director's twinned questions: What materially divides us? What materially connects us?[21]

Babel reveals Leviathan to be an archaic national fiction. Instead of relying on versions of the old civic fictions of a meta-cultural and unifying body politic, *Babel* takes a particularly material tack and so a global *multitude* can be seen rising, literally, from the ground up. The multitude never converges to transfer power into a general will; it refuses to abdicate its own radical authority. In *A Grammar of the Multitude*, Paolo Virno reveals Hobbes' detestation of the multitude to be a theoretical tool to prevent any glomming up of the machinations of the sovereign power. Hobbes' multitude "shuns political unity, resists authority, does not enter into lasting agreements, [and] never… transfers its own natural rights to the sovereign," while for Virno—in short—not only are these not all bad, but they are, in

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[20] This globalization is not the benign "multidimensional set of social processes that create, multiply, stretch, and intensify worldwide social interdependencies and exchanges while at the same time fostering in people a growing awareness of deepening connections between the local and the distant" (Steger 13) that is offered by textbooks. It is a globalization where guns and capital cross borders freely and where brown bodies are deported, detained, and destroyed by these same borders.

[21] The generic camp is distinguished from the intersection or parallel timing narratives of *Crash, Mystery Train, Amor Es Perros*, and *Nashville.*

fact, the tool needed for emancipating the "people" into the radical and democratic configuration of the multitude[22]. *Babel* then, throws water on the state's antecedent legal criteria of *jus soli* and *jus sanguines*—variations on the question of *who belongs* to establish a state's inside/outside—as the multitude registers the dissonance of these criteria; the multitude emerges as a counterforce to the nationalized and putatively sovereign "peoples" that is shown to be collapsing under the weight of the network narrative's global reach. In a globalizing context, *Babel* proposes, the legal lines drawn to mark belonging rights—whether by land or blood—are replaced as membership claims gives way to a global civics lesson[23].

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[22] Virno's treatise argues that in order to understand the contemporary public sphere, we must use Spinoza's concept of the multitude instead of Hobbes' "people"; the former registers the blurring of private/public and individual/collective and citizen/producer that is central to the contemporary landscape, while the latter is an apologist's account of state sovereignty that is used to justify stripping away political power from the subjects. I use Virno's term "multitude", but I use it cautiously and I use it partially. While his account frames the multitude against a humanist horizon relying on a unified "language, intellect [and] the communal faculties of the human race", I use mulititude against this humanism to also include rituals, paths, ensembles, the land, and the dead (25). And, although it is outside of the scope of this project, I note that his other writings complicate a facile reading of how he employs the terms "language" and "intellect". Instead of recreating the *cogito*, he turns to Marx's brief articulation of the "general intellect" to offer something that looks like: I am full of dread, am fractured, fluid and unstable *therefore I think*. Paolo Virno insists that Spinoza's term "multitude" must replace Hobbes' conception of the "people" in order to understand the contemporary public sphere: the latter is leveraged by state sovereignty apologists to justify

[23] Lauren Berlant's scholarship on citizen manuals of early twentieth century suffrage movement are useful for understanding the civics lessons of these network narratives. Berlant writes these manuals are to be read as a "pragmatic genre: a transformational environment…the law of the genre is to teach the subject" (159). And the law of network narratives is not just to teach the global subject that in this stage of late capital we are all materially connected, but it is also to understand intersections between the global north and the global south as necessarily violent. The use of violence as a nexus portrays it as both inevitable and productive and in

But national membership drives the plot as inclusion in and exclusion from nation-states endangers the lives of the characters. Lying on the floor of a mud hut in a village in southwestern Morocco, Susan Jones bleeds from the gunshot wound to her neck. Her husband, Richard Jones, frantically makes phone calls to the U.S. embassy and the State Department to get medical help. Through glimpses of television news and subtitled Arabic diegetic radio reports, though, it becomes clear the ambulance doesn't make it because of a diplomatic dispute between the United States and Morocco. The Arabic news reports that American government officials mistook "one act of vulgar banditry" for a terrorist attack, while the American state officials tell the television reporters the terrorists will be brought to justice, saying, "We will find them. Wherever they are."

Richard is assured by the State Department that everything possible is being done on their behalf and that, "everyone is paying attention." Eventually, the helicopter does arrive, Susan is treated in the hospital, and the two are shown leaving for the United States together. The news clip shows up on a small television in a noodle shop in Tokyo as the Japanese reporter declares, "The American people finally have a happy ending, after five days of frantic phone calls and hand-wringing." The Jones' hyper-inclusion in the state—and the concomitant public fairy tale narrative that engenders—is played out in reverse for their nanny in the deserts of California. A Mexican immigrant living and working in San Diego for sixteen years,

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this way denaturalizes and thereby recovers Franz Fanon's claim, "decolonization is always a violent phenomenon…[because it] is the meeting of two forces, opposed to each other by their very nature" (360).

Amelia is handcuffed and detained by the U.S. Border Patrol while she desperately pleads with the officer to help her find the Jones' children, Debbie and Mike, lost in the California desert. Richard in Morocco, and Amelia at the Mexico-U.S. border, turn to state power to ask for help—Richard screaming for help on the phone and Amelia trying in both languages, "Help me, sir, ayúdame por favor"—but Susan and her children's lives are threatened by that very power they turn to for help.

Their lives are threatened, but it is the subaltern who is killed and exiled by the state. After confessing to their father that they were the ones who accidentally shot the American, the two boys and the father set out with the Winchester rifle to escape the police. Caught on a mountain pass by the authorities, Ahmed, the oldest brother is shot and killed. The musical score tethers this state murder to Amelia's deportation as a "suspect" and her return to Mexico, and to Susan's flight from the Moroccan village to the hospital where her stretcher is seen carried amidst the news crews and the politicians promising to capture the "terrorists." The implicit argument within these representations of rhetorical and material violence is that global justice is illegible to—and unspeakable by—the very institutions charged with that task. Amelia and Ahmed are erased beneath the dehumanizing language of the police that can only relate to them *as* "terrorists" or *as* "suspects"[24]. The biblical

[24] See Orlando Patterson on "social death". See also Colin Dayan on how it is through the law—and legal categories of personhood—that rituals of exclusion are most powerfully played out.

story of Babel now is rewritten in the film to become a story not of God's vengeful divisions of man, but one of legal, political, historical and *man-made* cacophony[25].

But if this is the implicit argument, Richard Jones makes explicit the film's political dissonance. Hearing that his wife's Moroccan ambulance has been turned away in order for the U.S. to send its own medical-military helicopter, Richard Jones yells into the phone, "I don't give a shit about political problems." On the one hand, he doesn't have to. His family might be threatened by states as arbiters of rights, but the film makes clear that the real violence will be done elsewhere. On the other hand, though, he *still* doesn't have to. Because politics, the film argues, is both the product and the obstacle of the state. Beyond the state, there are no teeth, there is only human tragedy, there is only humanity. The dissonance arises between the film's use of Richard's apolitical declaration in order to foreground American privilege, and Iñarritu's own apolitical undercurrents of imagining a human family just beyond the reach of the state. Not recognizing the imbrications of our lives and politics is to misunderstand our world, the film argues, not recognizing the boundaries of that politics is to misunderstand possibilities beyond this world.

But more interesting than Iñarritu's occasional apolitical turns, is his depiction of how the state functions in the commodification of rights. The film in

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[25] A chapter might be written on the film's hetero-normative and gender-backward ways. Each woman ends up falling—weeping—into the arms of a man: the Japanese teenager held by her father, Susan by the state and by her husband and the media, Amelia by her son, Debbie by her younger brother Mike. I'm just not the one to write that chapter, so I use masculine language here to register and critique the film's internal logic, and I hope not to recreate it.

many ways follows Joseph Slaughter's enumeration of the methods and technologies by which rights are consumed or consumable: the U.S. politicians swagger through right-washing the so-called Global War on Terror, the ever-present transnational televisions turn on consumable narratives of rights-holders or rights violations, and the film itself re-imagines Benedict Anderson's "imagined" communities as materially-bound communities exchanging or withholding alienable rights[26]. I want to briefly suggest, though, that the "cosmopolitan" and "multicultural" theater of the tour bus in the film plays out in miniature Iñárritu's most compelling argument regarding the contemporary—and violent, exclusionary, unsustainable—commodification of rights.

The tour bus—full of white, mostly old, and presumably rich tourists—trundles through Berber land, past villages, past goat-herders, and past veiled women. Once Susan is shot, and the bus heads for a small local village to find a doctor, the tour group gets increasingly nervous and agitated. Without access to their medication, without air-conditioning, and as rumors of terrorism circulate amongst them, the passengers realize their once-enclosed and privatized space is

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[26] Joseph Slaughter argues human rights have been "commodified and marketized—incorporated—in the multinational capitalist globalization" (34). Drawing on Upendra Baxi's claim that "human rights movements organize themselves in the image of markets" and so sell "human suffering and human rights", he looks to the ways in which this also plays out within the literary market. In particular he is interested in the ways in which a Western appetite for third world coming of age stories "tur[n] multi-cultural, postcolonial reading into a kind of humanitarian intervention" (35). Turning to nation-state's role in the commodificaiton of rights, he notes that "[i]mperialism and the rhetoric of human rights have never been mutually exclusive" and that in fact "the discours[e] of human rights…[has] provided some of the spirit and…rhetorical cover for colonialism and the civilizing mission" (36).

now open, public, and so, they believe, *dangerous*. The group's commitment to stay—to provide transportation to the critically injured woman—wanes as the conversations turn on the rhetoric of safety and security. After begging them not to leave, Richard Jones returns to his wife and once there hears the engine of the bus start up. Running desperately—and futilely—after the bus, this scene and this exchange enact rights at their most banal and vicious: rights are never declarable or claimable but are only that which is doled out by those who already have them; rights are a tautology; rights are the rights of rights-holders[27].

Read against the imperative of the film's trailer—that if you want to understand the world you must "listen"— this scene offers a dramatization and a performance of the inequities of humanitarian rights. Rights as that which is *doled* out, just like a politics based on listening, does not change but rather reinforces extant power relations. And although the distribution of this film raises its own set of questions of how rights and narratives of rights become consumable commodities, I want to turn now toward the technologies of the genre and how—while unable to inoculate quietist art—they begin to reach toward an articulation of radical-left politics.

I want to suggest that the following three characteristics constitute the genre of the network narrative: a destabilizing epistemology, the subordination of individual chance to a macroscopic language of the demographer, and an aesthetic-

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[27] This is a point Rancière makes by looking to Arendt's claims about politics as a sphere. I will take this up more fully in the next chapter by analyzing the political implications of spatial imaginings.

empirical turn toward tracing material connections[28]. *Babel* distinguishes itself from other content-based globalization films like *The Interpreter* or *The Terminal,* in part because these films are structurally aligned with Hollywood's classic era. Instead of the network narratives' characteristics, the classical era of Hollywood is distinguished by: causal agents, goal-oriented characters, time subordinated to the cause-effect chain, deadlines as plot devices, objective narration, and a strong sense of closure and unity define the structure[29]. Not only do the network narratives' generic conventions draw a sharp contrast to the more mainstream films about globalization, but these generic conventions also ultimately reveal a rights literacy moving away from transcendental theories of rights and towards an immanent production of rights. Here, they will also structure my concluding analysis of *Babel*.

A Mexican nanny stands in an American kitchen on one end of the phone at the beginning of the film, and Brad Pitt stands in a Moroccan hospital at the other end of that phone by the end of the film. The audience has already pieced together their relationship, but the synchronic bookending and fracturing of the story registers the destabilizing point of view that has circulated throughout the

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[28] This desire for verisimilitude sets it against the global fairy tales of movies such as Spielberg's *The Terminal.* In this movie Arendt's anxieties of statelessness, criminalization, and mediated and alienated political citizenship are horrors glossed over as Tom Hanks brings a fairy tale albeit one with a utopian Marxist ending. Iñárritu might be understood as the shadowy dystopian realist, next to Spielberg, insisting on capturing characters in moments of alienation and agony in the global political order. His insistence on verisimilitude extends to his casting, as the majority of the Moroccan and Mexican actors are untrained locals.

[29] Thanks to Sarah Childress for a crash course in classical Hollywood's constitutive characteristics.

narrative. These material linkages—the gun, the phone—work internally to push the narrative forward, but seen within the framework of the genre as a whole, these tracings function primarily as a tool to track epistemological grounding: how *do* we know about this gun? This character? How *do* we know what we know? The narrative invites the objects back and back again. Each time the objects reveal more; materials, this genre insists, carry material history and they refuse an external and a priori morality.

The gun and the phone function to destabilize the narrative and invite these questions about knowledge. The genre insists on foregrounding material objects, but these material objects also become a new narrator. These objects—these *commodities*—become the storyteller in a way that foregrounds context and history and in so doing, they critique capital's claims of a non-political economy. The objects become the mute speakers lighting from within the networks of exchange to reveal the competing histories, politics, and contexts of the material world.

At one level of the narrative, the gun and the phone work to raise these questions about how we know what we know by deferring understanding. But if deferred understanding is a purpose of these multiple and multiplying narratives, the technologies of the genre also serve to dethrone the myth of a privileged point of view. Brad Pitt and Cate Blanchett—both box office heavyweights—are commercially exploited and leveraged to get people to the movie theater, but the genre is able to redistribute the narrative weight throughout the ensemble cast. In other words, instead of carrying the film, the stars are eclipsed by the narrative

structure of intersecting storylines. What might be peripheral storylines in another genre—peripheral and coalescing around a privileged point of view of a protagonist or a narrator—become integral to the story. What emerges in place of an epistemology stabilized by the weight of a central point of view is a saturated vignette of difference. The film reels in the details of Tokyo tapioca pearls, slow-danced *cumbias*, and crouched *medinas* beyond the Berber arid landscapes[30].

These very distinct worlds, because they are grounded in material and social difference *and* they collide, function to destabilize de-contextualized epistemologies. The audience enters the world of one saturated vignette and then is thrust to another, quickly having to shift interpretive frames in order to make the narrative intelligible. But these destabilizations of epistemology though, only function for Iñárritu in the subjective realm of points of view or interpretive acts. The buck stops clearly at the gun—the gun has not changed, it has just become more and less clearly understood—and the stable object lesson of the gun becomes that which makes other material processes visible. The film insists on a teleological equation of material causes and effects: gun enters world, someone gets shot. This is not an

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[30] This hovering directorial style gestures toward the critical perspectives of insiders, outsiders, and multi-sited critics Brooke Ackerly catalogues in *Political Theory and Feminist Social Criticism*. The director creates a wandering eye for the viewer to experience the multiple and fluid site of social critics echoing Ackerley's characterization that, "Focus on the content of the criticism rather than on the identity of the critic can help critics extricate themselves from the disempowering impasse between anti-relativist and anti-essentialists caused by identity politics in order that they take on the important work of social criticism" (152). Iñárritu, in this reading, strategically couches his social criticism in enough sugared pills for anyone to swallow; we all, the director suggests, can hear the criticism and not get stuck at the door of the critic.

accident, and this is not random; it is calculus. This equation is also mapped as a Chekhovian literary technique on to a political landscape. Chekhov's gun, though, does not read tea leaves; it is not clear *who* will get shot, but *Babel* slips between the storyteller and the demographer to narrate the inevitable *when*. The genre's macroscopic lens refutes individual chance and its microscopic idioms refute certainty; probability haunts the narrative as the viewer recognizes the shrug off screen: at this rate, lives will be destroyed; odds are, is all[31].

David Bordwell writes that since network narratives often organize themselves around unplanned encounters, it is not surprising that they "thematically counterpose accident to destiny" (213). There is a taut line between chance, luck, and accident on the one hand and destiny or fate on the other. But *Babel* in particular, and this alter-globalization subgenre of the network narrative I am analyzing in general, insists on eschewing individual chance for collective demographic trends. Accidents are *not* random, and when the camera zooms back for wide angled shots of the cities or diegetic music rolls between worlds, the vocabulary of these films argues accidents don't even happen. The macroscopic reach of these films places individual chance against the backdrop of a demographer's graph. Norms and means subvert *this* particular Mexican and *that* particular Moroccan to the immigration policies, demographic patterns, and institutional violence of such absurdities like the so-called Global War on Terror.

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[31] This is not about *causality* but about *probability*. It is something like a postmodern empiricism. Violence is *not* random in this film, and the project is about narrating the political economy-the political and economic order—beneath the "chaos".

Poverty, corporate plundering of border towns, and international "peace keepers", are the macroscopic political forces narrating the individual lives caught within their scopes. In this sense, the genre has the potential to mobilize the chronic and subvert the acute; it replaces an agent-driven causality of the Hollywood film with a collective teleology and causality of globalization's dark underbelly; it moves from the story of the *people* to the story of the *multitude*[32].

This teleology is grounded in the material and the trope of the gun functions to materialize the otherwise invisible networks catalogued by the sociologist Manuel Castells. In "The Global Network", Castells writes,

> The social construction of new dominant forms of space and time develops a meta-network that switches off nonessential functions, subordinate social groups, and devalued territories. By so doing, invented social distance is created between this meta-network and most individuals, activities, and locales around the world. Not that people, locales, or activities disappear. But their structural meaning does, subsumed in the unseen logic of the meta-network where value is produced and cultural codes are created and power is decided. The new social order, the network society, increasingly appears to most people as a meta-social disorder. Namely, as an automated, random sequence of events, derived from the uncontrollable logic of markets, technology, geopolitical order, or biological determination. (620-621)

The "unseen logic" is misunderstood, Castells argues, as disorder. What appears "random" and "uncontrollable" is in fact, quite orderly but it is just not yet understood. This rhetoric has historically been leveraged against the foreign and threatening elements to explain away difference and to distance the norm: irrational

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[32] The multitude is to political energy what the people is to government; the former is potential and the latter has been harnessed and its resources have been extracted.

women, senseless crime, and random terror[33]. And it is precisely this labeling *Babel* rejects in order to reveal the political order undergirding the "chaos". Reviewers have precisely missed this point as their descriptions of the film's plot are peppered with "dumb", "irrational", "careless", "facile". In fact, it is the way in which the film's camera—and narrative drive—are hung from a cinematic sky, that the clumsy, accidental, "chance", and imperfect forms are shown from above as patterns, networks, and paths.[34]

And *Babel*'s best moments balance between the operatic and aestheticized demographer's view of trends and patterns and the dystopian sinister turn of the outlier's story on the ground: the nanny in an almost-zippered old dress stumbling through the desert's frontier, the "confession" and arrest of the young Moroccan boy against the tableau of his family's destruction, the futile anger at the border in the face of state power. Castell's anxiety of abandoned labor is materialized in the film as the culture, history, and personal velocity of the Mexican nanny are able to cross

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[33] I am grateful to Dana Nelson for this insight. Her insistence to always read "irrational" labelings as a strategic move to speak for the voiceless other and cut them off at the pass is very helpful here. These characterizations (think: hysteria) almost always reveal more about the speaker than the object they seek to qualify. And I would add there is a willful belligerence to not know the truth because almost always the speaker would have to recognize his own complicity in the exclusionary system.

[34] This is in no way to suggest the film strays far from the verisimilitude it sets out to capture; this is no fairy tale and the "from above" is primarily a descriptor of breadth rather than distance. It is true the film tends toward the elegiac, but Iñárritu, as any good Mexican director will tell you, knows the ground has all the story. The grit, the saturated cityscapes all demand to be seen at eye-level and so the high-angled shots moving the story between scenes never condescends or wraps-things-up, rather they serve to glimpse these networked patterns on the ground and to establish the scope of the scene and of the story.

the border but her work and her brown body never can. The outlier's story—the deported, the shot, the impoverished, the disabled, the detained—are decidedly not accidents, slips, bad luck or chance; the misnomer of "outlier", even, is insistently folded in to the hyper-patterned and networked social structure. [35]

The film's teleological drive, then, strips the "random" and the "accidental" of purchase as the narrative becomes a moving picture of the aggregate moments of choice, collective actions, and cultural or legal habits that allow mobility, freedom, and capabilities to some and confine others to torture, deportation, jail. That one event will lead to another event appears to reproduce an old aesthetic paradigm of

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[35] Arendt, Agamben, Dayan are all useful to think through the exception wherein the "outside" is always written into the legal or social code which makes all the cracks/exceptions/outliers reveal the dark underbelly of a hyper-legal or hyper-social code. There is no outside, and there are no explanatory legal black holes, only an excluded, silenced, and oppressed other. To understand the outlier is to understand the structure itself. Agamben argues, "The present inquiry concerns precisely this hidden point of intersection between the juridico-institutional and the biopolitical models of power. What this work has had to record among its likely conclusions is precisely that the two analyses cannot be separated, and the inclusion of bare life into the political realm constitutes the original—if concealed—nucleus of sovereign power. *It can even be said that the production of a bioplitical body is the original activity of sovereign power*. In this sense, biopolitics is at least as old as the sovereign exception. Placing biological life at the center of its calculations, the modern State therefore does nothing other than bring to light the secret uniting power and bare life, thereby reaffirming the bond (derived from a tenacious correspondence between the modern and the archaic which one encounters in the most diverse spheres) between modern power and the most immemorial of the *arcane imperi,*" (*Homo Sacer* 6). This makes "bare life" the central protagonist of his political analysis. The network narrative, I argue, shifts the centrality from this diagnosis to a prescriptive critical literacy by which to read the protagonist as the—in Agamben's words—*sites of production* of this bare life. In other words, both might be used for similar political projects, but the network narrative makes the central the forces that might be leveraged for *another* world the protagonist.

Hollywood's classic era. But this film in particular, and I argue the genre more broadly, offers a teleology through a contemporary lens: beginning, middle, end, and predictability are all outstripped as the filmic archetypes of über-causal agents reappear as algorithms, as equations, and as the characters of a fable of collective and *potential* causality. In other words, agency is resurrected from the postmodern postmortem, but does not look like it did for the modernists; agency now registers as a contingent and collective network of complexity.[36] When Susan reaches for her hand sanitizer inside a sanitized tour bus of a sanitized tour of a foreign land, or when she registers the cognitive dissonance of herself being described as "alone" in a crowded Moroccan medina, these singular moments explode within the context of the film and jostle between metaphor and causal agent. It both "stands for something" in the sense that her character "represents" the homogenizing forces of globalization or a willfully blind Western imperialism, but more importantly it *does* something in the teleological framework of the film. Cultural norms and habits are

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[36] There are really interesting applications of complexity theory, the progeny of chaos theory (the non-equilibrium, non-linear theory looking at how to see the order between when the butterfly flaps its wings and the earthquake ensues (to borrow the folk-version of chaos)). Mark Taylor, in *The Moment of Complexity*, looks to this mix of chaos and order to think argue this is not just a scientific breakthrough, but what defines the art and culture after World War II. One of his most interesting claims is the ways in which complexity—whose theory is being used by Disney and the military to think about crowd patterns—is internalized in individuals and creating a new subject altogether. He writes, "The networks that make me what I am are always networks within networks, which, while never complete, are nonetheless global. As a node of networks that are infinitely complex, I am the incarnation of worldwide webs…this is what I am—this is what we have become in the moment of complexity…" (232). Complexity theory allows for an agent-oriented network and so actions are always seen as recreating or interrupting the complex network from which they rise.

agents; individual actions are read against their social landscapes and are registered not in isolation but in concert.

Within this consequence-sensitive framework *Babel* gives us, the power structures of each action and each encounter place the onus in the lap of the first-worlders who hunt for game and overwork their nannies. That the gun begins its course as a leisure activity of a Japanese professional, destroys each of the lives it encounters and ends its course when a young Moroccan boy breaks it over a boulder in a confessional and self-loathing anger, only furthers the narrative insistence on critiquing the fiction of the social contract. Hierarchies of power are illuminated so that philanthropy is reframed as *hoarding* and as *looting*. The help and generosity—in the film's narrative taking the sinister and lethal form of a gun—offered by those in power will always be toxic unless power itself is offered up. The gun becomes the film's symbol of charity and of unequal friendships; it becomes the object that can narrate economic injustice because it is the means and the prerequisite for this injustice.

Internal to the logic of the social contract and embedded within its Aristotelian notion of equality—that likes are treated like likes—is an explanatory mechanism by which it can write off inequality as individual pathology[37]. Since a

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[37] The social contract is the answer put forth by Rousseau to his central problem of how to have a legitimate state and remain free; it is the story of how a "people becomes a people" (91), how a state is formed. Since the theory is devoted to freedom, the artificial political structure emerging from the social contract must necessarily be horizontal and committed to equality. Each person alienates themselves of all rights and both gives "himself entirely, the condition is equal for

spirit of volunteerism underwrites Rousseau's social contract, marking a shift away from classical political notions of *natural* political authority and toward an Enlightenment emphasis on legitimacy, the individual either enters this shared social ontology, or falls from it. But *Babel'*s characters cannot fall because they, as loci for aggregate habits and norms as well as sites of agency, are on the ground. They reveal the fiction of an idealized social ontology as they either habitually recreate or interrupt the material ontology of interdependence. The film's wide-angled depth and scope and multi-storied, multi-worlded narrative looks beyond ideals of the social contract and toward the dialogic relationship between the material world and the characters to unpack the productive tensions between the two.

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all" and moreover, by everyone giving their all, each person "gives himself to no one" (92-93). Each member becomes an "indivisible part of the whole" by voluntarily yielding all rights and all power to the "supreme control of the general will" (93)[37]. This fictional person, or corporate body, is greater than —or at the very least qualitatively different from—the sum of its parts. The social contract understands its equality and horizontality as gathering a force that forecloses the possibility of it becoming merely "an empty formula" because those who will not comply "shall be compelled to do so by the force of the whole body. This means nothing less than that he will be forced to be free" so as to give legitimacy to civil actions (95). While there are many who have taken up the social contract as a viable political justificatory or descriptive framework to understand the subject's relationship to the state, there are others whose critiques work to expose its logic as exclusionary and based on a grammar of domination. These thinkers read the contract, and to some extent social contracts in general, as parasitical to violent political exclusions and their critiques orbit around the claim that universals always mask particular exclusions. The two main avenues by which these thinkers pursue a critique of the social contract are: by revealing the epistemological deceptions embedded in a theory that hides domination under the guise of a unified or shared ontology and by revealing the "myth of individual liberty and autonomy within contract-based accounts" of the political and economic spheres. Taken together, these critiques offer a warning that shared and idealized social ontologies will always write the exception as pathology.

The film also exploits the productive tension between the idealized social ontology of the authorities—police, border patrol, the media—and the non-idealized ontologies of the actual, the marginalized, the excluded. Charles Mill catalogues the assumptions and conceptual frames of ideal theories writing, "An idealized social ontology…will abstract away from relations of structural domination, exploitation, coercion, and oppression, which in reality, of course, will profoundly shape the ontology of those same individuals, locating them in superior and inferior social hierarchies"(168). And these are the abstractions leveraged by the authorities when the labels "suspects", "culprits", "terrorists", "illegals" work to erase the personhood of the Moroccan boys, the Mexican nanny; when the Bush look-alike assures swaggeringly, "We will find them" (beat) "wherever they are"; when the diegetic news voices assure the fictional audience the Americans "finally have a happy ending" to the random ordeal. These fictional frames work to reveal the hollowness of an idealism abstracting away from the material bodies and connections, and to shift the focus from the individual to the shifting and interdependent grounding on which she stands.

Babel's cuts neutralize distance and emphasize this interdependence as well: Moroccan children run to fade, there is an instantaneous empty space, followed by American children running through a house; screams of the injured American cut to screaming deaf teenagers; police taking custody of a brown-skinned child fades to the deportation of an immigrant sacrificing herself for someone else's children. But so too does the affect: the face of a terrified husband gives way to a grieving father gives way to a humiliated mother. The structure of the film uses the intersections to

visualize the connections. The stories jostle in and out of the audience's vision, but their presence—now absence—work as a pedagogical tool for understanding the leapable and crossable distances of culture, geography, and personal velocities. And it is in this shrinking of distance, the tracing of material connections that the film oscillates between an exercise in empiricism and one of aesthetic consonance.

The first time I saw the movie, the subtitles were not working and so I watched the dry Berber village and watched the bodies and listened to the hard guttural Arabic. I could tell a gun was being sold and I could tell the brothers were competing for the attention of their father. And I thought the movie was brilliant because I imagined the whole thing to be a pantomime in which the audience would have to move fluidly between understanding and misinterpreting, between assuming and not knowing: *Babel* as a critique of Habermas, a critique of the imperialism underwriting projects of listening and of universalisms. The refusal to translate, I thought, answered Barthes' critiques of *The Family of Man*. Barthes argues the photographic exhibition of universals—"birth, death, work, knowledge, play"—employs a myth of human community. The myth, Barthes explains, "functions in two stages: first the difference between human morphologies is asserted, exoticism is insistently stressed, the infinite variations of the species, the diversity in skins, skills and customs are made manifest, the image of Babel is complacently projected over that of the world. Then, from this pluralism, a type of unity is magically produced: man is born, works, laughs and dies everywhere in the same way; and if there still remains in these actions some ethnic particularity, at least one hints that there is underlying each one an identical 'nature,' that their

diversity is only formal and does not belie the existence of the common mould" ("Acts of Cultural Criticism" 223). My experience watching the film without subtitles, I imagined, meant that the film answered this critique of a global humanity, that it made sure the differences did not collapse into an essentialized and naturalized human condition. By historicizing "babel" in the narrative and by making it felt and sensual as I watched, the stories of violence, exclusion, and domination on the screen seemed to reverberate with diversity not as a formal character, but as content itself. Maintaining all humanism postulates superficial difference, Barthes parenthetically screams: "why not ask parents of Emmet Till…what *they* think of *The Great Family of Man*?" (224) and my first silent viewing was a deafening response of Till himself; a mimed answer, a rebuttal to those wishing to escape history or difference.

But when I learned there were subtitles, the titular allusion crystallized—on purpose this time—in an un-translated note a teenage girl passes to a detective who has refused her body. He carries the note to the bar, drinks sake and reads the note; the audience watches him read but cannot read with him. This moment of language and of lives as unspeakable, as non-translatable, as un-filmable, as un-representable maintains difference and irreducibility as constitutive of *Babel*'s global body politic.

Frederick Jameson, in *Postmodernism and the Logic of Late Capital*, calls for an "aesthetic of cognitive mapping" as a prescription for the disorienting anxiety produced by late capital. This would give "a pedagogical political culture which [would] seek to endow the individual subject with some new heightened sense of its

place in the global system—[would] necessarily have to respect this now enormously complex representational dialectic and invent radically new forms in order to do it justice" (54). *Babel* might be understood as making a stab at this, at offering a filmic vocabulary to trace the tangible tropes of this genre and the residue of global capital and globalization: the gun of *Babel*, the coke bottle in *The Gods Must Be Crazy*, drugs and the drug money of *The Wire*. This genre insists on making visible material relationships precisely because they cannot collapse into humanity qua humanity. Material relationships make difference, exclusion, and history itself visible instead of appealing to universal sameness, universal abstractions, universal families of man. In fact, these material relationships are what preclude the logic of the mosaic—of families, of sovereign states, of federalism—because their logic is committed to revealing the ongoing, messy, and uncontainable political energies shot through the material relationships. And although these tangible objects materialize as fragments—the single bullet, the lone coke bottle—the network does not disappear as soon as it appears. It does not disappear, because the networks—both the past networks that brought the object to light and the future networks that emerge from this intersection—are as much a *literacy* in global interdependence as they are a material artifact[38].

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[38] The genre is primarily invested in foregrounding *potential* violations: the spaces where violations might occur, the institutional norms that might converge in a violation, the networks and flows of global capital that reach further toward more bodies, more lives. In this sense, the genre answers Wendy Brown's critique of rights in "Wounded Attachments" because the genre does not foreground the wounded identities produced by the state, nor does it frame the individual as victim.

Babel's narrative's destabilizing epistemologies, wide-angled diagnosis of demographic trends, and rejection of the ideal offer a non-ideal framework intent on setting the rhetoric of globalization and its metrics against the cost of lives and toxic structures. Its plot logic of intersecting narratives radically re-imagines Rousseau's social contract within a globalizing citizenship committed to recognizing difference. First, there is a new recognition of a global multitude in the materially networked interdependence. Second, by registering the inequities and difference, by critiquing a priori moral systems, it echoes Badiou's claim "[a]ll humanity has its root in the identification in thought of singular situations. There is no ethics in general. There are only—eventually—ethics of processes by which we treat the possible situation"(16). These possible situations appear on screen, moving toward a critical literacy of NAFTA, of globalization, of what materially connects and divides us. It recognizes rights landscapes as immanent, shifting, and necessarily political.

If *Babel* oscillates between the empirical and the aesthetic, *Syriana* dives right in to the empirical turn of this genre[39] and takes as its starting point the *real* cost of cheap oil. The film poster for Stephen Gaghan's 2005 geopolitical thriller

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Rather, as a pedagogical genre, its investments reach forward instead of back and opens possibilities for alternative political networks and bodies.

[39] Wai Chee Dimock marks the ethical imperative of rights in her essay "Rethinking Space, Rethinking Rights" by explicating Einstein's relativity as a turn from Newton's "absolute space" that follows Kant's "categorical imperatives". "Einstein," she writes "suggest that the challenge of science to ethics is the challenge of *empiricism*…Ethics is in the thick of things…Ethics is empirical it is meshed with…circumstances…There can be no antecedent moral law…" (256). The network narrative, too, does not rely on transcendental claims or a priori; the rights theory that emerges is an immanent theory that looks to the material connections between lives.

Syriana shows Bob Barnes, the fictional veteran CIA Middle Eastern field officer, blinded and silenced by blood-colored swatches across his eyes and mouth. Across the figurative blindfold is written the film's title—a metaphor for post-World War II strategic and ideological nation building in the Middle East[40]—and across the figurative gag is a tag line that might be used to advertise any network narrative: "Everything is Connected." The image foreshadows Barnes' kidnapping and torture as well as his subsequent banishment by the CIA and it also alludes to the Robert Baer memoir upon which the film was loosely based, *See No Evil: The True Story of a Ground Soldier in the CIA's War Against Terrorism*. But while the image skirts between a literal acute diagnosis—agent Barnes has lost his liberties—and a figurative chronic diagnosis—nobody's free because nobody knows the truth about what's going on—it gathers force throughout the film to suggest an empirical analysis is necessary precisely in order to critique the foundations of liberal notions of freedom and autonomy. To paraphrase Nietzsche, it is not about freeing the protagonist, but learning to recognize his limitations. And, I argue, the film works to make legible the limitations of placing liberal subjects or liberal markets at the center of any political project.

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[40] Gaghan says he thought "Syriana" was "a great word that could stand for man's perpetual hope of remaking any geographic region to suit his own needs" (qtd. Washington Post 2005 http://www.washingtonpost.com/wp-dyn/content/discussion/2005/11/14/DI2005111400923.html). It—as a conceptual metaphor—elegantly holds the tension between globalization's corrosive effects on the nation-state and capital's capitalization of the hollowed-out but hulking image of the nation-state; it holds both the fragility of the political paradigm and the power of the idea of the state in balance.

The empirical turn of this genre is, in part, played out as the jostling narratives take the form of thought experiments: what happens when corporations are given free reign, when poverty decimates states and subjects, when corruption becomes the vehicle for national interests, when oil becomes—and remains—so cheap. The "gimmicks" or "clichés" that designate the genre—the crash, the thread, the material trope—become the sites and metrics for a production of knowledge and so directly challenge the *cogito*, the a priori, the rational and instead lay the frameworks for a rights discourse refusing this innate and absolute rationalism. Wai Chee Dimock marks the ethical imperative of rights in her essay "Rethinking Space, Rethinking Rights" by explicating Einstein's relativity as a turn from Newton's absolute space that follows Kant's categorical imperatives as a model for rethinking rights. "Einstein," she writes, "suggests that the challenge of science to ethics is the challenge of *empiricism*…Ethics is in the thick of things…Ethics is empirical it is meshed with…circumstances…There can be no antecedent moral law…" (256). *Syriana* in particular, and the network narrative more generally, too, has the potential to reject transcendental claims or an a priori. The rights theory that emerges is an immanent theory that looks to the material connections between complex and complicated lives.

But, still, nobody *does* know what is going on. Critics, characters, and the audience are thrust *en medias res* to interlocking narratives in Texas, Switzerland, Washington D.C., Spain, Lebanon, and Tehran. A.O. Scott writes a "chart diagramming" the film as it "assimilates a whole shelf of post-9/11 non-fiction and journalism, spinning a complex, intriguing narrative about oil, terrorism, money and

power" would be helpful (and some sweet sap obliged: http://www.philosophistry.com/specials/syriana/). In one breath: there are three main interlocking storylines: a merger between two oil companies to secure American interests in the Middle East that is brokered by the Sloan Whiting law firm, greased by the Texas oilmen comprising the Committee to Liberate Iran, and investigated by the Department of Justice; an assassination of a petroleum-reformist Prince assigned to anti-arms trafficking paramilitary CIA veteran Bob Barnes, interrupted by an Iranian agent undercover as a mercenary whose torturing of Barnes is interrupted by a Hezbollah leader, and accomplished by the CIA's Washington headquarters via remote missile; a global migrant worker laid off by the merger, taken in by an Islamic school to increase job prospects and get food, and recruited by Islamic fundamentalist to carry out a suicide attack on the recently merged Connex-Killen oil tanker. (Breathe.) And somewhere in there, an American energy analyst's son is killed by faulty wiring in a swimming pool at the home of the Emir, father of the soon-to-be assassinated and uncooperative son the Prince. And while this long-winded synopsis is still a gross oversimplification, I want to insist the complexity is central**.** It is central, first, to the film's project of cultivating a global rights literacy, and, second, to its function on insisting that all this complexity can be boiled down to something much simpler. It can be boiled down to something as simple as a fast-moving, fast-talking, fast-take narrative that critiques the sovereignty of capital and the liberal subjects and markets that underwrite that sovereignty. In other words, I turn from my analysis of *Babel* to this analysis of *Syriana* because in extending the critique of the state to a critique of the liberal

subjects and markets underwriting the state, the film not only interrogates the sovereignty of capital, but it also offers a rudimentary literacy of subjectivities *as* interdependence, networks, ensembles.

Capital—and global neoliberal capitalism in particular—decides many of the trajectories of lives in the film. Bennet Holiday stands against the background of his whiteboard webbing out the corporate connections of a merger between Connex and Killen. The television in the kitchen offers snippets of a congressional hearing with a man saying he always hears of expressions like the "evil influence of dollars" or the "corrupting influence of money" but that money is what gives political voice. What we do, the man says is "turn money into votes…money is speech. And, last time I heard, speech in the United States of America is protected. You can't limit my advocacy just because it works." Claiming it is his "sovereign inalienable right to petition" and it shouldn't be a "dirty little secret"—zoom in close up—that it is in the United State's interest to do business overseas. The man, Daniel Dalton, turns out to be one of the fall guys in the story who reappears later in the film right before he is brought to trial on corruption charges. Standing against a staid slate D.C. government building Dalton spits, "Corruption? Corruption is government intrusion into market efficiencies in the form of regulation, that's Milton Friedman. He got a goddamn Nobel Prize. We have laws against it precisely so we can get *away* with it. Corruption is our protection. Corruption keeps us safe and warm… corruption is why we *win.*" Freidman is invoked again as a group of energy analysts talk about the University of Chicago—the home of Friedman and the Chicago School of neoliberal

economic theory—and his language of "efficiency", "deregulation", and "free trade" dominates the narrative.

In the final scenes of *Syriana*, Leland Janus, the CEO of Connex-Killen, stands in a grand ballroom accepting the award for oilman of the year. The statue of the crystal oil tower he places on the podium mirrors the whites of his dress shirt framed by a black tuxedo, and the image visually insists on underscoring the economic myths of his speech: the refinement of natural resources produces untroubled wealth and luxury. Janus interrupts his talk about the promises of privatization to introduce the new Emir from the Persian Gulf who will now facilitate the merger of Connex-Killen. The narrative has culminated in this scene—the previous Emir having been strong-armed by U.S. interests to facilitate this transfer of power, and his oldest son determined to nationalize rather than globalize his country's resources having been killed moments earlier by a C.I.A. long-range missile attack—and the Persian king stands to applause. But sovereignty has tunneled its way from the king to the oilman; *Syriana* is a portrayal of the sovereignty of capital.

Daniel Dalton's "we," of course, is not a national tribe but an economic one. The capitalists "win" when they understand—as one fat man, cigar and brandy in hand, with a Cheshire cat grin says—"capitalism cannot exist without waste." And while this one-liner fuels the logic of such things as Lawrence Summers' infamous "toxic memo," it also underscores the ubiquity and sovereignty of capital. Waste, in one sweep, is tied to the internal logic of capitalism and so cannot be written in as

accident or aberration. Rather, the film works to make visible the real costs of Janus' sanitized and polished statuette.

Syriana's peripheral, but I argue primary, storyline is of the migrant Pakistani workers Saleem Ahmed Khan and his son Wasim. These two men register global capital's abuses of labor as they are treated as expendable, stateless and landless, and exploitable. To paraphrase a British labor writer discussing the investigative journalist's work, the Khan's clothe the capitalist rhetoric of waste "with the living expressions of men" (qtd. Tichi 91). But what is offered instead of a portrait of suffering or misery, is a glance beyond these individual lives and towards the systems of migratory labor itself and towards the communities, networks, and bonds that are formed and cultivated by this system of labor. Here the film offers an expansion of its purpose to look at cheap oil and looks at the "real costs" of free trade and at liberalism's tangled relationships with markets and the natural and human resources that are stolen and exploited in order for them to function[41][42].

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[41] "Liberalism" comes from the English political "liberal" term designating a free class of men and it has never lost its ties to elitism. Nikhil Pal Singh cites the *OED*'s definition of the term, defining liberalism as "respectful of individual rights and freedoms, favoring free trade and gradual political and social reform that tends toward individual freedom" and then goes on to say that this representative definition "encapsulates some of the key attributes and ambiguities of liberalism. Central to every version of liberalism is an insistent, quasi-naturalistic link between human and market 'freedom' (*Keywords* 140).

[42] Vijay Prashad argues in *The Darker Nations: A People's History of the Third World* that the political project of the Third World laid out an alternative political subjectivity and strategy to the capitalist/communist blocs as a secular, anti-colonial nationalist force. Drawing on a historically-minded and material history, the primary architects of this project distinguished between "modernization theory" (offered by Weber et al. putting the "onus for development on the cultures of the so-called traditional societies, and thereby excis[ing] the history of colonialism") and their theory of "development economics" (primarily put forth in 1949 by Raul

State authorities beat Wasim after he loses his work visa with the Connex-Killen merger. He moves around the shantytowns of the Foreign Workers Compound in the Persian Gulf following bees, fish and other seasonal migratory work, and ultimately joins an Islamic school mostly for the french fries and lamb skewers, but also for the language lessons provided so he can learn Arabic and get a job. Recruited for a suicide mission by one of the very handsome and charismatic teachers at the Islamic school, Wasim registers the economic violence of exploitation. A British voice on the radio from another thread of the network narrative reads the statistical effects of the merger: "37,000 workers in 160 countries" effected by the oil merger, and the company plans to pass on the "savings" to the consumer. Janus assures the public they will have the best quality product at "the lowest possible prices."

Much of Wasim and the other migrants' work takes place off-screen. The men form lines, answer to mechanized authorities of the state or of corporate power, and keep moving and moving and moving to find more work. In *Capital*, Karl Marx

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Prebisch arguing the new nations "needed to move from production of raw materials to that of manufactured goods"). This refusal to allow the Third World to simultaneously be a site for pastoral imaginings *and* subject to corporate enclosures, insisted on registering the material history of colonialism: "Colonial rule not only impoverished the darker nations but also appropriated wealth to produce the great leap forward for Europe and the United States…[the] darker world contributed greatly to the development of Europe, and based on this evidence, *it is clear that the invisible hand is white*" (68 emphasis mine). *Syriana* extends this project of uncovering the direct correlations between poverty and wealth, between colonialism and globalization's corporate structures, and between liberalism as a political project positing formally equal citizen-subjects and imagining *"homo oeconomicus*, a person whose conduct is naturally coordinated and regulated through competition and trade with others with minimal state interference" (Singh 140).

moves from a socialist utopian project to his scientific method of dialectics in order to answer the classical political economists and offer a new method and framework for understanding how the capitalist mode of production works. It is a useful starting point to think through the film's engagement with the "real" cost of global capital and in particular of cheap oil. If value is both immaterial and objective—immaterial because it is a social relation and "transforms every product of labour into a social hieroglyphic" (167) and objective because "socially-necessary labour time is objectified in the commodity (139)—how do commodities both express and occlude this value relation? And if exchange posits actors as atomized owners of commodities in a "juridical relation" (178), relating to each other through the commodity that "transcends sensuousness (163) then labor, and the conditions of labor appear only as abstract representations of value taking on the universal properties of money. Money and commodities are the fetishes that "dazzle[e]" (187) the eye and hide the conditions of labor. Gas is a little over two dollars or sometimes three dollars and so *that* becomes its value. The film refutes this, of course, by offering interlocking narratives pantomiming petroleum's real costs: corruption, assassination, poverty, terrorism, all matters of structural violence. But does so *not* by introducing the audience to an individual new protagonist of poor-man-cum-suicide-bomber, but by introducing and making visible the economic structures of global capital to make visible the previously occluded conditions of labor hidden beneath value *as* exchange value. The film—and the genre more generally—deconstructs the commodity to make visible the labor. The characters (mostly) perform nodal roles and not sentimental ones. They are in front of the camera not to

invoke humanitarian responses of moral outrage, but to function in the radical empirical mode of removing all that dazzling capitalist money so that not just labor, but the social processes surrounding labor can be seen.

The "suicide bombing" too is reframed. It is not legible within the universal idiom of *hostis humani generis* that Carl Schmitt argues does not outlaw war or "abolish the friend-enemy distinction, but, on the contrary, opens new possibilities by giving" a justificatory framework for war (51)[43]. Since humanity as such has no enemies, and since the designation of "suicide" refuses the act's originary political and economic framework[44], Wasim's final act must be understood as a final employment opportunity. Standing in the apiary, he pulls a frame from the hive as boys walk past smoking the bees. Suddenly stung, he pulls off his netting and leaves the work to rinse his wound. Frustrated, and doubting his faith to carry out the mission, his friend walks over and reminds him that if they do this, they will finally have control over their family, can finally bring Wasim's mother here, and will have

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[43] Schmitt, Carl. *The Concept of the Political.*

[44] Mark Antaki's political analysis of torture in "The Politics and Inhumanity of Torture" provides an opening with which to also reread "suicide" attacks as political. Antaki observes, "State torture appears as tied to actualizing the fantasy of human omnipotence, including and especially the fantasy of the omnipotence of individual men…and to a forgetting of the most elementary fact, or rather datum, of the human condition, human plurality." Antaki footnotes Arendt's version of this political and plural human condition: "men, not Man, live on earth and inhabit the world" while making the smart and hard ethical and political move to insist on rethinking torture as genocide. To turn from torture to genocide insists on moving from a register of pain to that of political maintenance or constitution. "The key here," he writes, "is the manner in which the body of the tortured human being is the 'point of access' to the body politic or to a broader group to which the victim of torture belongs" (11). Antaki's framework offers a powerful way to understand "suicide bombing" as an attempt to de-politicize, and singularize a political act taking place at the site of the bodies of the bombers, at the site of an impossible and excluded body politic.

the means to care for family matters. The film's final scene of the two boys sailing a missile and their dhow into the Connex-Killen oil tanker in the Persian Gulf, then, is not an apologist account of terrorism but a material and descriptive narrative of the economic structures underwriting terrorism. In this sense, it is also a radical return to *Capital*'s final words in "The Working Day". Marx observes,

> "It must be acknowledged that our worker emerges from the process of production looking different from when he entered it. In the market, as owner of the commodity 'labour-power' he stood face to face with other owners of commodities, one owner against another. The contract by which he sold his labour-power to the capitalist proved in black and white, so to speak, that he was free to dispose of himself. But when the transaction was concluded, it was discovered that he was no 'free agent', that the period of time for which he is free to sell his labour-power is the period of time for which he is forced to sell it, that in fact the vampire will not let go 'while there remains a single muscle, sinew or drop of blood to be exploited' For 'protection' against the serpent of their agonies, the workers have to put their heads together and, as a class, compel the passing of a law, an all-powerful social barrier by which they can be prevented from selling themselves and their families into slavery and death by voluntary contract with capital. In the place of the pompous catalogue of the 'inalienable rights of man' there steps the modest Magna Carta of the legally limited working day, which at last makes clear 'when the time which the worker sells is ended, and when his own begins'' (416).

The two throttle into the petroleum tanker owned by the corporation with which he was formerly—and always temporarily—employed. The job just shifted. Both jobs, though, radically deform the subject and both are held within the film's critiques of structural violence. The external moral apparatus cannot stand and neither can the "pompous catalogue of the 'inalienable rights of man.'" The suicide becomes *strike*, in an expanding catalog of the real costs of capitalism.

In a special feature section of the DVD, Stephen MacSearraigh, the consultant for *Syriana*, says that the Dalton's and Janus' of the film are "ciphers for us, these are people who are our agents, who are acting for us to provide our demands. We can't

in good conscience separate ourselves from them, we're all part of the same chain. We consume what they provide. By doing that we sanction what they do to provide us with these things." The makers of the film insist on the complicity of the audience in killing Wasim, in blowing up the tanker, in accepting "waste" as part of the hidden cost of consumption. They were one of the first climate-neutral Hollywood films produced, and they provide a website for the audience to "take part" in changing consumption patterns (http://www.takepart.com/blog/tag/syriana/)[45]. But the film offers more than its makers. The film goes beyond tinkering with capitalism, or just shifting buying practices of the consumer. Instead, it offers a critique of capitalism's engine: the autonomous liberal subject. Within the logic of the film, the website's call to individual action is illegible at best, toxic and crippling at worst.

Beyond presuming the legitimacy of the state, liberalism takes individual freedom as the primary metrics and ends for its conception of justice. The language of "liberalism" drags liberalism's socially restrictive historical roots—distinguishing between a class of free men and those excluded from this political order—and impinges on contemporary conceptions of liberty. Positive freedom—freedom to *do* or *be*—and negative freedom—freedom *from* interference—posit the autonomous individual who might be "master" of his life or "act unobstructed by others" (Blackwell 534). There is a certain amount of Newtonian physics in this wherein the apple falls and it neatly hits the ground; a man acts, and his actions and will neatly correlate to effects in the world. *Syriana* contests the individual foundations of this agency at every turn.

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[45] http://www.treehugger.com/files/2006/01/syriana_goes_cl.php?dcitc=prev_post

The first signal of this is caught in the opening scene as Bob Barnes' arms deal with an Iranian is derailed. Planning to sell two missiles to the man and then blow up the car carrying the weapons, Barnes is caught off guard by a third party entering the contract and absconding with one of the missiles. Unable to control the situation, Barnes manages to destroy the first missile, but the second winds its way through the narrative and ends up in the final scene destroying the petroleum tanker. The cut from this scene to an opulent member of the Committee to Liberate Iran, gardening in Georgetown and meticulously pruning his roses, frames the hubris and futility of agents imagining they can manage or control the world around them.

Bryan Woodman, played by Matt Damon, is an energy analyst and partner in a derivative trading company in Geneva. Asked to make a pitch to the Gulf Emir, he explains that his firm is "prepared to help problem solve with you…the foreseeable and unforeseeable problems you encounter." A fundamentally dependent concept, derivatives are the financial instruments which rely on other financial instruments for their value. A dream within a dream, they trade in futures, speculation, and are used to mitigate risks in the market[46]. Woodman's pitch doesn't make it directly to the Emir, who is busy showing off his "Genius Home" to the Chinese businessmen in his office. Proud and loud, the Emir changes channels on his video monitor to show

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[46] As I write this, I have gotten two Facebook messages *today* about derivatives. Facebook, of all places! Most of the non-expert discussion revolves around an anger that sounds a lot like Warren Buffet: why are these toxic messes not regulated by the government? But I want to suggest that derivatives are the engine of neoliberal capitalism, not an aberration. While Colbert et al satirizes the mob-mentality looking for scapegoats for these "hard economic times", the implicit message is that this is not about mismanaged capitalism, but it is capitalism showing its true face.

the men the technological innovations of his wired home. Switching to a split screen, he tinkers with adjustments in half a dozen rooms of the palace and then notices the lights to the swimming pool are not working. Before anyone can catch the faulty wiring, Woodman's son jumps into the pool and is electrocuted.

Grieving, Woodman tells his wife weeks later, "I changed the diapers, I put cream on rashes…I cared about every fucking percentile. I did everything right, I did everything right." Right before the electrocution, another child was roughhousing with his son at the Emir's party. Standing to intervene, his wife interrupts him and tells Woodman the son needs to work it out on his own, that it is good for his "autonomy".

But if the film insists on the fiction of autonomy, on the *illusion* of risk management, on underscoring the irony of Woodman's character, it does so most powerfully by watching the ways that the logic of the liberal subject is used to inoculate the structures from any meaningful change. In other words, the film's critique of the autonomous liberal subject functions most clearly by a demonstration of how political and economic systems protect themselves by employing this fictional subject as scapegoat. Drafting a memo to distance himself and the agency from Barnes' failed assassination attempt of Prince Nasir, Barnes' C.I.A. boss says, "Bob has a long history of entrepreneurial operations. We haven't really had a handle on Bob for years…some people let their emotions get the best of them…these are complex times." The fabricated narrative excommunicates the recently-tortured Barnes, and frames his actions and his role as *exception*; Bob was

an individual, out of control of the normal operating procedures of the intelligence agency.

To legitimate the Connex-Killen merger, the corporation must at least give the "*illusion* of due diligence" and so the corrupt merger takes Daniel Dalton as their scapegoat. Always "a bit of a rogue," Dalton's prosecution distances the oil company from individual corruption and paves the way for the congressional approval of their merger. Framed as "rogues," misfits, outliers, these two men are easily picked off to buttress the idealized institutional narratives of a pure machine and deviant individual mechanics.

In "Democracy and Equality," William Connolly calls for a mandate to establish both an economic floor and a ceiling. The floor is a familiar version of economic rights, but Connolly 's picture of the ceiling can be read as a right to reality, a right to not have so much that you end up fooling yourself. His ceiling refuses means by which some might "manufactur[e] collectively destructive private escapes from public failures…construc[t]…escapes from the general condition" or otherwise go it alone (81). His point is of course not that privatization is a fiction—its "collective damage and suffering" are all too real —but that privatization's claims to autonomy and nature are fictions; to claim be alone is to simply ignore the dependencies, interdependencies, and exploitative relationships upon which the illusion of independence depends. But Connolly's implicit claims of interdependence also shuts down the language of the "rogue," and insists on reading the ensemble and networked power at work in both rights and regimes of power. Freedom is

never individual, but is always multiple, always constructed, and always understood only from within the tangled and material connections between subjects.

So, what emerges in place of the liberal subject? *Syriana* reorients David Bordwell's identification of the network narrative's central formal principal from one in which "several protagonists are given more or less the same weight as they participate in intertwining plotlines. Usually these lines affect one another to some degree. The characters might be strangers, slight acquaintances, friends, or kinfolk. The film aims to show a larger pattern underlying their individual trajectories" (*Observations on Film Art*). In this subgenre of the network narrative, and in this film in particular, it is the larger pattern or the structure *itself* that becomes the protagonist. In the final scenes, a rebuttal to *Crash*'s Levinasian ethics of the face to face encounter, two men work to interrupt geopolitical machinations. On the one side, the camera cuts between the C.I.A. long-distance missile-operations room in Washington D.D. targeting Prince Nasir's cavalcade, and Bob Barnes rocketing down the same Persian Gulf highway in his S.U.V. trying to intercept and save the prince. On the other side, the camera cuts between the corporate players at Janus' banquet dinner who have choreographed the assassination of the prince, and Prince Nasir in his cavalcade riding to stage a coup to nationalize his country's resources and rebuild its infrastructure decimated by big oil. Both Barnes and Nasir struggle to interrupt the networks within which they are tangled, both have heroic intentions. There is a split second where they stand face to face, before an explosion and before tens of thousands of miles away the C.I.A. declares "the target is destroyed." The agency and the sovereignty remain congealed in the protagonist of capital, and the

missiles and the plans are always-already launched and out of the control of these individual subjects.

But before he is killed, Prince Nasir's entourage stops on the freeway. Hundreds of mountain goats fan out and pass by the dozen or so dark S.U.V.'s in the royal caravan. From the satellite video, the C.I.A operations can't tell what is happening on the ground and everything stops for a moment while they squint at the monitor. Woodman too, now Nasir's economic advisor, sits beside the prince and looks confused about why a coup is being interrupted for a bunch of goats. Nasir explains to Woodman, "the Bedouin always have right of way," and he gets out of the car to watch the shepherd and the flock. This scene, more than any other, proposes an alternative to the absurdities of top-down, long-distance rights discourse. The juxtaposition of the rights-as-property engine of the C.I.A. control room, next to the rights as rights-of-way immanent social practice of the desert roadway is not only a critique of the remote control hegemony of imperialism but is also an ancient picture of a locally-centered justice[47].

Not an alienable commodity, but a shared labor, and a shared practice, there is a glimpse here of a model for recognizing the interdependence and local contexts of rights. The shared labor of rights is illegible from the seats of representative power or from the logic of national intelligence; it is an insistence on local, democratic participation. It is something that also offers grounding and coherence to the vast complexities of how lives are organized in a globalizing world. Mark

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[47] Since I first wrote this chapter, Elinor Ostrom has won the Nobel prize in Economics and her work argues for a version of this Bedouin claim.

Taylor, in *The Moment of Complexity*, looks to the mix of chaos and order in complexity theory—the progeny of chaos theory—to argue this paradigm is not just a scientific breakthrough, but what defines the art and culture after World War II. One of his most interesting claims is the ways in which complexity—whose theory is being used by Disney and the military to think about crowd patterns—is internalized in individuals and creating a new subject altogether. He writes, "The networks that make me what I am are always networks within networks, which, while never complete, are nonetheless global. As a node of networks that are infinitely complex, I am the incarnation of worldwide webs…this is what I am—this is what we have become in the moment of complexity…" (232). "Complexity" is not only a refrain within the film, but of the critics and audience who watch it. By offering a literacy of this complexity—the ways in which subjects *are* always networks within networks—the film offers a first step toward recognizing, although not yet activating, the subject as site of interdependence.

Emerging Rights Literacies

The rights literacies emerging out of this archive turn from recognizing rights as commodities to rights as labor. Rights now become visible as a collectively produced means to a collectively labored for ends; they require a material grounding and an accounting of their history that had been stripped away. The generic technologies of the network narrative provide a method—of destabilizing epistemologies, subordinating individual chance to a macroscopic language of demography, and an aesthetic-empirical turn toward tracing material connections—

by which to articulate a non-ideal, participatory, contested, and immanent theory of rights. By looking beyond individual agencies and toward the political energies of the networks and ensembles, the genre begins to answer Marx's criticism of alienable and abstract property rights. Wendy Brown recasts Marx in Foucauldian terms saying, "To the extent that the egoism of rights—their discursive formation of the sovereign individual—obscures the social forces producing rather than merely marking particular groups or behavior as subhuman, rights appear to discursively bury the very powers they are designed to contest" (115). And the network narratives' insistence on making these very social processes the central and agential subjectivities reframes rights as collective, situated, and political. They have the potential to reframe stories to not be about suffering—or wounded subjects—but about unjust, inequitable, and violent political and material structures.

The field of community psychology uses the language of "first-order" and "second-order change" to differentiate between practices framing the individual versus those framing the constructed environment. First order change seeks to change an individual in order to fix a problem, locating the pathology in the person and the solution in humanitarian aid or charity. Second-order change attends to structures and systems in order to address inequity and to work toward justice. This similar shift in the network narrative not only makes visible the social structures and political energies between subjects, but also engenders new reading practices for the audience who must now attend to the fractures, ensembles, and networks that are constituting an always-changing and unmanageable new subject.

The network narrative also puts pressure on thin notions of dependency and community, making visible the often-invisible political connections of capital. The genre's potential to make these connections visible, collapses, for instance, Rhoda Howard's definition of community. In *Human Rights and the Search for Community*, Howard argues that community is "a group of individuals who have a sense of obligation toward one another" (5). In his brief and tentative article "Towards a Theory of Human Rights," Amartya Sen joins her opining, "…since detailed reflection on what one should do is itself time consuming (and cannot even be actually undertaken for all the ills in the world), the duty of reasonable consideration will not, in a great many cases, translate into an obligation to take on an elaborate scrutiny—only a willingness to do just that, when it seems relevant and appropriate. The recognition of obligations in the relations to the rights and freedoms of all human beings need not, thus, be translated in preposterously demanding commands" (340). Both Sen and Howard emaciate connections, communities, and networks by cinching their definitions within a moral idiom of obligation. Action or obligation when it seems "relevant" or "appropriate" frames this normative schema asking, "What *should* I do?" prior to the recognition or attention to the *political* question that the network narrative insists on asking, "What *are* we doing?" This not only forecloses analysis by its moralizing force, but it also relies on a conception of a rational, autonomous, and sovereign subject. The rights literacy emerging from the network narrative begins to move away from these frameworks and toward the opening epigraph of this chapter.

I begin this chapter with, and return to, Wendy Brown's critique of rights and

her sketch of a possibility beyond this apolitical and egoistic discourse. She argues,

> If every 'I am' is something of a resolution of the movement of desire into fixed and sovereign identity, then this project [of shifting from past wrongs to desired futures] might involve not only learning to speak but to read 'I am' this way: as potentially in motion, as temporal, as not-I, as deconstructable according to a genealogy of want rather than as fixed interests or experiences. The subject understood as an effect of an ongoing genealogy of desire, including the social processes constitutive of, fulfilling, or frustrating desire, is in this way revealed as neither sovereign nor conclusive even as it is affirmed as an 'I'. In short, if framed in political language, this deconstruction could be that which reopens a desire for futurity where Nietzsche saw it foreclosed by the logics of rancor and *ressentiment.* (75)

Brown asks, what if we seek to "supplant the language of 'I am'—with its defensive closure on identity, its insistence on the fixity of position, its equation of social and moral positioning—with the language of 'I want this for us'? (75) Justice becomes agonistic, a horizon, a possibility, and it begins to take on the structure of feeling found in the alter-globalization's manifesto: another world *is* possible.

I want to conclude by returning to my starting point for this chapter of looking to the politics and political possibilities of genre. In *Human Rights, Inc: The World Novel, Narrative Form, and International Law*, Joseph Slaughter argues that the "*Bildungsroman* is the novelistic genre that most fully corresponds to—and, indeed, is implicitly invoked by—the norms and narrative assumptions that underwrite the vision of free and full human personality development projected in international human rights law" (40). He is right, I think, and makes a compelling case for "clarifying the hegemonic complicity of the *Bildungsroman* and international law" in order to "offer a methodology for thinking the formal, historical, sociological, and ideological human rights implications of other, non-hegemonic literary genres" (41).

In this chapter I have tried to dig in here, to carve out a space to extend this methodology to think how the network narrative might offer a radical break from his analysis of how human rights "operate according to the protocols of the market, turning human suffering and poverty into commodities and preparing their subjects for normalized and disciplined life" (Douzinas). In other words, while he outlines the "mutually enabling fictions" of human rights and the *bildungsroman*, I have taken up his invitation to explore other literacies and imaginations activated by genre and offer the methodology of the network narrative as one such possibility. The genre, while susceptible to teetering over into an abstract humanism, offers glimpses of a rights discourse that draws its political energies by working within the very thick of things.

PART II:

ARCHITECTURES OF HUMAN RIGHTS

CHAPTER FOUR

OCCUPYING, RESISTING, PRODUCING:
THE ARCHITECTURE AND GEOGRAPHY OF RIGHTS DISCOURSE

…people must decide whether to accept the given architecture and to function within it…[or if] they come to believe that others will join them in a struggle to change the architecture, then other, better possibilities open up.

—Nancy Fraser, *Abnormal Justice*

Where people cannot legally change their modern habitat, they fight it with vandalism. —Von Eckardt

An aesthetic of cognitive mapping—a pedagogical political culture which seeks to endow the individual subject with some new heightened sense of its place in the global system—will necessarily have to…invent radically new forms…in which we may again begin to grasp our positioning as individual and collective subjects and regain a capacity to act and struggle which is at present neutralized by our spatial as well as our social confusion. —Frederic Jameson *Postmodernism*

Pirates and Vandals

Obscured by the reports of "pirate thugs" and "rogue gunmen" in the "crime-infested" waters off the coast of Somalia, is a story about contemporary global justice[1]. In the 2009 maritime fracas between a U.S. cargo ship and a small group of

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[1] "Thug" used by Time, "rogue" by AP and "crime-infested" by LA Times but almost all reports had this subtext of no-good Somalians holding the hero hostage. *Time Magazine*. "No Surrender to Somali Pirate Thugs". April 27, 2009. http://www.time.com/time/magazine/article/0,9171,1891763,00.html *Guardian*.

Derrida's 2003 *Rogues* argues that since the law can always suspend itself, it is the states like the United States that are the most "roguish" since their democratic impulses require patience and sharing that the sovereign power cannot contain. The

armed Somalis, the news media told a story of the "heroism" of the American vessel's captain, the U.S. navy, and even the American president. They were lauded for quickly and decisively thwarting what the *LA Times* called the "first attack against a US-flagged vessel off Africa since the days of the Barbary pirates more than 200 years ago." In a comment dripping with nationalist sentiment and bravado, one senior White House official even confided to George Stephanopoulos that the rescue was "going to make a great movie"[2]. Almost all reports, also, made a point to tout the five thousand metric tons of food and relief supplies bound for Africa that was carried by the Maersk Alabama[3]. *The New York Times* reported that the cargo ship was carrying food and "other agricultural material for the World Food Program, a United Nations agency, and other clients, including the United States Agency for International Development"[4] and so what might have been confined to just Americans as the hero of the story, becomes in the reportage a benevolent and generous *world* community against the senseless, brutal, and "rogue" actions of the thug pirates.

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pirates, then, are revealing the cracks and fissures in an international order unable to reconcile the tensions between democracy and sovereignty.

AP: http://www.guardian.co.uk/world/feedarticle/8452147
LA Times: http://articles.latimes.com/2009/apr/09/world/fg-somali-pirates9

[2] http://abcnews.go.com/print?id=7318145
[3] One article in the *Guardian* even calls the ship a "food aid cargo ship": http://www.guardian.co.uk/world/2009/apr/09/somali-pirates-us-ship, conflating action with identity.
[4] http://www.nytimes.com/2009/11/19/world/africa/19pirates.html

But the Maersk was not a lone ship in these waters, and its cargo was never limited to humanitarian aid. Toxic waste, while costing more than one thousand dollars to dispose of in Europe, costs only a little more than two dollars to "disappear" offshore in Somalia, and the practice of cargo ships carrying this waste is all but unregulated in the international waters off of this failed state (Patel 145). According to an initial UN report, following the 2005 tsunami in Asia, Somalians on the coast began "suffering from far higher than normal cases of respiratory infections, mouth ulcers and bleeding, abdominal hemorrhages, and unusual skin infections,[5]" all symptoms of radiation poisoning. Meanwhile, the fishing communities had been decimated and hundreds of people died, but almost no mainstream western news sources had picked up a fact cited in an article six months before in *Al Jazeera*: radiation illness "is now cited by pirates as a motivating factor for their hijacking of passing ships off the coast of Somalia" (Patel 145). What complicates the movie pitch even more is that in January of 2010, a spokesperson for the Somali pirates offered aid to the devastated region in Haiti following the earthquake. Reporting they could deliver the aid unobstructed, the leader of the pirate group told the media, "The humanitarian aid to Haiti can not be controlled by the United States and European countries; they have no moral authority to do so. They are the ones that have been pirating mankind for many years.[6]"

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[5] http://www.timesonline.co.uk/tol/news/world/article418665.ece
[6] Reported Huffington Post: http://www.huffingtonpost.com/2010/01/28/somali-pirates-aim-to-don_n_441256.html

This is a story about the criminal inadequacies of markets as a mechanism for justice. It is also a story about Césaire's sorcery of language that is able to turn a man into a thing. But I begin with this story of the *Maersk* because it raises the question of what violence is visible, legible, and speakable within the hegemonic architecture of international power structures. *Pirates*, at *sea*, throw into relief questions of sovereignty, jurisdiction, and legitimacy. Beneath these questions, though, and beneath the story of the *Maersk*, I want to suggest lies a toxic entanglement of geography and justice, asking the central question: how is justice negotiated and determined *spatially*? Turning to the Universal Declaration of Human Rights and to a graphic campaign of an anonymous group of artists and activists—the Beehive Collective —I analyze how each configures rights claims against the entanglements of geography and justice. These two texts—the former built around a legal metaphor of the portico and the latter employing metaphor to denaturalize the ideologies of global capital—are both engaged with constituting spaces for justice and are committed to articulating justice spatially. I will first argue that a close reading of the legal metaphor of the portico makes explicit the Declaration's tacit complicity with a depoliticizing humanitarian rhetoric; social justice collapses under the weight of a freighted ethics that forecloses analysis of structural violence. Second, by putting pressure on what I suggest is a false binary in Ranciére's analysis of rights—the binary between "sphere" and "process"—I turn to the Beehive Collective's illustrations of social geography to argue space here becomes not only a site for critical analysis but also a site for collective, democratic, and participatory action. Conflicting rights claims, read against broader material,

political, and historical structures *reshape* the discourse and radically vandalizes the hegemonic architecture of the UDHR. Human rights—once the purview of a Westphalian order presiding outside and managing justice—gets re-imagined as an immanent and unmanageable claim for democracy.

Ideology of the Portico: Portico as Ideal Theory

In the summer of 1946, eighteen member states of the United Nations were charged with the first task of the Commission on Human Rights: to draft an international bill of rights. One year earlier, President Truman delivered his first major speech of his presidency as he signed the UN Charter at the San Francisco Opera House declaring that "the seeds of war are planted by economic rivalry and social injustice" and signaling that he intended to carry on F.D.R.'s commitment to an international body grounded in principles of economic and social justice. The Commission included representatives from Australia, Belgium, Byelorussia, Chile, China, Egypt, France, India, Iran, Lebanon, Panama, Philippines, Ukraine, USSR, United Kingdom, United States, Uruguay, and Yugoslavia who met for the first time in January of 1947 on Long Island in an old gyroscope factory.

The meetings in the gyroscope factory in Lake Success, New York both symbolically and materially oriented the work of the commission for the next two years until the international bill of rights—now named the Universal Declaration of Human Rights—was adopted in December of 1948. The records of the meetings painstakingly reveal the collaborative and collective compiling and drafting of the

declaration, but almost all credit one man with the document's shaping: Rene Cassin, the judge and jurist who would win the Nobel Prize twenty years later for this work[7]. In the summary record of the sixth meeting at Lake Success, the committee decided to appoint a temporary working group to "suggest a logical arrangement of the articles of the Draft Outline supplied by the Secretariat [Canadian legal scholar John Humphry]" (8)[8]. Just as the gyroscope factory once produced the mechanism for maintaining orientation, Cassin's appointment as the primary architect of the declaration now set out to produce a new international order with its own laws of orientation that would shape and determine the instruments of human rights discourse to come.

What was unique in Cassin's draft was the *form* he imposed on the original enumeration of rights submitted by the Committee's Secretariat. This form, I argue, structures rights claims in a discrete, consensual, and absolute architectural space that both obscures its own political project and forecloses a political analysis of the subjects of rights.

The "Humphrey Draft", as the first draft was often referred to, was monumental: four hundred pages of annotated rights culled from "nearly two

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[7] Cassin wrote that he was "charged by his colleagues to draft, upon my sole responsibility, a first rough draft" but Humphrey—rightly—corrected this claim saying that "Cassin's new text reproduced my own in most of its essentials and style" (qtd. Morsink 8-9). The point I want to make here is that while the *content* was originally compiled and drafted by Humphrey, the *form* was determined by Cassin.

[8] Human Rights Commission, Drafting Committee, First Session. (E/CN.4/AC.1/SR.6).

hundred years of efforts to articulate the most basic human values in terms of rights," the author celebrated it as "every conceivable right" that the drafting committee would need to discuss (qtd. Glendon 57). And while the United Nations newsletter celebrated it as the "most exhaustive documentation on the subject of human rights ever assembled," those on the committee balked at its lack of "order," guiding "principles" and "philosophy" (58). The "Cassin Draft"—the second of seven drafts and the last one to be associated with one author[9]—preserved over three quarters of the content of the first draft, but framed and built an internally coherent document out of the content gathered by its predecessor.

Cassin approached the revision with years as a legal theorist and scholar and as the former architect of de Gaulle's Free French administrative and judicial systems. He structured the document based on the Code Napoléon and began with the legal form of what is known as the general part laying out the principles, premises, and purposes of what was still in the committees referred to as the "bill"[10]. Cassin ordered Humphrey's list of rights in to a form that he compared to a

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[9] The drafts are roughly organized in the following order: 1. June 1947 Secretariat Draft (Humphrey Draft), 2. June 1947 Revisions by Cassin (Cassin Draft), 3. June 1947 Draft Revised by the Full Commission, 4. December 1947 Commission's Draft (Geneva Draft), 5. June 1948 Commission's Draft (Lake Success Draft), 6. December 1948 Draft of the Third Committee, 7. The Universal Declaration of Human Rights signed December 10, 1948.

[10] Because the Human Rights Commission was originally charged with creating both a declaration and a covenant, the first drafts of the "International Bill of Rights" often slipped between a manifesto and a framework for justiciable rights. Although I do not have space in this project to do justice to the tensions written into the document from this on-going debate, it is important to note this tension as it pertains to Cassin's intentions for the "general part" to act as a guide for judges as to how to apply the law.

"portico of a temple" (qtd. Ishay 223). This metaphor—a fierce alchemy transforming both human rights discourse and the Universal Declaration of Human Rights into the transcendental and transhistorical architectural form of a grand entryway—has now come to be the ubiquitous figurative language of human rights. Because my intention is to analyze the ideological implications of Cassin's ordering metaphor of the portico on human rights discourse, I will briefly gloss the Universal Declaration of Human Rights—not the "Cassin Draft" because although the drafts differ, both share the same "logical arrangement"—through the architectural and spatial lens of the portico[11].

The Universal Declaration of Human Rights consists—most basically—of a preamble containing a justificatory framework for the document and a proclamation clause, followed by thirty articles. The document coheres around what "Cassin identified [as] the four pillars of the declaration": dignity, liberty, equality, and brotherhood (Ishay 3). The return to the language of the French Revolution paradoxically ushered in a transhistorical foundation for the text that both marked a sequence of historical "progress"—the "first generation" of civil liberties of the enlightenment, the "second generation" of equity rights born of the industrial revolution, and the "third generation" of fraternal rights coming out of the postcolonial era—and a codification insisting these rights now stand outside of time. These columns—or pillars—of the portico are erected from the "foundation stones"

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[11] Since the "Cassin Draft" is obsolete, almost all theorists who write about Cassin's portico do so using the UDHR since they share the same structure. See: Ishay, Glendon, Waltz.

set out in the first article of the document that serves in legal terminology as a chapeau or as one of the committee members called it, a "prelude and a keynote to the actual rights themselves" (qtd. Glendon). The first article reads, "All human beings are born *free* and *equal* in *dignity* and rights. They are endowed with reason and conscience and should act towards one another in a spirit of *brotherhood*" (italics mine). The columns rise from this foundation to move from enumerating the most specific and least controversial rights of the integrity of the individual *qua* individual (dignity), to the more general rights of the individual in relation to others in a civic body (equality), to the political and spiritual freedoms of liberal democracies (freedom), and finally to the "new" social, economic, and cultural rights emerging most clearly from the delegates from Latin America, Third World countries, and the Soviet block (brotherhood). The chapeau of the first article is, importantly, not only foundational in upholding the architectural integrity of the document but it is also foundational in terms of the document's philosophical claims to natural law. Dignity, liberty, equality, and fraternity are framed here as an implicit rejection of positive law and draw from the preamble's first clause for "recognition" of "inherent" human rights; these keystones of rights, the organization of the text insists, are being *illuminated* and not conferred.

This explicit appeal to natural law in the language of the document both follows in the tradition of the 18th century rights documents—in particular the Declaration of Independence and the Declaration of the Rights of Man and Citizen—and also registers the framers' anxieties of the legal architecture of the Third Reich. The horrors of the law's capacities to kill—legal deaths followed by genocide—was

invoked by the members of the Human Rights Commission who were determined to offer a legal framework that would go beyond mere prohibitions of violations and would instead provide a document thunderously drawing a moral line that transcends politics and history[12].

These explicit appeals are redoubled in the implicitly embedded appeals to natural law found in the metaphor of the "portico of a temple." As an architectural form, the portico serves as a passageway leading in to—in Cassin's articulation—a sacred place of worship, ritual, or dwelling for the gods. It becomes the architectural articulation of an appeal to the Enlightenment's secular transcendentalism; the carved out space of reason leading to the temple of something that might look like natural law. The portico, as a metaphor, functions to further jettison the political in order to reach toward the universal; it jettisons the messy process of drafting or of the labors and acts of constructing to embody the secularly transcendent claims of the Enlightenment. The Greek architectural form—employing the balance, harmony, and symmetry of a stylized rhetorical cannon—simultaneously invokes the competing and overlapping lineages of classical, neo-classical, and Enlightenment

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[12] Jeremy Waldron's article, "Torture and the White House: Jurisprudence for the White House" argues towards what he calls "legal archetypes" that are higher and compelling norms that should never be tinkered with. He usefully points to the distinction between *malum prohibitum*—that which is bad, like a parking ticket, because we have prohibited it in statute law—and *malum in se*—that which is naturally evil, according to a decision in *Washington v. Anderson (2000)* "as adjudged by the sense of a civilized society." *Columbia Law Review 105* (2005). His analysis destabilizes the false binary between natural law and positive law by looking toward the accumulated and historical and political sediments of law beyond which no jurisprudence should pass.

humanisms beneath a veneer of the transhistorical, while revoking access to the material, historical, and political conditions razed for its construction.

Given the history of human rights discourse, the portico's analogical relationship to natural law is not noteworthy. The 18th century rise in codifying these rights relied on an appeal to natural law that was most famously critiqued by Jeremy Bentham who called the whole enterprise "non-sense upon stilts." But what is striking about constructing the Universal Declaration of Human Rights around a metaphor that takes natural law as its foundation, is that it buries the—albeit imperfect—anti-foundational process of the drafting committee. Writing on behalf of a special commission of philosophers from all over the world asked to provide a treatise on human rights, Jacques Maritain begins his inquiry by offering an anecdote from one of the many UNESCO meetings. A member expressed astonishment that people from such divergent worldviews could come together and agree upon a list of rights. Maritain records another member responding, "Yes…we agree about the rights *but on condition that no one asks us why*" (emphasis his 4)[13]. Maritain goes on to suggest that articulating this "why" is the philosophers' task, but I want to suggest that the philosophers and the metaphor of the portico both lose

[13] Maritain's thesis might be boiled down to an ontological claim about interdependence. His summary thoughts opening the UNESCO document claim, "[t]he gains of the collective intelligence under the influence of its several cross-currents go far beyond the disputations of the schools" and so writes to illuminate the underlying consensus of the philosophers. United Nations Educational, Scientific and Cultural Organization. *Human Rights: Comments and Interpretations*. A Symposium edited by UNESCO. Introduction by Jacques Maritain. July 25, 1948.

this brief and fleeting anti-foundational possibility held out by the call to *not* ask why, to *not* insist on transcendental origins or foundations.

Emerging from this loss is the violence, waste, and myopia of *beginning* a theory on a beyond—beyond time, beyond politics, beyond situated subjects—that is shared by both foundational and ideal theories. While all theory, to a certain degree, is coherent only insofar as it reaches beyond the singular, the qualitative distinction I am making is that the portico *starts* its ethical project by reaching beyond the subject to foundations or to ideals[14]. Both foundations and ideals share a normative structure that not only makes some violence less visible, but also writes violence into its logic; both pry free from political analysis to name deviations and exclusions as morally deficient, pathological, or immature. Those "outside" the portico—in the language of the document it is those whose acts are "barbarous" or who "outrage the conscience of mankind"—are *morally* inadmissible and *politically* illegible in these theories. The material claims of the suicide bomber in *Syriana*, Michelle Cliff's Christopher, the "thug" pirates of Somalia's seas—the antagonists of

[14] The *difference* in these differences is stark. See: C. Douglass Loomis' story of political narratives of sacrifice to build political life. Interestingly, in 1958 Iris Murdoch called for a "house of theory" to build against the reigning Empiricism in the English tradition and I want to develop this point in terms of architectural metaphors that "build a theory" versus, say, David Harvey's call for a "people's geography" that applies theory to the lived, material, social geographies. The difference is different: one is extractive and one is grounded; one is discrete and one is embedded.

ideal theory and the protagonists of theory grounded in imagining comprehensive justice—are all incoherent in the abstract and ahistorical space of the portico[15].

If foundational theories reach down towards something like human nature or a fundamental principle or belief to anchor themselves, then ideal theory looks up towards models and our better angels. This is, on the one hand, more of a rhetorical than a substantive distinction since both metaphysical theories are fundamentally engaged in a peeling away from the sites and structures of domination, oppression, and exploitation; regardless of which direction they peel, their twinned projects are a synchronized movement *away* from the political. But on the other hand, there is a substantive distinction because foundational theories pull toward a normative ground while ideal theories pull toward a prescriptive ether. Because Cassin's portico does both—it is built on the foundational principles of a shared and universal humanism and articulates an ideal model for the conditions of universal human rights, most explicitly in the "pediment" of the last three rights of the declaration[16]—it becomes a site at which to analyze the implications of both theories' ideological underpinnings for human rights discourse.

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[15] These examples of the effects of tucking away politics are the effects of obliterating difference, as Fanon would say, and not only pathologize individuals, but naturalize structural pathologies like the atom bomb. The document's silence on the a-bomb is deafening.

[16] The final three rights of the declaration read, "Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing

Immanuel Kant's writings offer a way in to think about foundational and ideal theories *as* ideology. This is a point that Charles Mills, in "Ideal Theory as Ideology" explores, but I would like to push further in order to analyze the ethical claims embedded in the metaphor of the portico. Charles Mills builds upon a critical vocabulary of feminist, Marxist, and classical left theorists to untangle the tacit concepts or assumptions of ideal theory—"idealized social ontology", "idealized capacities", "silence on oppression", "ideal social institutions" like the family, economic system, or legal system, "idealized cognitive sphere", and "strict compliance" like Rawls' presumption all will act justly—in order to illustrate the ways that ideal theory obfuscates the actual (168-169). Ideal theory not only registers exclusions as "anomalies"—what Marx in "On the Jewish Question" says is the paradox of rights: rights acknowledge those left out but also write in the disenfranchised as a failed universal—for Mills, but in so doing it forecloses our "comprehension of the actual workings of injustice" (170).[17] Turning to Kant as his foil, Mills points out that although Kant realized the theoretical necessity of turning to concepts to support observation, Kant ultimately failed to take into account how all theorizing reflects the interests of the privileged group. For Mills, and for the antidote he offers as "non-ideal theory", the task must be to "scrutinize the

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due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations. Article 30. Nothing in this Declaration may be interpreted as implying for any State, group, person nay right to engage in any activity or perform any at aimed at the destruction of any of the rights and freedoms set forth herein."

dominant conceptual tools and the ways the boundaries are drawn" (175). If ideal theory perpetuates the domination and oppression of the marginalized classes, then non-ideal theory is able to disrupt this violence not by offering new and flawless concepts, but by looking critically at the concepts themselves; non-ideal theory rejects Kant's presupposition of an "idealized cognitive sphere" through its very skepticism of conceptual adequacy itself (174).

Mills and Carole Pateman, in particular, have offered paradigm-shifting critiques of the ideological workings of ideal theory as it plays out in the social contract. Their work—*The Sexual Contract* (1988), *The Racial Contract* (1997), "The Settler Contract" and the "Domination Contract" in the collaborative book project, *Domination and Contract* (2007)—demonstrates the applications of non-ideal theory in uncovering how subjects are "actually shaped by social structures, by 'material' social privilege and disadvantage" (182). But what I want to suggest is that the Kant that is invoked in these arguments is solely the Kant of *The Metaphysics of Morals* and so Mills can only answer with a difference in degree to suggest that what is needed is not a *metaphysics* of morals, but a *materialism* of morals[18]. Although Kant is not cited, Mills' argument compels the reader to a kind of call and response, filling in arguments in the text against Kant's clarion calls for "universal principles of right", "categorical imperatives", and his abjuration of "a purely empirical theory of right," that, "like the wooden head in Phaedrus' fable, may

[18] Mills says that his argument rehearses an older philosophical disagreement between materialism and idealism. "Materialism", he insists, is not the amoral repudiation of ethics, but the "commitment to locating ethical theory in society" (181).

have a fine appearance, but will unfortunately contain no brain" (Kant 132-133)[19]. Mills invokes this Kant—arguably one of the most formidable advocates of a universal world order; a herald of theories of universal human rights, universal justice, "perpetual peace," a world state, and a cosmopolitan federalism—to argue these idealizing universals must be understood as ideology. He argues these idealizing principles peel away from empirical, material subjects and perpetuate and maintain gross inequalities. But because Mills' argument is based on only a partial reading of Kant, he is only able to suggest replacing one normative ethical strategy with another.

Mills critiques Kant's ideal theory *as* ideology and offers instead a treatise on non-ideal theory that is materially grounded, historical, and attentive to hierarchies and domination. But viewed against the architectural trappings of the portico, Mills' critique does not restructure the portico—a space now understandable as the site of an idealizing social contract—so much as enlarge its normative entryway. In an epigrammatic conclusion, Mills shows his reformist hand saying that the best way "to bring out the ideal is by recognizing the non-ideal" (181). His critique of the inherently unethical logical structure of the social contract maintains "equality" as

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[19] Kant's categorical imperative is a normative claim that gets its value by not being contingent, by existing as a universal. The general formulation of this moral principle is: "Always so act that you are able to will that the maxim of your action be also a universal law" and has three subsidiary formulations: 1. Agent should be able to will that the maxim be also a law of nature. 2. A person should never be treated as a means only but also as an end in themselves. 3. Agent should see maxim as part of universal legislation. This formulation insists on agents being both the legislators and the subjects of moral law.

the centerpiece to his new "ethical strategy" (180, 165) and so remains in the same ideological boat as his foil.

I want to suggest that returning to Kant's language, though, allows for a way out of this ideology-finger-pointing cycle. It reveals this language—and the logic of this language—to be working against the grain of transcendentalism and it is a site to unearth an alternative to Mills' own return to ethics. In a short piece entitled, "An Answer to the Question: What is Enlightenment?" Kant continues to champion the secular transcendentalism of reason. Skeptical of authority in general, and of religious authority in particular, the piece argues that in order to progress past superstition, subjects must put reason to public use and "[h]ave courage to use [their] *own* understanding" (emphasis his 54). The writing relies on teleological language—"immaturity", "upward progress", "man's emergence"—as does his situating "enlightenment" not as a static age, but as an unrealized process of men "gradually work[ing] their way out of barbarism" (54, 58, 59). This logic, though, the same justificatory logic propping up imperialism of all types, fractures beneath the weight of its own vocabulary. The uneasy tensions between Kant's explicit appeal to reason as a universal and "sacred righ[t] of mankind" and an implicit critical analysis embedding historical change, at once registers his claim that human patterns "considered in their widest sense" will reveal "nearly everything is paradoxical" but also asks the following: How does Kant's philosophical project of universal, transcendent, cosmopolitan rights align with his narrative and rhetorical employment of change, history, and process?

The easy answer to this is that the teleology of the language weds easily with an achievable end of a universal ideal. And this might even have been Kant's own answer as he invokes and praises Frederick the Great, presumably to make the case for gradual civil freedoms begetting man who is freer begetting a government able to treat men as free. But a more compelling answer can be found by looking to his treatment of what I would like to suggest is an agonistic future; an inherent contingency he offers to replace the stifling, stunting, and "absurdity" of oaths to "certain unalterable set[s] of doctrines" (57). Arguing against binding dogmas "preventing all further enlightenment of mankind" Kant insists that one "age cannot enter into an alliance on oath to put the next age in a position where it would be impossible for it to extend and correct its knowledge" (57). Enlightenment entails commenting on "the inadequacies of current institutions" and "criticism of current legislation"; enlightenment—in Foucault's writing on this essay—becomes a "permanent reactivation of an attitude—that is…a permanent critique of our historical era" (Foucault 42). The antidote to the obfuscating and pathologizing tendencies of ideal theory is not, then, to be found in Mills' non-ideal ethical strategy, but it is found in Kant's own articulation of the spirit of enlightenment as critique, genealogy, analysis. Kant's teleological rhetoric now opens to the contingent, the agonistic, the unfixable[20]; a rhetoric that neither desires nor is able to depoliticize the subject.

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[20] This claim about Kant I am making insists that it is less important whether or not he put an "end" marker on his game board, than that the game is defined as a present critical engagement with the world.

Seen through this light, the architectural form of the portico has not only bracketed history in its foundational claims and defined the "present" means of establishing rights in its erection of the columns, but by doing so it has dogmatically bound justice-oriented projects to an unalterable set of doctrines; it both erases history *and* limits its own future. The portico as an entryway, then, cannot be read against the possibilities, contingencies, or agonisms held out by a *liminal* space but instead is legible only as a *prerequisite* space. To paraphrase the first clause of the preamble: to be recognized as a member of the human family, leave all but your dignity at the door. Politics are banished from the temple.

To imagine rights within this absolute, static, discrete, and depoliticized space is to enter into the territory Ranciére in "Who is the Subject of the Rights of Man" calls a "posthistorical" territory of "peaceful humanity" (297). Rights become that which is enacted on behalf of victims—those who cannot claim rights themselves—and which "ultimately boil[s] down to the rights of invasion" (298). This fact is secreted away in the Universal Declaration of Human Rights that makes no mention of the atomic force of Allied powers in World War II; human rights paradoxically become that which can exist at once *apart* from and *integral* to the violent means of the state. Addressing this vacuum, Talal Asad notes that US military doctrine allows a justificatory framework wherein the "use of excessive force against civilians through aerial bombardment is regarded differently from the use of violence perpetrated by particular officials against individual victims. It is not a matter of human rights abuse but of *collateral damage*" (*Formations of the Secular* 128). The costs of peace are neatly hidden beneath a depoliticized ethical rhetoric.

Ranciére's article is a philosophical flow chart for mapping the theoretical work converting politics into ethics. For Ranciére, the centerpiece to this conversion is the articulation of an absolute, discrete, and separate sphere of politics that he argues is central to both Hannah Arendt and Giorgio Agamben's work. In *Origins of Totalitarianism*, Arendt writes of the condition of the stateless, the refugee, the metaphorical "stray dog" as a phenomenon of man being stripped of all else except being human (Arendt 287). This modern outlawry or civil death is taken up in Agamben's articulation of "homo sacer"—the modern blurring of bare life and political life; of bios and zoe that becomes the conceptual grounding for sovereignty—that he argues is the double exclusion from the profane and the sacred: he who can be killed but not sacrificed (Agamben 83). Arendt's perplexities of the rights of man that unmoors subjects from the nation, becomes Agamben's paradox of sovereignty—that "the production of bare life is the originary act of the sovereign"—that rights enact (83). Linking Arendt's claim that the plight of the rightless "is not that the are not equal before the law, but that no law exists for them" and Agamben's conception of the exception, Ranciere argues both radical suspensions of politics are grounded in a theory that understands a separate and distinct political sphere that is apart from a "private, social, apolitical life" (301). Rights now are either a "void or a tautology": rights either are the rights of those who have no rights or they are the rights of those who do have rights (302). To escape this equation, Ranciére offers his own—rights are "the rights of those who have not the rights that they have and have the rights that they have not"—in order to embed "dissensus" and politics into the discourse; in order to insist that politics is

not a *sphere* but a *process* (302, 304). "Man" and "citizen" are not discrete subjects, but their difference is "an opening of an interval for political subjectification"; dissensus is drawing "two worlds in one and the same world" and a political subject allows for this action (304). Politics is not separate from other spheres or something that some have access to and some do not, but it is the *process* of accounting for exclusions, separations, and the surplus.

The portico materializes an ethical fantasy of a discrete and separate sphere of politics; it holds out hope for a time outside of time, a space free from struggle. What Ranciére's analysis offers—the insight that the "strength of…rights lies in the back-and-forth movement between the first inscription of the right and the dissensual stage on which it is put to test"—is a refusal of this consensual practice (305). Consensus erases the process and movement—the politics—by reducing democracy to an account of good and evil; it erases the lines between law and fact so that all that is left is ethics. Human rights—leaning on consensus, ontology, ethics—are reduced to humanitarianism; political struggle and analysis is replaced by making charitable donations or by sending in the humanitarian police.

But the architectural space of the portico, albeit a depository for and a dispenser of these transcendental ideological frameworks, proves the old critical maxim that ideology always contains the seeds of its own subversion. The portico—cordoned off from politics by appeals to universal norms and buttressed by state interests—is now being expropriated and dismantled by a growing global justice movement that is less interested in rights *qua* rights, and more interested in how to

occupy these utopian and abstract forms and repurpose them as democratic means to democratic ends. Central to this claim is an upending of many theorists' prescription to rethink democracy in terms of freedom and equality *as* human rights—in particular Michael Goodhart's *Democracy as Human Rights*—and instead human rights are wrestled into the political and down to the material claims on the ground to offer: human rights as democracy.

Human Rights as Democracy: "…el trabajo de las hormigas!"

Underpinning the absolute and transcendental spatial imaginings of the portico is the autonomous, liberal, sovereign subject who—either by Rousseau's social contract hook or by Rawls' veils of ignorance crook—becomes a person in law by shedding the particularities of history, politics, social location. Even the "third generation" communitarian rights are articulated in the Universal Declaration of Human Rights as entitlements to be doled out to this disembodied subject. Glendon cites the Human Rights Commission's "desire for consistency of style" that framed these communitarian rights as entitlements—"Everyone has the right to…Everyone is entitled to…"—as opposed to framing them in terms of the reciprocal relationships between a social subject and a social context (189). The complicity of this autonomous subject in capital's project of privatization has been well rehearsed from Marx's critique of the rights of man as "egoistic" to Raj Patel's cogent analysis of how market society writes liberty: "money is the right to have rights," the right to be free (113). These are the rights conceived of as extensions of Locke's private

property treatises; the rights Glendon critiques as leading to a "hyperindividualism" in her 1991 *Rights Talk* and the rights that would conceive of liberty as singular, partial, or even coherent when divorced from other subjects.

I follow the previous close reading of the metaphor of the portico with an analysis of one of the Beehive's graphic campaigns, in order to suggest that what distinguishes the two is how justice is imagined *spatially*. This register of space, first, rhetorically and theoretically bridges the architecture-as-space analysis of the portico and the space-as-social-geography claims that will follow. More importantly, though, an analytics of space intervenes in Ranciére's distinction between Arendt's political "sphere" and his own "process"-as-political to suggest that space and time—sphere and process—rather than being mutually exclusive must be understood as inherently bound together in order to work towards comprehensive justice.

Wai Chee Dimock pits Newton against Einstein in her article "Rethinking Space, Rethinking Rights" in order to "recover a genealogy of argument against the 'absolute space' of rights" (248). Using a discourse of space across the disciplines of literature, law, and science, Dimock argues for a relativist conception of rights wherein conflict and disagreement, "compromises and concessions" structure space as *relative* and structure rights within an idiom of conditionality, of overlapping claims. While my analysis of rights draws from her critique of absolute space, the Beehive Collective's graphic campaigns provide an opening to push beyond her call for "relative" space. Instead, the graphic campaigns insist in articulating space as a

product and process of labor; space as *social* and as a site to confront "class oppression, state domination, unnecessary material deprivation, war, and human denial" (Harvey 120). Space becomes a site not only for analysis, but for collective, democratic, and direct action; it becomes a site to read conflicting rights claims against broader material structures.

Drawing on the field of social geography in general, and Doreen Massey's claims about space in particular, I turn to the Beehive Collective to ask how this group is working to occupy the absolute space of the portico. The Beehive Collective is one of many groups that are aligned with the messy, contingent, diverse alter-globalization movement that has no formalized structure but is often characterized as a collective project with "one no and many yeses"; it is a movement claiming what Raymond Williams called the "militant particularisms" of such diverse social movements as the Zapatistas in Chiapas, the Fanmi Lavalas of Haiti, the Landless Workers' of Brazil, the Movement for Justice in the United States, the Abahlali baseMjondolo (The Shack dwellers Movement) of South Africa. These are grassroots movements that, I am suggesting, are *unable* to remain local precisely because they articulate space as non-discrete and as social. Massey's claim in *For Space* is that space is mixed up with time and so never frozen. "If time is the dimension of change," she argues, "then space is the dimension of the social: the contemporaneous co-existence of others." The spatial is the site of a relational politics that extends this claim so that it is not just a co-existence but the co-formation of subjects as a both "constant and conflictual process of the constitution of the social, both human and non-human" (147). What distinguishes these

grassroots movements from others that collapse into a conservative variation of "not in my backyard" rhetoric, is an entangled, entangling, and multi-configured sense of space. Space is not static and injustices—like justice—do not happen piecemeal; these movements work toward a new geography that links local struggles "to the possibility of an outward looking politics which reaches out beyond place" (147-148). Their analysis of the particularities of their struggle has opened up opportunities to embed their claims in a global movement for justice that is able to *think* locally while still reaching globally.

The Beehive Collective is an all volunteer political arts collective whose intention is to "cross pollinate the grassroots" by creating hand drawn and hand distributed murals as tools in popular education and organizing campaigns in the Americas. The decentralized collective gathers oral histories and stories from the people most directly affected by the issues they depict—farmers are interviewed in campaigns about Monsanto, coal miners are interviewed in a critique of clean coal, indigenous movements are interviewed in depictions of local resistance movements—and then these people are asked to review the posters produced to ensure a collective drafting process. All of this art is anti-copyright and belongs to the commons, working to "dispel the tradition of activism that is based on books, experts, speeches, and 'hoarding knowledge', by creating communication methods that are more holistic, accessible and invite participation" (3). Part of the method that invites this participation is the collective's sole use of plants and animals in the narrative images in order to avoid "human-centered, stereotypical or racially biased imagery" (*Earth First! Journal*). These graphic campaigns work to illustrate the

complex, disorienting, and often backroom policies of global capital in order to not only trace these policies' destruction of lives and livelihoods, but also to chart the resistance and collective struggles emerging from this destruction.

The graphic campaign, "Free Trade of the Americas" is the first poster in a trilogy illustrating the rhetoric and realities of globalization in the Americas that I argue offers a version of what David Harvey calls a "people's geography": a spatial analysis of conflicting rights claims (120). The bus-size fabric mural of the 1994 international trade agreement is subtitled, "And the Global Resistance to Corporate Colonialism" and represents the FTAA as a web spun by three spiders—development, militarization, and corporate media—while simultaneously invoking a counter-hegemonic "web" or network of ants and bees that are depicted within the poster struggling against the corporate globalization. The resistance—and the work of the ants—breaks the frame of the poster as the reader is drawn into the space of the FTAA and invoked in the call to the reader to "Swarm Miami!" The FTAA—the same catalyst for Subcomandante Marco's first notorious missive of "Basta!" from the jungles of Chiapas—is represented as ribbons of highway unfurling from North America, choking the southern states in a rhetoric of freedom. Importantly, though, the geography of the graphic campaign refuses the FTAA's and globalization's claims of neutrality—benignly spread to the tune of the "small world" Disney song—and

instead depicts the unfurling of the freeways as a catastrophe for those most vulnerable to the brutal non-neutrality of globalization[21]. (See Figure I)

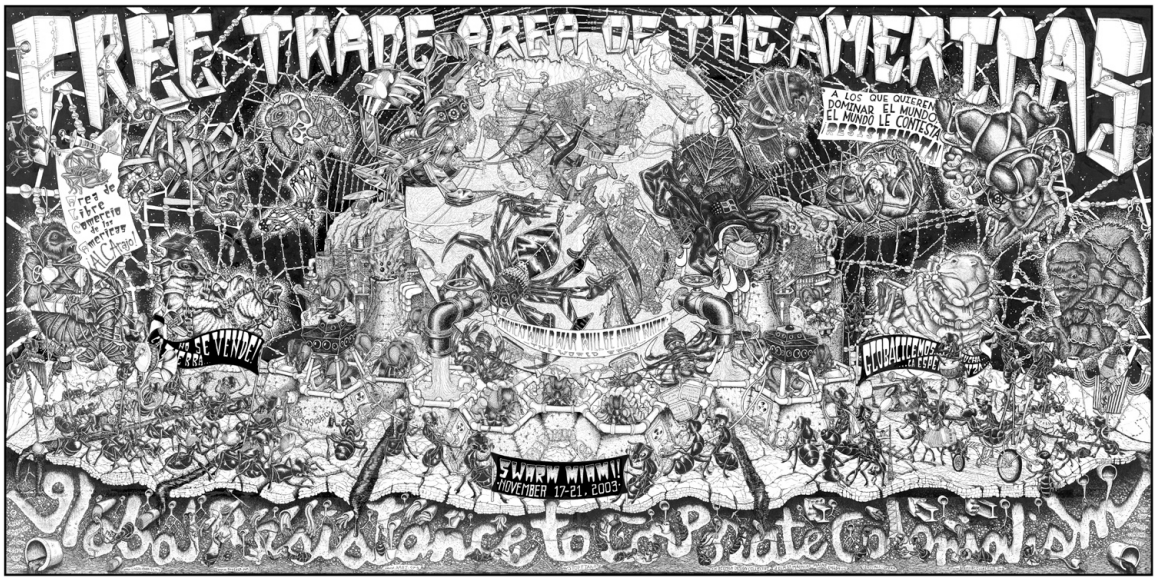

Figure I: Beehive Collective's graphic campaign, "Free Trade of the Americas".

The implicit text of the depiction of the FTAA is that this unfurling relies on a conception of land as empty—*terra nullius*—that erases prior collective ownership and collective indigenous rights to the land in the name of privatization, but the poster reveals the opening of markets—the enclosures of the commons—as a takings, as a theft: the land was full already. *Terra nullius* is the colonial justification

[21] Doreen Massey—a Marxist social geographer teaching at the uber-democratic Open University—has developed a "spatial divisions of labor theory" that develops an analytical lens to reveal how inequalities are created by unevenness of capitalism. "Power Geometry" is a terms she uses to think through how the putative compression of space-time under globalization, impacts different people differently. Massey and the Beehive Collective, I am suggesting here, both take these differentials up in order to re-imagine scale embedded in the hierarchies of a geography claiming neutrality.

of appropriating land and is the same logic Vandana Shiva, in *Earth Democracy*, reveals is being expanded to the "empty life" claims of bio-piracy: water and seeds are enclosed for "improvements" by Coca-Cola and Monsanto. The Beehive Collective writes this analysis into the mural as the "development spider" uses its eight legs to drill, bulldoze and lay pipeline beside a sick frog who is treated by a privatized health care of patented drugs beside a rabbit wrapped in a pesticide hose and sprinkling GMO seeds he is forced to plant to earn a living. A banner hangs between two pipes that extract and privatize water saying: "The next war will be about water," as spiders turn the levers and continue extracting natural resources for the market. The space of the Beehive's graphic campaigns is a space in opposition to the depopulated abstract space of the portico; this is a space brimming over with subjects and stories precisely to falsify imperial fantasies of emptiness and order.

The space of the "Free Trade of The Americas" is also so full, I argue, because it at once registers and critiques the economies and rhetoric of scale that circulates under the rough rubric of globalization. Pinned and centered in the narrative is a visual jab at the Mercator projection of the Americas—the distorted and Anglo-centric map that imagines the north on top—surrounded by the costs and mechanisms of and the resistance to neo-liberal globalization. The unfolding stories spiral out from the central image of North America, but these unfolding and prismed narratives of the foreground—all hum of an ant's colony—little by little begin to dwarf the globe at the center. Once the viewer has time with the poster to study the hundreds and hundreds of images—or is able to sit and hear the stories told by one

of the anonymous "bees"—the weight of the map collapses under the sheer force of the mural; scale becomes *dynamic* and it begins to invite analysis of itself. The graphic emerges from a central inquiry that puts the map—static, imperial, claiming neutrality—next to the murals—dynamic, grassroots, subjective—to ask, simply: how does scale function? What do the scales of globalization *look like*? How might we locate, picture and articulate subjects *as* subjects of these different scales?

Scale, prior to the twentieth century, was only relevant to cartographers as an idiom of distance. Scale, like most of geography, was understood to be a neutral and objective field of plotting and aligning the virgin lands with the instruments of the masters: longitudes, latitudes, meridians. Scale, therefore, referred to a representation of an image on a map and its relationship to the space it represented in reality. In the 1960's and the 1970's, because of technical innovations in spatial analysis a more subtle analysis of scale emerged and centered on three main inquiries: scale coverage (how to assemble all the scales), scale standardization (how to standardize all the scales), and scale linkages (how to compare or make connections between the scales). Within the general inquiry of scale linkages, there are most analytic speed bumps when it comes to linking scales of differing levels (so instead of comparing apples to apples, the differing scales ask for "contextual" or "aggregative" relations between apples and oranges or between apples and prunes). To generalize at one level—primarily because of the conceptual claims of "emergence" or "gestalt" that offer versions of the idea of the whole being greater than the sum of the parts that make up that whole—will, very likely, not be coherent on another level. "On the Scale Question," then, has been at the very least a subtext

of much of the recent literature in social and human geography, as theorists grapple with how to articulate the shifting, differentiated, and causal mechanisms at work in the substantive scales functioning in globalization, militarization, and even variations of Foucault's biopower[22]. The mutual *production* of space and *production* of subjectivities reverberates between, among, and through the infinitely complex scales[23]; some that you can touch or others that you can only perform and embody or some that you can just imagine. Entering into this ongoing conversation about scale is to directly face the deep ache of a dissonant life. This cognitive dissonance during historical moments when the relationships between the local and the far-off are radically tethered together in globalization asks: on what levels do I cohere, exist freely, or reach violently? Scale fractures, paralyzes, and subsumes the subject who is only able to recognize themselves in shards of the old cartographer's idioms of distance. The analytic refrain of subjects unable to recognize what *being* means within wildly fluctuating scales of globalization takes on a Doppler effect for the

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[22] P. J. Taylor's work on scale (1981, 1982, 1985) leaves behind a more technical approach of looking to describe the processes of scale, and instead incorporates inquiries of capital, modernity, and globalization itself that understands these substantive questions to be "causal mechanisms". Taylor's "political economy of scale" was, by untangling and analyzing the relationships between different scales, able to distinguish between local, state, and global economic scales to argue: "that the process of capital accumulation is *experienced* locally, *justified* nationally and *organized* globally" (Derek Gregory *The Dictionary of Human Geography* 544).

[23] Scale is a central concept for geographers—particularly as a theoretical knot for social geographers who are particularly attentive to the uneven developments of capital and the subsequent uneven productions of space (a paraphrase of a seminal article written by N. Smith's in 1984)—and this is a too-brief outline of the field's engagement with this concept. While my research draws on many theorists' engagement with scale, in particular I want to cite the rich essay by Derek Gregory in *The Dictionary of Human Geography* for a comprehensive introduction to the subject.

listener and asks: what are we *doing* that we cannot see*?* What do we *do* locally that others feel globally? How do we know where we are? Into this collective anxious refrain—the subtexts of students' angst and apathy, the engine of friends' witty cynicism, and the cause of philosophers' calls for what Frederick Jameson calls "cognitive mapping"—is where the Beehive's graphic campaigns begin; they offer an analytics of scale to begin to sketch out positions of the bees, of the ants, and of the spiders as subjects of the scales of globalization.

The graphic campaigns suggest that without recognizing scale, an analysis of globalization recedes in to the powerfully hypnotic humanist rhetoric of the world as village. Egalitarian claims of free markets connecting multicultural villagers is a familiar trope to anyone watching laptop commercials, and the Beehive Collective suggests that these egalitarian fantasies will always drown out claims of capital's embedded hierarchies unless there is an analysis of scale. In the "FTAA" graphic campaign, the words, "Free Trade of the Americas,"—dominating the frame—dwarfs the activist ants who fasten their own, smaller, signs and who spray paint slogans of resistance, carry small ant-banners, and broadcast ant-messages via a pirate radio pictured below ground in one of the ant colonies. One of the posters being hung from plungers attached to the welded metal lettering spelling out "Free Trade," is the Spanish Translation of FTAA—*Area de Libre Comercio de las Americas*—whose acronym spells out, and is accompanied by a picture of, a crab. "*ALCArajo*!" crawls across the homemade ant-poster holding struggling ants in one hand and a wad of cash in the other. But this attention *to* scale turns out to cut against it. Plastic six-pack rings choke a lone sea turtle, ribbons of freeway spin out

from North America paving over local lands, and assembly line instruments gouge and strangle a worker monkey: the mechanisms and machinations of globalization are powerful and ubiquitous but they always converge and materialize right *here*. The graphic campaign registers scale to illustrate the long arm of corporate actions and the criminally disproportionate impacts of globalization[24]. But it simultaneously critiques and refuses it: the violence of globalization and the resistance to globalization all take place on one flat plane.

What I want to suggest with this reading of "FTAA" is that scale, radically here, becomes *social*. Scale becomes social in the work of the Beehive Collective in order to analyze the material costs of the rhetoric of globalization. It does so by insisting that although the representations of sweatshops or oil riggers or bio-pirates loom fortress-like across the frame, their power does not transcend but rather emerges from the webs of relations on the mural. The militarized spider—

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[24] The Beehive Collective suggests that in order to change a system, you must be oriented in terms of where you are in that system. Recognition of scale—and the embedded hierarchies and power differentials within this conceptual framework—is central to this task both of transformation and orientation. Non-recognition of scale will lead to "co-exist" bumper stickers, calls for us "all to just get along", or the brilliant egalitarian rhetoric of the Supreme Court who recently ruled in *Citizens United v. Federal Election Commission* that corporations have just as much right to say what they want as the rest of us. This dizzying logic upends Aristotle's tidy definition of equality—that we treat likes alike—and ushers in a scale-blind freedom that one supporter of the Court invites us to celebrate because it dismantles "the First Amendment 'caste system' in election speech"! *The New York Times* published a great article cartoon lampooning this logic—this scale-blind logic that, by refusing to recognize power differentials, is able to equate, say, Coca-Cola and subalterns—that pictures a stunned Bob standing bewilderedly off to one corner of the frame. Surrounded by billboards, bus ads, television screens, and even a sky-writing message all proclaiming variations on the theme that "Bob is an idiot!!!" Bob throws up his hands saying that all he did was suggest the *Citizens United* decision didn't make much sense.

eight violent legs, fractaled eyes—sweeps across the center of the image as leviathan, as accumulated and aggregate—and very present—site of power[25]. This mapping—what Sallie Marston in "Human Geography Without Scale" calls a "flat ontology"—invites collective agency but it also invites an analysis of *how* power accumulates and *where* the sites of accumulated power are. Marston critiques scalar approaches that "construct transcendent theoretical models around vertical conceits," and instead she proposes "an ontology composed of complex, emergent spatial relations" that would be a good gloss of "FTAA" itself (422). But in addition to a version of what looks like a rhizomed map, the Beehive Collective pushes past Marston and Deleuze's flat ontology toward a democratic methodology[26].

Since scale is fundamentally a concept that must return to questions of governance, reconfiguring the vertical scales to a horizontal social diagram—replete with power differentials—asks both descriptive and normative questions about political forms. Animal depictions of sweatshop workers, students suffering from the effects of the World Bank's destruction of public services and the public infrastructure, and of a crow locked inside a growing prison industrial complex are all tied together in one frame of the poster that pictures a hornet presiding over the interlocking and webbed system of globalization. With a gavel in its hand and a powdered judge's wig on his head, the visual vocabulary links the colonial powers of

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[25] In the earlier work of the Beehive Collective, the artists used "bad" insects to depict globalization's different incarnations. So, spiders or wasps or even vultures would "prey" on the other, cuter, fauna. Now, however, all of their current graphic campaigns illustrate the market's violence using machines and not natural species.
[26] See: Deleuze and Guattari's *A Thousand Plateaus*. A rhizome has "no beginning or end; it is always in the middle, between things…" (6).

empire with the "unaccountable decision-makers" of the World Trade Organization (4). Beside this wasp—outside its chambers, as it were—is a raucous street demonstration of pie-throwing, accordion-playing, stilt-wearing ants. The juxtaposition of the resistance movements with the cloistered legal apparatus is not, though, a reiteration by some of a *lack* of democratic space[27]. Neither is it a petition for inclusion, which is evident most explicitly because the subtext of all the ants' collective action is being graffitied below this centralized and federalist decision-making of the wasp nest: *Autogestion*. The ants' demonstrations next to the governing legal structures of the wasp is, in part, a reoccurring rallying cry of the Beehive Collective and a familiar Spanish dicho: "*La revolución es el trabajo de las hormigas*![28]" But within the context of the artwork, and against the rhetoric of the Beehive Collective and their allies, this juxtaposition primarily lights the questions of global governance in general and of sovereignty in particular. (See Figure II)

[27] This is the argument of the United Nations report that says that global governance fundamentally lacks a public space for civil society. By this logic, the governing structures would largely remain as they are but would be *supplemented* by public space for civil society.

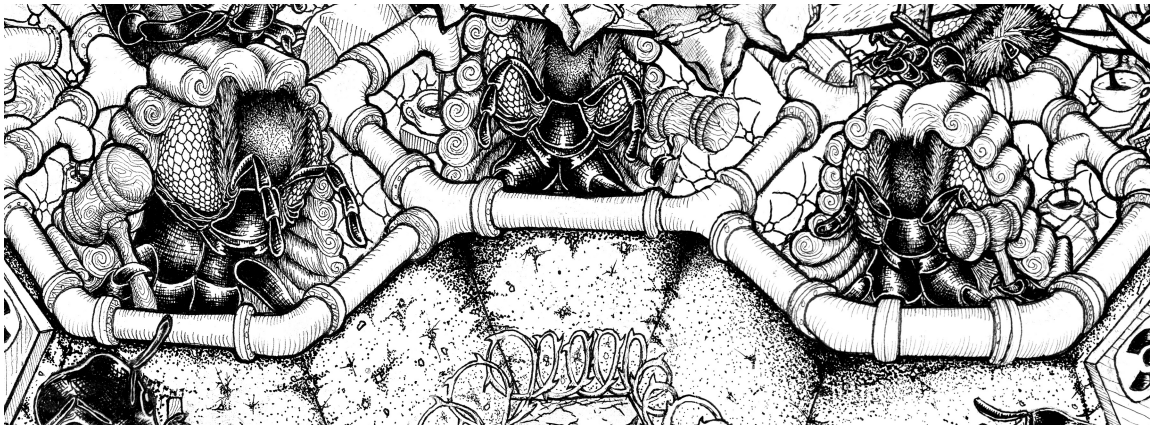

Figure II: Wasp Tribunal detail.

I want to conclude this reading of the Beehive Collective's work by looking at the implications of its conceptualization of social space—as opposed to the portico's absolute space and as opposed to globalization's disorienting, alienating, and deflating scalar spaces—in terms of sovereignty and in terms of what I am calling the labors of sovereignty. The central distinguishing feature between the two spatial readings of this chapter—of the legal architectural metaphor of the portico and of the Beehive's socialscape of globalization—is each space's treatment of labor. While the neo-classical balance, harmony, and symmetry is conveyed by the portico's simultaneous invocation of the divine maker and abdication of the tradesmen, the graphic campaigns of globalization focus on the workers and the work and the mess of that work; while the former smoothes and polishes the stone to appear natural and untouched by labor, the latter lifts up the skirt of trade and of cities to reveal the pipes and infrastructure and subterranean workers' collectives that are their

engines; while justice is imagined in an unsullied rhetoric of humanity and consensus in the portico, justice is political, contested, and constructed in the mural.

The labor of the mural is central not only to the narrative of globalization it depicts, but since the mural itself is collectively drafted, publicly work-shopped, and performed as street dialogue, its own narrative about what justice is and how to work towards it puts labor at the center. The pen and ink style is a sketchy palimpsest of prior thinking and future plans—the collective often tours blueprints of campaigns in process—as well as it is a pedagogical tool that is more process than it is product. And although this primary feature of labor is explicitly embedded in all parts of the Beehive's work, the juxtaposition of the judicial wasp and the swarming bees, I suggest, foregrounds the mural's insistence that labor be incorporated in an analysis of sovereignty.

The question of sovereignty structures both the discourse of human rights and the de-territorializing anxieties of globalization[29]. Both converge in Carl

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[29] I use Carl Schmitt's definition of sovereignty—and his thinking on sovereignty in general—because it is the sovereignty that is being both used and critiqued in the mural. Sovereignty *is* the decision made by the political entity but it is not visible as the fundamentally social concept that it is—the mural argues—unless the decision is put into context to, first, think about who confers to (or retains power for) the sovereign and, second, who carries out the decision of the sovereign. Both, I argue, require an analysis of the labor of sovereignty. Both allow for labor *using* that sovereign power.

Sovereignty as a concept emerged in the early modern period with the emergence of the nation-state. Hobbes, Locke, Rousseau all think through sovereignty and the relationships between states and the generating political wills. Schmitt's understanding of sovereignty is that it is extralegal and it is decisionist, and so it is

Schmitt's observation that the concept of "humanity is an especially useful ideological instrument of imperialist expansion [and] economic imperialism" so that both humanitarian ethics and the free market collude to reign under the aegis of a "one world" rhetoric[30]. The mural insists the economic imperialism of the Free Trade of the Americas Agreement is both warlike and political, and so resistance must not take the form of an appeal to humanity, but instead must—as the ants below the wigged judge with his gavel do—*pull the plug*. Pulling the plug in this mural is a political act that functions on several levels, but all converge to claim a *social* sovereignty. This first registers the mural's acknowledgement of the extralegal character of sovereignty that is both a historical and theoretical lesson that the terror of constitutions is that they have a history, as Jaya Kasibhatla argues, "of authorizing their own undoing"[31]. But, second, it registers the mural's desire to revoke the un-democratic sovereignty by taking the extralegal decision in to the

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particularly useful to thinking about the sovereignty of global capital. See: Wendy Brown's "Return of the Repressed."

[30] There is a terrifying resonance between one of Schmitt's footnotes and a recent documentary by Stephanie Black. Black opens her film with a Baskin-Robbins commercial touting thirty-one flavors and one world, and goes on to document the IMF's evisceration of local political economies in Jamaica that has violently decimated farming communities, national social services and infrastructure, and urban neighborhoods. Schmitt footnotes his paraphrasing of Proudhon's expression that whoever "invokes humanity wants to cheat" by saying how this logic justified the extermination of the Indians of North America. Foreshadowing Black's analysis, he suggests that as "civilization progresses and morality rises, even less harmful things than devouring human flesh could perhaps qualify as deserving to be outlawed in such a manner. Maybe one day it will be enough if a people were unable to pay its debts" (55).

[31] This state of exception—the moment the law suspends itself, its own logic of "emergency"—is not an aberration or peripheral but rather "give[s] the norm its concrete content" (Schmitt 51). The Kellogg Pact of 1928 does not *outlaw* war but rather sanctions it because of its reservations; the human rights documents do not prevent war but rather become the justificatory mechanisms to wage it.

ants' own hands. The dangers of the un-democratic sovereignty depicted by the wigged justices of global capital, is registered throughout the graphic that illustrates citizens imprisoned as terrorists and the machinery of war clearing land for freeways. But since the mural depicts an historical moment—the trade agreement was introduced on the first of January, 1994—of exploding globalization, the question of state sovereignty is trumped by a pictorial critique of non-state, non-representative, non-democratic sovereignty of free trade. State sovereignty, in this depiction, is an empty and ghost-like term because the political entity—the "decider" as Bush eloquently paraphrases Schmitt—is not the hollowed out states but the new world order of globalization. This decision, although justified nationally is organized globally; the states are the mouth of the decision, but global capital and its institutions are the brain of the decision. And the horrors of the mural—non-democratic de-territorialized states of emergency with no viable states to appeal to—surround the juxtaposition of the puppet judiciaries and the social movements to ask: what resistance *resists*? What politics emerges from one of the ant's banners proclaiming, "*A los que quieren dominar el mundo , el mundo contesta Resistencia*!"

The Beehive Collective's answers are flawed: they are almost inaudible to the world they are seeking to transform, they tend toward the nostalgic and often romanticize the subjects of social movements. But I want to suggest that the world that answers here with resistance is a not the apolitical space of the portico, but a *political* space that while unifying to resist domination, instantly fractures to build many alternatives. Pulling the plug is both a claim of popular sovereignty against the non-state actors of global capital, and it is a performance of collective labor. The

ants' action of pulling the plug performs a strike as the act is a withdrawal of labor from the hegemonic structures propping up the judicial wasps, and in this act they model a union becoming the sovereign as collective labor. What resists *is* the pulling of the plug; it is both withdrawal of labor[32] and the collective laboring of all that goes in to pulling the plug. Resistance becomes a political awakening to the labors of sovereignty.

The mural's critique of sovereignty *as* decision—as the decisive force of a political entity deriving its energy from the friend/enemy distinction[33] —does not, though, deny the political, *decisive*, and warlike character of sovereignty. The Beehive Collective eschews universal humanisms—recognizing, like Schmitt, that the "concept of humanity excludes the concept of the enemy" (54)—and registers the political as the violent act of withdrawal. The labors of sovereignty—a social sovereignty—does not evacuate the term of its force, but labor instead foregrounds the bodies that carry out the decision; it asks what bodies compose the political entity and what bodies act out the decision. The labor of sovereignty—the subjects

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[32] The labor in this labor-saturated mural looks beyond Marx and towards "momentary and partial" affinities between subjects who are not fixed by class, who find themselves at intersections of "very different class and non-class processes and positions." This language is from J.K. Gibson-Graham's *The End of Capitalism (As We Knew It): A Feminist Critique of Political Economy.* Another collective, they work to denaturalize Marxism in order to analyze the radical potential of marginal and micro-political challenges to the hegemony of capital and of Marx's critique of capital. This work offers a feminist and poststructuralist reading of Marx and aims to "smash" it into millions of pieces and by doing so they rethink both rights and subjects of rights.

[33] See Schmitt's *The Concept of the Political* (38).

of the mural suggest—is a recognition of the social geography of the decision; it is a demand to make visible the decisive social character of sovereignty.

But two points need to be made to support the mural's radical reconfiguration of a concept of sovereignty that had previously—like the portico—stood isolated and suspended in absolute space and in absolute time. First, the underlying intellectual structure of Schmitt's argument joins together state, politics, and sovereignty that do not cohere for those telling their stories for the "FTAA" mural. Sovereignty's mediating force in this equation—territory—is unloosed as free trade zones, states hollowed out by the adjustment programs of global lending institutions, and global policing increases. Schmitt's claim that class struggle becomes political only when the fight with the enemy is "either in the form of a war of state against state or in a civil war within a state" reads against the free trade agreements in the Americas as either dishonest, delusional, or at the very least dated. The argument of the mural does *not* seek to abandon this category of the state, though, but recognizes that as the Westphalian Treaty cedes some of its authority to the Washington Consensus, authority itself shifts. The state's claim on territory is trumped in this illustration by the de-territorialized capital and so what happens to the ants and the bees is that instead of recognizing sovereignty as a product of territory and ownership claims on land, they are able to re-imagine sovereignty attached not to the static land but to the circulating labor. They are able to imagine the social space—not territory—as the mediating force of sovereignty and to collectively reconfigure sovereignty as social.

Second, sovereignty resting on the distinction between who is friend and who is foe, must provide a more robust account of the friend[34]. If, as Schmitt argues the "political distinction to which political actions and motives can be reduced is that between friend and enemy," then a theory of the political must not solely be couched in terms of the times to kill and the times to let live, which is the political as seen through the theorizing of "enemy". Friendship, in this light, becomes only those who are not annihilated. There is a deeply conservative logic in this formulation of the enemy: the enemy is the one judged as intending to "negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence" (27). This with-us-or-against-us framework, though, *requires* the political entity to face off as static, immovable, and rigidly conservative entities; the only available decision is to kill or not to kill.

A theory of friendship, though, upends the absolute spaces the public enemy requires. Friendship—as Nietzsche and Derrida wholly differently, but in the same key suggest[35]—is as terrifying and even violent as the state of being enemies. The difference, however, is that friendship happens within an idiom of change, not of stasis; friendship refuses energies of conservation and instead requires a radical transformation of its subjects. A theory of friendship does not supplant, but supplements the theory of the enemy in order to register the mutually constitutive

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[34] This is a point Tracy Strong makes in the introduction to *TCOP*, but is central to the Beehive Collective's work in forging and sustaining solidarities and affinities that work together in the anti-globalization movement. The enemy is globalization, but the energy is the affinity groups and friendships working toward another world. See also: Leela Gandhi.
[35] See: Derrida's *The Politics of Friendship.*

character of political relationships: political entities are not discrete, asocial, or isolated, but rather are bound to and defined by their adversaries. That they are constituted via these adversarial relationships negates the claims of a legitimating universal good or universal right; political entities—and in turn their sovereignty—is never singular, it is always social.

To return to the mural, the depictions of sovereignty that can most clearly be seen as political solidarities "pulling the plug" invite a theory of friendship that hinges on reimaging the decision as a social and not an absolute space; it exists not in an instant, but in the accumulations of time. The ants—as labor, as social movement, as contingent affinity groups—recognize that sovereign power is not separate or apart from the flat, social plane they stand on; politics does not happen on *another* scale and rights are not distributed or decided *outside* of the social geography they find themselves in. They are not *taking back* or reclaiming a lost power, they are exercising the sovereign power they have always already had. The labor of sovereignty becomes not only recognizing that the decision is social and the execution of the decision is social, but that making social sovereignty visible is itself the hard work of literacy that the mural is committed to: the decision lifts off the page and the viewer holds on[36].

[36] Not trying to take the state, but to claim the sovereignty of autonomous, self-governing, *autogestion* is the increasingly anonymous, leaderless, and collective groups in the alter-globalization. See: Paul Hawken's *Blessed Unrest* and Shack-dwellers movements and the principles of pre-figurative politics.

The Beehives' graphic campaigns imagine justice as an inherently social space which means not only that democracy becomes the political and organizing force of justice, but that justice itself becomes a democratic claim: the right to have rights, the agonistic coming before the demand, a collectively articulated statement of will[37]. The literacy project becomes a cognitive mapping exercise that explicitly rejects the premise of ideal projects to imagine justice conceived, negotiated, or constructed "out there" or apart from the social sites of political will.

Right to the City, Rights of the Sea

Henri Lefebvre's germinal article, "Right to the City" argues against what he calls the "pseudo-right" of the right to nature. A right to nature, he argues, is a right that "expresses itself indirectly as a tendency to flee the deteriorated and unrenovated city" and so is nothing more than a right to escape. On the other hand, the right to the city is not a visiting right; it is a right that can be reformulated as the *"right to urban life"*. To Lefebvre, these rights are contradictory: the right to nature is a right to opt *out* of collective life, while the rights to the city—reformulated as rights to urban life—becomes the right to be included *in* collective life or, again, the *right to have rights*. The city, then, becomes the counter-space to the portico: it offers a social geography with which to imagine justice that is not about external

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[37] This final claim is a paraphrasing of Ranciere more generally and Raj Patel specifically. Patel argues in *The Value of Nothing*, that contemporary social movements are looking to rights not as entitlements or infringements, but as collective action; the right to have rights, he says, is "what precedes concrete demands; it is a statement of will" (123).

intervention, but is about internal popular self-governance. It opens the question of just what, exactly, this right to the city—a political right—might look like.

In a review of Don Mitchell's recent book, *Right to the City,* David Harvey argues that rights discourse is so thoroughly entangled within the logic of capital that even something so radical as the right to the city is fundamentally misunderstood. Urbanism, under neo-liberalism, is a collective effort to live a private life; it is an "ethic of intense individualism, and its cognate of political withdrawal from collective forms of action becomes the template for human socialization" (8)[38]. This is the urbanism that becomes a model for Hernando de Soto, who works to fold the destitute into the free market. In his book *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, he argues we just have to *extend* private property rights; titling shacks and shanties gives the poor access to the free market. This model of urbanism—extending rights to the city as property rights—also is the reason, Harvey footnotes, that Robert Moses was able to eviscerate the Bronx: the poor are more vulnerable to financial and income insecurity and so developers can crush communities and capitalize on the newly fungible "rights". The logic of this right to the city *as* property right follows the logic of the portico: the subjects and objects are stripped of history, politics, and material conditions and are ushered in—part and parcel—to the absolute space of justice or

[38] This is what Zukin calls "pacification by cappuccino". It is also—as I write it—a paraphrase of the old definition of suburbia: a collective effort to live a private life.

the absolute and non-hierarchical promises of capital[39]. This right to the city is the engine of criminalizing poverty, of cordoning off free trade zones, and of ordinances against public demonstrations that "disturb the peace.[40]"

To imagine justice within a *social* space—within a *social* geography that accounts for power-differentials and works toward non-hierarchical democracies—is to interpret the right to the city as a collective and not an individual right. The right to the city becomes not only a critique of wealth—private escapes that *contradict* the right to inhabit and condemn the public—and a reframing of private property as public theft, but it also becomes legible as democratic control over the means of production[41]. This version of *autogestion*—popular self-governance—is what has fueled a rising global demand to occupy the former private spaces of globalization and to begin to collectively, democratically, and non-hierarchically produce alternatives to capital. The Recovered Factories Movement in Argentina, one of thousands of its kind, operates under the banner proclaiming, "Occupy. Resist. Produce," so that the city—as process, as social space, as archeological site of

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[39] Cite Connolly and rights as ceilings: private helicopters during floods are criminal: what questions can we ask about private education, private health care: how can these be reframed as theft? How are ceilings the basis of social rights?

[40] "The Annihilation of Space by Law: Anti-Homelessness Laws and the Shrinking of Rights Landscape of Rights," (Don Mitchell, *Right to the City*) makes a similar argument about Berkeley that might as well be about Nashville. Anti-panhandling ordinances are a local tool to incarcerate the poor so that the rich do not have to be disturbed. See: *Disturbing the Peace* and how this class argument plays out with race.

[41] Although a thorough analysis of "surplus" is not within the scope of this paper, David Harvey's work argues that the urban process is a "major channel of surplus use, establishing democratic management over its urban development constitutes the right to the city".

its history—becomes a *metric* for justice. Movements throughout and within the anti-globalization movement are working toward occupying the ideological architectures of the portico, of capital, of private rights to the city in order to not only *resist* but to *produce*. In part, what they are producing are new spaces of democracy as they occupy the old.

POSTSCRIPT

DOUGLASS' "A PARODY"AND THE TAKING OF RIGHTS

Pirating Human Rights ends with the Recovered Factories Movement slogan—occupy, resist, produce—that also serves as an implicit thesis throughout this dissertation. Arguing the left's critique of rights has given way to moments and movements of the next stage of rights—rights as collective critique—my literary archive has documented and analyzed the occupation of and resistance to apolitical humanitarian rights and the subsequent democratic production of political rights. By way of conclusion, I will burrow down to the central constitutive action of both the RFM's slogan and this project's thesis: *taking*. Taking—at its core, a claim that political will is not granted by gift, but by demand—not only highlights the ongoing democratic movement of political rights, but it also makes visible the false binary between reform and revolution; it installs both critique and a reformulation of ownership at the center of political action.

In order to look more closely at how a politics of taking has been reshaping rights discourse since their invocation in the 18th century, I turn in this conclusion to a little-studied poem in the original appendix of *Narrative of the Life of Frederick Douglass, an American Slave*. This poem, "A Parody," both thematically and rhetorically illuminates the intersections between parody and rights, taking and political will, and literary device and political tool. This conclusion also picks up Douglass' work in order to throw light on this dissertation's content of rights and its

method of critical theory. Both, Douglass' work allows me to argue, are more richly understood by taking an historical look at activists' struggles over the social sites of the language of rights. Douglass' coda opens a space to re-imagine rights as a shifting, post-foundational site that takes *taking* as its primary logic and as its engine.

Written in the spring of 1845, when *Narrative*—Douglass' "masterpiece of American literary art"—was to be published, the poem in the text's coda is a return to the author's signature wit (Baker 24). Popularly known for a fierce sarcasm on the stage, Douglass had instead adopted a more supplicating tone in the main text. Having avoided the biting style of his black abolitionist lecture circuit for the majority of the autobiography, Douglass turns to it for a "satiric revision" of the southern hymn in his coda that was a "more accurate reflection of the type of derisive performance that formed the basis for his nineteenth century reputation" (536).

"A Parody," though, is not just a shift in tone within the narrative or just a shift in genre. Rather, the poem's allegiance to the genre of parody's conventions—namely, and what will be discussed at length later in this conclusion, *taking*—invites a shift in the politics of the autobiography and a shift in the text's purpose. Importantly, the text's purpose shifts from appealing to a white audience to offering a picture of and a method for expropriation. In other words, "A Parody," unlike the autobiography, is not an appeal to extend private property rights or to advocate for

homo-economics but is instead a demand for rights commoning and a model of what that might begin to look like.

The slave narrative in general, and Douglass' *Narrative* in particular, are dually inscribed as both political and literary texts. The genre's identification as a "primary document…[of the] nineteenth century abolitionist crusade" is supplemented in *Narrative* by the opening appeal to action by William Lloyd Garrison and in the author's closing petition for political efficacy (Baker 30). Garrison, asking the reader what he is "prepared to do and dare," is followed by Douglass' closing lines hoping his "little book may *do* something" to abolish slavery (42, 159 emphasis mine). These calls for instrumentality, though, take place on the narrative plane that Robert Stepto in *Behind the Veil* argues consists of all the "characters" and "voices" that make up the abolitionist document. As literature, these documents "collectively create something close to a dialogue…which suggests that…the slave narrative is an eclectic narrative form" (3-4). And while this dual inscription—perhaps most vividly played out in the academic debates between Henry Lois Gates Jr. and Houston Baker[42]—most often invites a privileging of either the aesthetic and symbolic or of the material and political, I argue that a close

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[42] Gates writes to de-center the materiality of blackness and turns the critic's "attention to the nature of black figurative language, to the nature of black narrative forms, to the history and theory of Afro-American literary criticism, to the fundamental unity and form of content, and to the arbitrary relations between the sign and its referent" ("Preface to Blackness: Text and Pretext" in *Within the Circle* 254). Baker, on the other hand, writes in *Blues, Ideology, and Afro-American Literature* that he "discovered that the symbolic's antithesis—practical reason, or the material—is as necessary for understanding Afro-American discourse as the culture-in-itself" (1-2).

reading of "A Parody" productively and radically yokes the two together. "A Parody" in Douglass' coda invokes parody as a political tool, thereby refusing a mutually exclusive binary between the aesthetic and the political. More importantly, though, the poetic and parodic invocation of human rights—as a taking—shifts the legibility of rights so that they become readable only within a shifting and post-foundational political and material context.

Frederick Douglass' commitment to human rights is evident in nearly all of his writings and his work. Attending abolitionist meetings beginning in 1839, writing prolifically such canonical texts as "What to the Slave is the Fourth of July" (1852) and *My Bondage and My Freedom* (1855), and standing as a national and international figure against slavery, he helped to shape the discourse of human rights in the 19th century. Even the bitter break with Elizabeth Cady Stanton over the precedence issue of the 15th Amendment at the American Equal Rights Association—asking whether suffrage should be extended first by race or by gender—must be read against the whole of his *oeuvre* that insists on the indivisibility of a human rights framework. But although Douglass' writings and work give many footholds to move toward a productive inquiry into human rights discourse, "A Parody" offers a privileged textual locus precisely because it both invokes and subverts a stable iteration of rights. What this means, is that the text's employment of parody foregrounds language as a container to be struggled over *on the ground*. Language—and rights discourse in particular—*counts*, but it means differently to those who are in power and to those oppressed or disfigured by that power. "A Parody," then, puts the politics of rhetoric at center stage and launches a

rebuttal to those either fixing the word "rights" to mask domination or to those fixing the word so that it might be jettisoned in order to usher in the real revolution. By simultaneously invoking and subverting a stable iteration of rights, the short poem models a refusal to abdicate the political authority to co-produce rights and to allow "rights" to be invoked outside the context of struggle.

Stepto's argument positions the extra-textual documents of the slave narrative as constituent parts of the genre's dialogic narrative. The "characters" and "voices" of abolitionists, former slaves, and slaveholders alike "collectively create" the dialogues that narratively exceed the first-person account of slavery. If *Narrative* is to be read not as a static and isolated account bookended by the opening sequences by Garrison and Wendell Phillips and the concluding appendix by Douglass himself, but as a many-layered and moving narrative dialogue between these parts, then spaces open up within the text to push and to signify on authorship and authority itself. "A Parody," the narrative voice of the coda tells the reader, was drawn "several years before the present anti-slavery agitation began, by a northern Methodist preacher, who, while residing in the south, had an opportunity to see slaveholding morals, manners, and piety, with his own eyes" (157). The poem—a parody of the southern hymn "Holy Union"—plays out Douglass' diagnosis that "we have religion and robbery the allies of each other" as his hypercritical poem lambasts the "hypocritical Christianity of this land" (155, 153)[43]. The poem then

[43] I mean "hypercritical" in the sense that Foucault used it, not as colloquially it might be understood as "too critical". Foucault, after suggesting that since

becomes a space for both Douglass and the white northern preacher—fictional or not, he remains absent for the remainder of Douglass' narrative—to signify on each other and on the conditions of slavery. The dialogic form of the text opens up questions of voice: is the preacher an opportunity for Douglass to ventriloquize the demographic to whom he seeks to appeal? Is the preacher a voice through which his narrative might be more easily heard? Or is the poem a formal space Douglass has opened up to push toward a political reckoning of human rights in the slaved and violent south? These ambiguities and openings introducing the poem are multiplied and sharpened within the poem as parody works to unsettle the popularly uncritical rhetorical appeals to both "human rights" and "union."

The parody exploits the intersection between the hypocritical deployment of rhetoric and the text's own unsettling of authorship and authority. What emerges from this productive exploitation are two appeals: the first to a radical democracy and the second to structural analysis. Deployments of the rhetoric of "human rights" and "union" are critiqued, in other words, not because the language has been "contaminated" but because it has been sterilized and frozen; because it is no longer a participatory site of struggle, but is rather a monument to external authority. Douglass, articulating in the coda his aim for the narrative to be a critique of the "*slaveholding* religion of this land," says that to call this religion at all is "the climax of all misnomers, the boldest of all frauds, the grossest of all libels" (emphasis mine 153). Putting his finger on the intersection between language and power, the coda

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everything is dangerous, we always have something to do, says that his call is for there to be a "hyper- and pessimistic" activism (231).

reads in particular as an exposé of the discourse of slavery, but in general as a analysis of the discourse of domination[44]. Or, to put it another way and to frame this point not as critique but as a call to action, the coda reads as an invitation to open language itself up to struggle. It becomes a call to reveal the hollowness, the libel, and the hypocrisy of external authorities—slaveholders, priests, (and here as Douglass' own authorial voice shares the page with the testimonial from someone else's "own eyes") and perhaps even narrators—stripping away the rights to set the terms of the struggles.

The call for a democratized and democratizing discourse here is the same one heard in previous chapters made, in particular, by Brathewaite and Césaire. These crescendoing refusals to let language and meaning be hollowed out or policed and arrested by authorities, are also what in general undergirds this project about rights and the right to collectively struggle for setting the terms of those rights. But since Douglass frames this parody as the work of a white witness—testimony taking shape around the conventions of parody—these democratic impulses become de-coupled from identity politics, liberalism's entanglements with property ownership, and even from the political fetishization of individual agency. They become de-coupled because the source of political energy is no longer one individual narrator or witness or author(ity). Instead, Douglass' taking of the poem—which is itself a taking of the southern hymn—moves the source of political energy to a collective

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[44] I am rhetorically invoking Césaire's *Discourse of Colonialism* here, but making the larger claim that both Césaire and Douglass are writing to reveal how "liberatory" or "emancipatory" language functions on behalf of power and on behalf of domination.

and contestatory effort to articulate a structural analysis. Receding, the narrators—of the coda and of the poem—shrink the priority of individual authenticity, identity, or autonomy by foregrounding collective action and systemic critiques.

Parody is a taking, but as a literary taking it is a formal exploitation of the tension between distortion and resemblance, between ridicule and homage, and between difference and imitation[45]. These tensions are rooted in the language of parody itself that denotes both "against" *and* "with" and so parody becomes not only a textual site to explore and analyze the politics of ownership, but now it becomes a site to analyze the boundaries of a text. This duality—or perhaps even inherent contradiction—of parody is best captured in Chapman's paradoxical definition of the genre that it is a making "reverential fun of" (39). But this paradox is not something that should be smoothed over or brushed aside; rather we can study these inherent tensions as the post-foundational politics of parody. Within this context, a taking necessarily refuses the entitlements of authorship or proprietary claims of an authorized original and so it does not steal, but sits at the intersection between what would later be understood as copyright violation and fair use doctrine, or more generally and for Douglass' purposes might be said to be the intersection between theft and sharing. Sitting at this intersection, parody radically begins to unravel the legitimacy of the market economy as arbitrator. In other words, parody,—rather than "authorizing" the original—rounds through the back

[45] These are the terms used, respectively, by Penguin's *Dictionary of Literary Terms,* Chapman's article "Parody and Style," and Linda Hutcheon's *A Theory of Parody*.

door and de-authorizes private property by placing both texts in a creative commons.

In his article, "When is Parody Fair Use," Richard Posner begins by explaining that parody is imitation and "when it is of an expressive work such as a novel or play or movie, [parody] is a taking" (67). His argument, though, in the *Journal of Legal Studies*, suggests that copyright exemptions should be few and far between especially when the copyrighted texts are used not as targets of the parody, but as weapons to parody something outside of the original text. I raise this, admittedly anachronistic, legal argument between copyright infringement and its opposing "fair use" doctrine, though, because Douglass' poem demonstrates the political force of parody that uses its source as both target *and* weapon. In other words, Douglass' taking unsettles what Linda Hutcheon theorizes as parody's authorization of the original[46], and, subsequently, it begins to unsettle the very legal grounds of a market-based economy upon which both parody and property rights stand.

In *Palimpsests*, Gérard Genette catalogs the types of texts that require a reader to remember an earlier text. While some—like the travesty or pastiche—modify only style, the "strict parody" is an exercise in slight modifications to radically transform the content and produce a new meaning altogether. Douglass, like any good strict parodist, modifies the subject and not the style of his text and so goes much further than artistic or aesthetic critique. He understands the embedded

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[46] In *A Theory of Parody* she writes of its "conservative" and "normative" impulses (115). The form itself is an "authorized transgression" (116).

spatial metaphors within parody: "this" is shown to be very far from "that," and in the case of "A Parody" it is the religion of the slaveholding south that is shown to be far from its claims of God, righteousness, or justice. Distance is the fulcrum by which the world is moved by the parodist, and the copy of "the…portrait of the religion of the south" exploits the chasm between the piety of its characters and the bloody bodies they steal and lynch and whip. This exercise of cultivating a literacy of disparity, read through the genre of parody, becomes a practice of analysis. "A Parody" draws on this spatial principal and illuminates the distance through juxtaposition:

> Come, saints and sinners, hear me tell
> How pious priests whip Jack and Nell,
> And women buy and children sell,
> And preach all sinners down to hell,
> And sing of heavenly union (157).

"Priests" who "whip" are forced into proximity with this word in the second line of the text. These violent priests carry the now-unhinged alliterative qualifier of "pious" into the opening sing-songy verse of the parodic hymn. The dissonance of this proximity is redoubled and gathers force as capital saturates the following line of the fungibility of persons as the women and children are bought and sold. "Buy" and "children" in the center of the stanza throws into relief and foreshadows the poem's invocation of kidnappers and "children-stealing" as the end-rhymes, double-voicedness of the poem, and the scansion of this passage work toward a critique of the fungibility of persons. The nursery-rhyme meter of the stanzas compose a macabre pedagogy: bouncing through the story of Jack and Nell, the reader sings a

rhyme of genocide that—through both the content of the story and the form of the parody—destabilizes the legitimacy of ownership itself.

The parody forces proximity on those things usually kept separate: priests and violence, hell and heaven, saints and sinners. This chafing opens two lines of argumentation for Douglass: first, that the proximity of sacred claims and slave chains mutually serve each other. "The slave auctioneer's bell and the church-going bell," Douglass writes in the pages immediately preceding the poem, "chime in with each other, and the bitter cries of the heart-broken slave are drowned in the religious shouts of his pious master" (154). This, in part, might be read as a claim that praying is incoherent amidst the brutalization and domination of man. As well as, of course, the more explicit reading in Douglass' own exposition that the "dealers in the bodies and souls of men erect their stand in the presence of the pulpit, and they mutually help each other. The dealer gives his blood-stained gold to support the pulpit, and the pulpit, in return, covers his infernal business with the garb of Christianity" (154-155). And, second, the chafing opens the argument that by placing the person in the market—by putting persons and capital in an equal and convertible relationship—language too, appears stripped of orientation or markers. The brutality of converting women and children into capital ricochets throughout the stanza and the poem to brutalize the very language of the text itself.

But the text's claim that the discourse of slavery brutalizes language, is not a claim that language has lost meaning, or that words do not (have) matter. It, rather, points to the sermons happening during slave auctions, or to hymns about piety, priests, and unions that imagine words to exist outside of circumstance, context,

critique; it points to a fetishization of language that might imagine words to be pure, frozen, and beyond the time and mouths of those who conjure them. In other words, this literary device of proximity—parody's particular and generic "slight modifications" requiring readers to remember what is next to the text and what is being radically transformed—does not *collapse* language with disorienting juxtapositions. But instead it *injects* language with a deafening insistence that what goes along side or against it, deeply matters. That which goes "along side" or "against" language—in the most literal sense I mean history, and in the most literary sense I mean here to invoke the definitions of parody—becomes part of language's meaning. The revolutionary stakes of this parody, then, gather strength: if power strips language of its meaning, hollows out words so that they anemically drape over brutalizations and injustices, then *take* them and hold them up to those wasted, violated, and disfigured bodies. Words, the parody insists, are containers that do not *mean* without struggle, without history, without scraping past the veneer to see who or what stands along side or against these words.

Douglass' text insists the reading congregation must look off the page, must "come...and…hear…tell" and so foregrounds parody's dexterous reading requirements that require not only the decoding of the words on the page, but a ciphering and deciphering of the world that page engages with. What parody does end up collapsing, then, is the distance between the transcendental moral codes of piety or saintliness and the material conditions of the Negro. "Pious priests" who do "whip Jack and Nell" are no longer called to a moral reckoning, but to a political one as the parodied ideals are neatly packed in to thirteen stanzas. That the poem

requires both the aesthetic and the political reading, yokes the two together and offers parody as *political* device[47].

It is within this framework of parody as political device that Douglass' text susses out the *wrong* Christianity from the *right.* I will demonstrate how that determination impinges also on distinguishing and determining the *wrong* rights from the rights that offer a partial, imperfect, and fallible way towards justice. Throughout the parody there is never a question for the text of what is right and what is wrong. Lashing, thieving, and lynching, the so-called Christians "teach the right and the do the wrong" (158) and so the parody critiques the hypocritical rhetoric that does not register this difference. But the parody primarily critiques the transcendental moralities that have loosed themselves from the earth, from the bodies, and from the material reality they can never govern.

Rights in this piece are clearly distinguished from these transcendental moralities and are explicitly introduced in a stanza that also grounds the texts' criterion of these rights. The third stanza reads in its entirety: "They'll church you if you sip a dram,/And damn you if you steal a lamb; Yet rob old Tony, Doll, and Sam,/ Of human rights, and bread and ham;/ Kidnapper's heavenly union." And what

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[47] But it also casts "A Parody" in the theoretical light of the parody-pastiche debates between Frederick Jameson and Judith Butler. What is important to briefly note from this conversation about parody is that whereas Jameson wants to strip the underlying motives and "latent feeling that there exits something normal compared that which is being imitated" from a postmodern parody, Butler insists on the destabilizing, radically contingent, and denaturalizing forces of parody. "In imitating gender," she writes, "drag implicitly reveals the imitative structure of gender itself…Indeed, the parody is of the very notion of the original" (*Norton Anthology of Theory* 1963, 2498).

emerges is a picture of rights that centers on hunger, on food, on bodies; what emerges is a rebuttal to transcendental appeals to something out *there* and instead a claim that rights matter and they only matter and can be enacted and measured right *here*.

In part, I am suggesting, this focus on bodies and the material present grounds the text's in an immanent and immersed theory of rights. And this immersed and material theory of rights—a theory that invites the collective and radically democratic participation running throughout this dissertation—not only works itself out in the aforementioned spatial metaphors of the poem but it also emerges in the poem's treatment of time. The poetic progression of time moves from the present and immediate demands of the speaker asking to "come…hear…me tell" to a series of habitual and future-tensed openings such as "They'll bleat and baa," "They'll loudly talk," or the aforementioned "They'll church you" (158, 157). Following these future-claims, the poem turns to past memories of inflicted hunger, the lynching of old Nanny, and the enslavement of children before turning once again to the present. The final stanza returning to the present reads, "All good from Jack another takes,/ And entertains their flirts and rakes,/ Who dress as sleek as glossy snakes,/ And cram their mouths with sweetened cakes,/ And this goes down for the union" (159). This final present, though, opens time to be seen as "divided within itself [and] inhabited by the nonpresent" (Culler 94) and so it enlarges the poetic space to narrate the habitual and the rupture of the transatlantic slave trade. Time is fractured by trauma, but retains its historical specificity as the sugar of the sweetcakes marks slavery and Douglass' own signature foregrounds his pre-

Emancipation appeals[48]. The parody's contemporary analysis makes the consumption of sugar legible as a rights violation within the slave economy and so stretches rights over their structural and systemic skeletons.

What is more, the poem's critical repetition at the end of each stanza of the rhetoric of "union" repurposes this ideological and dogmatic cover for violations, to register the material fact of these economic and political interdependencies. These material connections and end-rhymes work to bind the "glossy snakes" eating the "sweetened cakes" or a few stanzas earlier to join the priests' "fine black coats" and their seizing of the negroes "by their throats" (157). Rights are violated not only in the lynching's and the whippings and the seizing of bodies, but in the participation in and consumption of the strange fruits of this slave labor; rights are necessarily caught up in the ways lives are materially and politically bound to each other.

This boundedness to a shared material world that the text foregrounds in the sweetcakes and the ironic deployment of unions, is subsequently extended to the framework of rights itself. In the third stanza, the text explicitly names that which had been hovering in the margins: human rights. In this third stanza, the priests will:

> …church you if you sip a dram,
> And damn you if you steal a lamb;

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[48] Houston Baker recounts a narrative in "Global Savings: Slave Capital and Religious Salvation in the Transatlantic Trade" of a man standing in front of so much luxury and repeating the words, "Sugar? Sugar?" unable to believe this wealth was produced by sugar. Estimated statistics show 6,000,000 slaves were used on sugar plantations. That number is 4,000,000 more than the second-leading labor source—coffee plantations—that had 2,000,000 slaves. Sweetened cake in Douglass' work must always invoke these numbers and these bodies. See also: Vera Kutzinski's *Sugar's Secrets: Race and the Erotics of Cuban Nationalism.*

> Yet rob old Tony, Doll, and Sam,
> Of human rights, and bread and ham;
> Kidnapper's heavenly union.

Here, religion stands in opposition to rights discourse because not only does the acquisition of food require breaking moral codes, but the getting of the food—within these moral codes—actually ensures eternal damnation. The moral order of this universe hinges on competing property rights and the exclusions of capital. Tony, Doll, and Sam are *themselves* robbed as are their "human rights, and bread and ham" and so what emerges is the claim that rights are incompatible within the logic of capital; rights here refuse private property claims because those claims will always function to cordon off collective justice.

Collective justice is not only central to the text's critique of the pathologizing and canonizing of individuals that supports the "saints and sinners" of this religion. But collectivities begin to define what freedom now looks like—bound, interdependent, common—and to the very performance of this text as *hymn*. The parody of a the southern hymn, in other words, becomes—by way of its generic expectations and conventions—a critical anthem; what serves as coda for both Douglass' text and my own, invites both the imagining and the articulating of collective critique and collective action *at the very sites* of an atomized and anemic discourse of rights and religion. Consequently, "A Parody" not only demonstrates parody's literary efficacy of using its source as both target *and* weapon, but it also compels a political reckoning.

This political reckoning takes place at the sites of ownership and about the rules and conventions surrounding ownership. Writing about Douglass' rhetorical tactics to make visible the hypocrisies of Christian slaveholders, Granville Ganter argues that, "In the same way that the slavecatchers steal Africans, Douglass, in turn, poaches from their rhetoric…for the instruments to highlight their crimes" (538). Ganter concludes that the "genius of Douglass' comic strategy is that he redirects the slaveholders' logic, inverting their sense of social status and entitlement" (538). But if this is the genius of his comic strategy in general, then the genius of his "comic" or parodic strategy in "A Parody" is not about redirection or inversion, but of poaching, of *taking*. And because this taking is a collective taking—a poaching from the for-profit property of a few to a collectively struggled for justice for the many—the rhetorical strategy reaches beyond his historical moment. What his rhetorical strategy offers in this poem is this equation: private property or personal ownership rights *are always subordinate* to the commons; property rights are always subordinate to socialized rights and to the right collectively struggle to define those rights.

More importantly for our own moment, Douglass' political reckoning asks why such powerful containers—in particular, the language of rights—might be abandoned when they could, if led by activists' struggles and informed by rich critical legal theory, be re-inhabited to make possible another world. This dissertation has been an attempt to engage a rich and productive academic critique of rights—particularly the critique emerging out of the critical legal tradition—with the urgent and instructive activist fight for rights. It has been a project—in

attempting to bring these two differently-situated traditions into productive relation—to begin to catch sight of the rich, productive, and emancipatory contours of the next stage of the critique of rights. This next stage that gathers intellectual force next to the recognition that words matter, and matter differently to those most disfigured by the language of law and of legal power. Frederick Douglass—as both activist and theorist, and as a subject disfigured by the law and working to reconfigure it—offers a concluding bridge between these sites so often kept in abeyance. His text also offers a picture in miniature of what this dissertation has been working to draw: the images and stories of those who have tirelessly re-inhabited defunct and rotten forms of governance to collectively offer something else entirely. This is a story of expropriation that does not end.

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