CHAPTER FOUR

The Poetics of Colorlined Space

Anthony Paul Farley

And as I sat there, brooding on the old unknown world, I thought of Gatsby's wonder when he first picked out the green light at the end of Daisy's dock. He had come a long way to this blue lawn and his dream must have seemed so close that he could hardly fail to grasp it. He did not know that it was already behind him, somewhere back in that vast obscurity beyond the city, where the dark fields of the republic rolled on into the night.

Gatsby believed in the green light, the orgastic future that year by year recedes before us. It eluded then, but that's no matter—tomorrow we will run faster, stretch out our arms farther. . . . And one fine morning—

So we beat on, boats against the current, borne back ceaselessly into the past.

—F. Scott Fitzgerald

Ceaselessly into the Past

The spectacle known as the Civil Rights Movement, like F. Scott Fitzgerald's green light, remains an object of wonder. They "had come a long way" to reach the Supreme Court of the United States of America. They had come a long way to argue the great cases, such as Brown v. Board of Education of Topeka (1954) and Loving v. Virginia (1967). They had come a long way to argue the cases that together were, "one fine morning—" supposed to form a new union between the master race and its excluded Others. As the marchers stood with the Reverend Dr. Martin Luther King, Jr., before the Lincoln Memorial, the unrequited "dream must have seemed so close that [they] could hardly fail to grasp it." It was one hundred years after the signing of the Emancipation Proclamation; they were not yet free, but they were still young and in love with the future. The terrifying sweetness of their old love songs to the white establishment is at once familiar and strange:

At S&W one day, we will all buy a Coke and the waitress will serve us we'll know its no joke, hallelujah I'm a-travelin', hallelujah ain't it fine, hallelujah I'm a-trav'lin' down freedom's main line.2

The marchers "believed in the green light, the orgastic future that year by year recedes

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before us." They "did not know that it was already behind [them], somewhere back in that vast obscurity" of revolutionary paths not taken.

The marchers were like Gatsby in so many ways. Gatsby's desire for the green light, for Daisy Buchanan, for the dream, for integration, for acceptance was his undoing. Gatsby "sprang from his Platonic conception of himself," not from wealthy parents, so in the end his perfection did not matter. Gatsby failed to understand that exclusion alone made the green light possible. Today's colorlined situation is the offspring of a similar unrequitable desire.

"Rich girls don't marry poor boys." Fitzgerald's "East Egg" elites tell us what we already know but refuse to believe. What could be more direct than this message of class and gender? Perhaps only the message about the colorline that emerges in a conversation between two of those elites, Daisy Buchanan and her husband, Tom:

"It's up to us who are the dominant race to watch our or these other races will have control of things." "We've got to beat them down," whispered Daisy, winking ferociously at the fervent sun.\(^{4}\)

We cannot all get along. Good "race" relations are not possible. They have "got to beat [us] down" or cease to be white. What we call "race" is itself the act of oppression and the moment of surrender. Once branded with "race," we have been assaulted. Once we accept the brand, we have submitted.

We have not Overcome. We have been Overcome. We have been Overcome by our own belief in the "green light, the orgastic future that year by year recedes before us. It eluded us then, but that's no matter—tomorrow we will run faster." Gatsby believed in the American Dream, "the orgastic future" represented by Daisy Buchanan and the "green light," and he was ultimately destroyed by his belief. Gatsby had to be excluded for the green light to keep shining.

The marchers believed in the orgastic future and the green light. The word "orgastic" captures perfectly the erotic tangle of dreams and desires that causes masters and their slaves, owning classes and their working classes, and whites and their blacks to cleave to one another. The union of oppressor and oppressed begets the non-revolutionary situation.\(^{5}\) Power is seductive. Put another way: Seduction is a strategy of power.

The green light is a way of organizing, of understanding, the space between "East Egg" and "West Egg." It is the space of longing and the space of refusal. It is the space that begets the elite and, necessarily, those Others whose exclusion renders elitism possible. It is a way of seducing us into the space of white-over-black. That space, the colorline, is a space of longing and refusal.\(^{6}\) In it the excluded long for inclusion, the included enjoy their exclusivity, and each party pretends that it does not find in the other the necessary condition of its own possibility. Put another way, each is the other's bastard child. Domination and submission—each finds itself, its history and its genealogy, in the other. There are no whites without blacks, men without women, straights without lesbians and gays, rich without poor, or high caste without low. There is no hierarchy without pretense. We pretend that the space marked by the line is not filled with poetic significance. Strangely, even as we pretend, we become adept at navigating the emotional, the sensual, terrain of colorlined space. We become masters of submission—white and black.

We pretend because it is easier to dream of the green light and the orgastic future than to face the cruel inevitability of the current situation. Again, Fitzgerald is instructive: "There are only the pursued, the pursuing, the busy and the tired." The green light, the orgastic future, is the form of pleasure that links the pursued with their pursuers and the busy with the tired. Both parties to
the pseudo-conflict are linked by an erotic of mastery and slavery.

Race is a form of pleasure. For whites, it is a sadistic pleasure in decorating black bodies with disdain. For blacks—in today's non-revolutionary situation—it has become a masochistic pleasure in being so decorated. Oppressors require an Other in order to imagine themselves as elite. The system acquires its stability from the desires it cultivates in its perpetually excluded Others. The green light over the bay, like the Civil Rights Movement longing for equal rights and inclusion ("diversity") within this oppressive order of things, is a form of longing that links oppressed to oppressor at levels too deep for the mind to touch.

This chapter is a postmodern reply to Critical Race Theory and critical legal studies. Both movements have traced, with breathtaking creativity, the myriad ways in which segregation has adapted itself to its post-civil-rights institutional environment. Both movements have relied on maps of the political economy of colorline space to reach their powerful conclusions. I am following a new map, a map of the senses. The sensual contours of colorline space must be heeded if we are to understand how the colorline operates and, more important, break free of its confines. CRT presents racism as permanent, but it does not explain why. CLS presents law as politics, but it does not explain why the politics that finds itself expressed as law is inevitably the politics of the colorline. CRT and CLS have failed to map an important aspect of colorline space because they have both privileged the mind over the body. This article may be used as a map of colorline space from the perspective of the body. It is a map of colorline space—the pleasure-scape—that reveals the S/M nature of the current order of things.

Race is a form of bodily pleasure, akin to sexuality. "Look, A Nigger!" is a sensation that both the tormentors and the tormented feel within their bodies. Frantz Fanon writes:

"Look at the Nigger!... My body was given back to me sprawled out, distorted, recolored, clad in mourning in that white winter day. The Negro is an animal, the Negro is bad, the Negro is mean, the Negro is ugly."

The legal expressions of the colorline are, similarly, sensations that people have both in and about their bodies. The master and his slave may both come to see and feel themselves through the law that defines, commands, and is the expression of their situation. Jean-Paul Sartre wrote:

Oppression based on slavery was not at first recognized by the law, but it soon becomes institutional. Thus a son of a slaveholder, born amidst a regime based on oppression, not only considers the fact of possessing slaves as natural but also as legitimate since this fact is one part of the institutions of his homeland. And the more he is raised to respect the authority of the State and to recognize his duties toward it, the more the right of possessing slaves appears sacred to him and the more it will remain beyond discussion. There is an underlying tie between the way of accepting and assuming different legal prescriptions (matrimonial, civic, military duties, etc.) and the way of accepting the right to possess slaves. It is the ensemble that is respected and recognized.

Whether race finds its expression as slavery, segregation, or neo-segregation, the legal song remains the same. The pleasure of whiteness is spread throughout the entire ensemble. The law is an organ of perception—a great ephemeral skin—and through it we come to feel ourselves as masters and slaves, segregators and segregated, neo-segregators and neo-segregated, white and black, subject and object, and S/M.

Language is a skin: I rub my language against the other. It is as if I had words instead of fingers, or fingers at the tip of my words. My language trembles with desire. The emotion derives from a double contact: on the one hand, a whole
activity of discourse discreetly, indirectly focuses upon a single signified, which is "I desire you," and releases, nourishes, ramiﬁes it to the point of explosion (language experiences orgasm upon touching itself); on the other hand, I enwrap the other in my words, I caress, brush against, talk up this contact, I extend myself to make the commentary to which I submit the relation endure.\textsuperscript{11}

The relationship of white-over-black endures because people have learned to take pleasure in it. We ignore the sensual aspects of color-lined space at our peril. We would do well to recall the warning and the prophecy of the Great American Novel: "So we beat on, boats against the current, borne back ceaselessly into the past."

Space

Inhabited space transcends geometrical space.

—Gaston Bachelard\textsuperscript{12}

We do not experience our surroundings as a series of cold architectural forms. Everything, for us as human beings, has an emotional surface, a sensual topology, from which it derives its significance. It is this sensual aspect of our physical environment that makes all of the difference for us. The bright, shining sled ("Rosebud" of Citizen Kane) we might have received one white winter's day was not only or primarily a wooden platform with metal runners attached. It was something else, something magical, a moment in which we basked in the green light of belonging and acceptance. In that moment—and it is a space as well as a time—our disparate thoughts about many things came together to form our personality.

To begin a study of the topography of color-lined space, I turn ﬁrst to Gaston Bachelard's classic examination of the way we experience intimate places. The home, for Bachelard, is the most important site for phenomenological investigation, because without it, man would be a dispersed being. It maintains him through the storms of the heavens and through those of life. It is body and soul. It is the human being's first world. Before he is "cast into the world," ... man is laid in the cradle of the house. And always in our daydreams, the house is a large cradle. A concrete metaphysics cannot neglect this fact, this simple fact, all the more since the fact is a value, an important value, to which we return in our daydreaming. ... Life begins well, it begins enclosed, protected, all warm in the bosom of the house.\textsuperscript{13}

After such a beginning in the protected environment of a home, "All really inhabited space bears the essence of the notion of home." This is so because "we live ﬁxations, ﬁxations of happiness. We comfort ourselves by reliving memories of protection."\textsuperscript{14}

Bachelard writes, of course, of his universe. There are others, however, in which the home does not play the same role. Susanna Kaysen writes of movement between parallel universes:

People ask, How did you get in there? What they really want to know is if they are likely to end up in there as well. I can't answer the real question. All I can tell them is, It's easy. And it is easy to slip into a parallel universe. There are so many of them: worlds of the insane, the criminal, the crippled, the dying, perhaps of the dead as well. These worlds exist alongside this world and resemble it, but are not in it. My roommate Georgina came in swiftly and totally, during her junior year at Vassar. She was in a theater watching a movie when a tidal wave of blackness broke over her head. The entire world was obliterated—for a few minutes. She knew she had gone crazy. She looked around to the theater to see if it had happened to everyone, but all the other people were engrossed in the movie. She rushed out, because the darkness in the theatre was too much when
combined with the darkness in her head. And after that? I asked her. A lot of darkness, she said. But most people pass over incrementally, making a series of perforations in the membrane between here and there until an opening exists. And who can resist an opening?15

The musician Gil Scott-Heron sings of the notion of home that emerges in the universe on the other side of the colorline: "Home is where the hatred is."16 Both Bachelard and Scott-Heron are correct, depending on one's side of the colorline.

In the short story "Way in the Middle of the Air," Ray Bradbury explores the notion of home as the subaltern experiences it.17 Home, in this case, is the United States of America, "one nation under God" for some and something entirely different for Others. The story is set in the year 2033; however, the town depicted resembles the South of the year 1946, when Bradbury first published The Martian Chronicles. "Did you hear about it?" the story begins. "About what?" "The niggers, the niggers!" "What about 'em?" "Them leaving, pullin' out, going away; did you hear?" The whites, as the Great Migration begins, are astonished, "They can't leave, they can't do that," and, later, desperate:

Samuel Teece wouldn't believe it. "Why, hell, where'd they get the transportation? How they goin' to get to Mars?" "Rocketts," said Grandpa Quartermain. "All the damn-fool things. Where'd they get rocketts?" "Saved their money and built them." "I never heard about it." " Seems these niggers kept it secret, worked on the rockets all themselves, don't know where—in Africa, maybe." "Could they do that?" demanded Samuel Teece, pacing about the porch. "Ain't there a law?"18

The departure of the blacks reveals the emptiness of the whites' lives. The emptiness is noted through the invocation of the legal concept of "notice."

When "Lucinda," the Teece's maid, leaves to join the "black river" of refugees to Mars, Mrs. Clara Teece is overwhelmed:

"It's Lucinda, Pa; you got to come home!"
"I'm not coming home for no damn darkie!"
"She's leaving. What'll I do without her?"20

Mrs. Teece's fantasies of sisterhood-without-equality are shattered when Lucinda says, "Good-by, Mrs. Teece." Mr. Teece, unable to silence his wife's unseemly tears, turns inside the store to fetch his "silver pistol." Their peaceful coexistence as white man and white wife is ended with the departure of the black maid from their formerly happy home. When Mr. Teece emerges from the inside of his home bearing a silver pistol (a white phallus) and harboring thoughts of homicide, Mrs. Teece is gone.

Silver pistol still in hand, Mr. Teece stops "Belter," a "tall negro man," to demand the payment of a fifty-dollar debt:

"You recollect you owe me fifty dollars, Belter?"
"Yes, sir."
"You tryin' to sneak out? By God, I'll horsewhip you!"21

The sign of legal debt ("You recollect you owe me fifty dollars"), the sign of submission ("Yes, sir"), the sign of violence ("silver pistol"), the sign of divine sanction ("By God"), and the threatened humiliation ritual—the carving of the entire ensemble of signs into Belter's flesh ("I'll horsewhip you!")—all merge into Mr. Teece's identity and Belter's subalternation: "You're staying here to work out that fifty bucks, or my name ain't Samuel W. Teece." Mr. Teece's name could be written only with the aforementioned signs, and it could be written
only on black flesh and it could be written only through violence. Of course, this is not a quarrel about the money. It is a quarrel about the colorline masquerading as a quarrel about money:

"But if I work it out, I'll miss the rocket, sir!"

"Ain't that a shame now?" Teece tried to look sad.

"I'll give you my horse, sir."

"Horse ain't legal tender. You don't move until I get my money." Teece laughed inside. He felt very warm and good. A small crowd of dark people had gathered to hear all this. Now as Belter stood, head down, trembling, an old man stepped forward.

"Mister?"

Teece flashed him a quick look. "Well?"

"None of your damn business!"

The old man looked at Belter. "How much, son?"

"Fifty dollars."

The old man put out his black hands at the people around him. "There's twenty-five of you. Each give two dollars; quick now, this no time for argument."

"Here, now!" cried Teece, stiffening up, tall, tall.

The money appeared. The old man fingered it into his hat and gave the hat to Belter. "Son," he said, "you ain't missin' no rocket."22

Mr. Teece uses law ("A horse ain't legal tender") to keep his black in his place and prevent him from leaving for space ("You don't move until I get my money"). This legal specialization of people according to race is a form of ecstasy for Mr. Teece ("Teece laughed inside. He felt very warm and good"). The moment is short-lived. Mr. Teece is enraged at the thwarting of his race-pleasure and the threatened reorganization of race, space, and place.23 All of the whites are amazed at the new emancipatory communism among their former chattel:

It was happening all along the way. Little white boys, barefoot, dashed up with the news. "Them that has helps them that hasn't! And that way they all get free!" ... The white men sat with sour water in their mouths. Their eyes were almost puffed shut, as if they had been struck in their faces by wind and sand and heat.24

The total transformation of the blacks from possessive individualists to beloved community transforms the blacks from possessions to persons. The white cries for Law grow more shrill:

"I can't figure why they left now. With things lookin' up. I mean, every day they got more rights. What they want, anyway? Here's the poll tax gone, and more and more states passin' anti-lynchin' bills, and all kinds of equal rights. What more they want? They make almost as good money as a white man, but there they go."25

This is the familiar neo-segregationist invocation of the perpetual near-arrival of nearly equal rights. The blacks, in leaving for space, have rejected the entire ensemble.

Suddenly, "Silly," Mr. Teece's seventeen-year-old black employee, appears. Silly is late because he has taken the time to return Mr. Teece's bicycle. Mr. Teece orders Silly to work by invoking a contractual agreement:

"Remember this?"

"Sir?"

"It's your workin' paper. You signed it, there's your X right there, ain't it? Answer me."

"I didn't sign that, Mr. Teece."

"The boy trembled. "Anyone can make an X."

"Listen to this Silly. Contract: I will work for Mr. Samuel Teece two years, starting July 15, 2003, and if intending to leave will give four weeks' notice and continue working until my position is filled." There," Teece slapped the paper, his eyes glittering. "You cause trouble, we'll take it to court."

"I can't do that," wailed the boy, tears starting to roll down his face. "If I don't go today, I don't go."

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The Law here emerges as the colorline that keeps one group white and another black, and, more important, keeps Silly a slave and Mr. Teece a master ("You cause trouble, we'll take it to court"). The X represents every black person's signature—in this way, the X is the signature on the social contract. Across the colorline, the social contract is a fraud ("Anyone can make an X"). The social contract was, interestingly, "signed" on "July 15, 2001," the day after Bastille Day, and its terms seem a rejection of liberty, equality and fraternity. Malcolm X understood the relationship between the legal system and the social contract:

[Brown v. Board of Education] was one of the greatest magical feats ever performed in America. Do you mean to tell me that nine Supreme Court judges, who are past masters of legal phrasology, couldn't have worked their decision to make it stick as law? No! It was trickery and magic that told Negroes they were desegregated—Hooray! Hooray! and at the same time it told whites, "Here are your loopholes." Malcolm X and Silly arrive at the same conclusion regarding the fraudulent nature of the cross-colorline contract ("I didn't sign that").

Mr. Teece's "glittering" eyes show the law to be the organ of perception through which he feels his whiteness and with which he imposes Silly's blackness. The spell is broken when "Grampa Quartermain" intervenes saying, "I'll take Silly's job," and is supported by the other white men on the porch. The first is last. At last, Silly departs for the rockets. Free at last.

The pivotal moment of whiteness recognizing its own artificiality (its dependence on blackness) comes when the departing Silly shouts, "one last time at Teece":

"Mr. Teece, Mr. Teece, what you goin' to do nights from now on? What you goin' to do nights, Mr. Teece?" This moment of recognition, of being seen by his former object, produces an existential crisis for the now objectified Mr. Teece. It is also painfully clear that the blacks have exchanged the pleasures of law and order or gradual change or patience or submission for the pleasures of defiance and self-assertion:

"What in hell did he mean?" mused Teece. "What am I goin' to do nights?"

Memories of white race-pleasure, of voluptuous white pleasure-in-cruelty, flood back to Mr. Teece's consciousness, just as the flood of blacks had departed from his town:

He remembered nights when men drove to his house, their knees sticking up sharp and their shotguns sticking up sharper, like a carful of cranes under the night trees of summer, their eyes mean. Honking the horn and him slamming his door, a gun in his hand, laughing to himself, his heart racing like a ten-year-old's, driving off down the summer-night road, a ring of hemp rope coiled on the car floor, fresh shell boxes making every man's coat look bunched. How many nights over the years, how many nights of the wind rushing in the car, flopping their hair over their mean eyes, roaring, as they picked a tree, a good strong tree, and rapped on a shanty door.

The rap on the door was the Truth of the everyday humiliation rituals of Law. Too late, Mr. Teece realizes that it was a good question. He sickened and was empty. Yes. What will we do nights? he thought. Now they're gone, what? He was absolutely empty and numb.

Mr. Teece is left with only sad memories of whiteness ("Did you notice? Right up to the very last, by God, he said, 'Mister!'"). Memories and pathos and absolute fleshlessness are all that he has left ("He was absolutely empty and numb"). The blacks vanish into the starry void, the space they had occupied.
in the United States of America is empty, and the space they had filled in Mr. Teese's life becomes a void. Mr. Teese is left with only the memory of the now meaningless appellation, "Mister," Sattree nauseas, and an absolutely numbing emptiness ("He sickened and was empty"). Mr. Teese refuses to look at the departing rockets. "Look! I'll be damned if I will," said Teese. Mr. Teese is damned. He is damned by his own need for race-pleasure. The blacks have exited the S/M scene of segregation, but for Mr. Teese there is no exit.

Spectacle

The problem is to make space speak, to feed and furnish it; like mines laid in a wall of rock which all of a sudden turn to geysers and bouquets of stone.

—Antonin Artaud

Imagine the typical American family room, the center of the home that we carry with us everywhere, according to Bachelard, and the epicenter of hatred, according to Scott-Heron. Both theorists are correct, depending on one's side of the colorline. The chairs and tables in the American family room are arranged around the television, the window to the world. Our television, our opening to the world, was set against a large window that framed the backyard. Against the limits of the yard we gazed into the seemingly infinite depths of the brighter and smaller screen. The sun itself was eclipsed by the television. One day my youngest brother called out, "Hey, come here quick, this is my favorite part!" He was being ironic. I was sixteen, he was eight. I ran downstairs. He explained that this was his favorite scene in his favorite Tarzan film. We watched together, illuminated by the darkness, to see what the masters of the spectacle paradise were going to do to us.

An intrepid white explorer trudged up from the jungle along a steep, narrow mountain path. A mistake at such a height meant certain death. His love interest, just as white and almost as brave, followed three paces behind. Behind her followed a long line of native bearers, a Million Man March of anonymous black men, each carrying an unbelievably large box or bag or weird lumpy package on his head. Their naked arms, chests, and legs made them indistinguishable from the other as they toiled for the two pith-helmeted, kiaki-clothed subjects of the film—the white male explorer and his female satellite. Racism and sexism were paired on the screen, as in life. It was a moment pregnant with cinematic possibilities. My brother and I waited for the quickening.

Suddenly, one of the native bearers slipped and fell. We saw him spiral into the distance. He grew smaller and smaller as he spun downward through the air. Finally, he disappeared into the abyss. He made no visible impact on the river valley below. The critical moment came when the intrepid white explorer turned and exclaimed with horror, "The supplies!"

Living in a colorlined society, one experiences this moment of birth a million times—the colorline that cuts us loose from our humanity with the cry, "The supplies!" is an umbilical cord for white America. Just as there are no masters without slaves, there are no whites without blacks. The white identity is created and maintained by decorating black bodies with disdain, over and over again. The ritual scarification of Saturday morning TV negritude is the least of it.

The image makes itself real. We gaze on the spectacle, and the spectacle gazes back into us. Imagine now not my living room, but millions of living rooms. Millions and millions of bodies unfolding like flowers in the substitute sun of the cathode ray tube and growing into the "sprawled out, distorted, recolored" form assigned them by the masters of the spectacle paradise. Those bodies come to understand themselves as
native bearers, as lost in the infinite depth of the abyss, as black. The television set in the family room of the home, the "first cradle of man," is an opening—"And who can resist, an opening?" as Kaysen says. All within view fall through the screen, through the floors, through all the horrors of color-lined space to arrive as themselves: as subaltern black bodies. There is, then, no safe place for the subaltern, and, in Scott-Heron's words, "Home is where the hatred is." Even there, we are made to serve.

The colorline serves as the medium of communication between whiteness and itself. We are the colorline. The political is personal. Flannery O'Connor, in her short story "Everything That Rises Must Converge," shows the power of this aphorism. The story begins with a white mother–son conflict that takes place on the symbolic terrain of a newly purchased hat and, later, across the colorline:

Narrator: "It was a hideous hat. A purple velvet flap came down on one side of it and stood up on the other; the rest of it was green and looked like a cushion with the stuffing out."

She: "Maybe I shouldn't have paid that for it. No, I shouldn't have. I'll take it off and return it tomorrow. I shouldn't even have bought it."

He: "It was less comical than jaunty and pathetic. Everything that gave her pleasure was small and depressed him." 33

Julian's mother laments the state of the world:

She: "I tell you, the bottom rail is on the top" and "Your great-grandfather had a plantation and two hundred slaves."

He: "There are no more slaves."

She: "They were better off when they were." 34

Julian resents his mother for her striving after the former race glory of their family name as much as for his own failures. (He could not forgive her that she had enjoyed the struggle and that she thought she had won") 35. As the pair walk to the bus stop, their conversation shifts to the colorline, her favorite topic:

He groaned to see that she was off on that topic. She rolled onto it every few days like a train on an open track. He knew every stop, every junction, every swamp along the way, and knew the exact point at which her conclusion would roll majestically into the station: They should rise, yes, but on their own side of the fence. 36

Julian, we learn, fantasizes about using the colorline as a method of hurting his mother. He knows that he can hurt her by subverting the race-pleasure on which she depends. The depth of Julian’s fantasies ironically reveal the extent to which he is also dependent on race-pleasure:

When he got on the bus...he made it a point to sit down beside a Negro, in preparation as if were for his mother’s sins.

He would have liked to get in conversation with the Negro.

He might make friends with some distinguished Negro Professor or Lawyer and bring him to spend the evening.

He imagined his mother lying desperately ill and his being only able to secure a Negro doctor for her. He toyed with that idea for a few minutes and then dropped it for a momentary vision of himself as a sympathizer in a sit-in demonstration. This was possible but he did not linger on it. Instead, he approached the ultimate horror. He brought home a beautiful suspiciously Negroid woman.37

The story reaches its apogee when a black woman wearing an identical hat sits down on the bus next to Julian's mother:

His eyes widened. The vision of the two hats, identical, broke upon him with the radiance of a brilliant sunrise. His face was suddenly lit with joy. He could not believe that fare had thrust upon his mother such a lesson. 38
The lesson, however, is utterly lost on Julian’s mother: “A smile came over her face as if the woman were a monkey that had stolen her hat.” Only after Julian’s mother has persisted in offering “a bright new penny” to the black woman’s young son does she learn her final, perhaps fatal, lesson:

“Oh little boy!” Julian’s mother called … “Here’s a bright new penny for you,” and she held out the coin which shone bronze in the dim light. The huge woman turned and for a moment stood, her shoulders lifted and her face frozen with frustrated rage, and stared at Julian’s mother. Then all at once she seemed to explode like a piece of machinery that had been given one ounce of pressure too much. Julian saw the black fist swing out with the red pocketbook. He shut his eyes as he heard the woman shout, “He don’t take nobody’s pennies!” When he opened his eyes, the woman was disappearing down the street with the little boy staring wide-eyed over her shoulder. Julian’s mother was sitting on the sidewalk.40

Like “Mr. Teece,” Julian averts his eyes from the spectacle of the Old World’s undoing (“He shut his eyes as he heard the woman shout”). Julian cruelly explains:

“Don’t think that was just an uppity Negro woman,” he said, “That was the whole colored race which will no longer take your condescending pennies. That was your black double. She can wear the same hat as you, and to be sure,” he added gratuitously (because he thought it was funny), “it looked better on her than it did on you. What all this means,” he said, “is that the old world is gone … You aren’t who you think you are.”41

The black fetish object rejects her role, the slave says “no,” and the entire system—in that moment—is destroyed. The “black double” remakes herself through violence and in so doing unmakes Julian’s mother (“You aren’t who you think you are”). The “black fist” is a moment of anti-spectacle. “He don’t take nobody’s pennies!” creates an anti-spectacle. It does not fit with, and so must shatter, everything that has gone before, “the old world is gone,” but Julian’s world also dissolves. Julian and his mother are bound umbilically by the colorline. Julian’s world dissolves because his mother cannot live without her race-pleasure, and he cannot live without his mother:

“Home,” she muttered.
“Home,” she said thickly.
“Tell Gramps to come get me.”
“Tell Caroline to come get me.”
A tide of darkness seemed to be sweeping her from him.
He turned her over. Her face was fiercely distorted. One eye, large and staring, moved slightly to the left as if it had become unmoored. The other remained fixed on him, raked his face again, found nothing and closed.

“Help, Help!” he shouted, but his voice was thin, scarcely a thread of sound.42

One eye “unmoored” and the other “fixed” on her son, Julian’s mother is swept away without the colorline to sustain her (“A tide of darkness seemed to be sweeping her from him”). The race-pleasure system, in political terms, appears as the colorline. Threats to the colorline are threats to personal identity and, more important, to the endless supply of pleasure produced by the colorline. She and he are alone at last—the umbilical cord connecting them to their whiteness and each other has been severed (“scarcely a thread of sound”). The Tunisian anticolonialist Albert Memmi wrote, “Racism is a pleasure within everyone’s reach.”43 To be someone, in America, is to partake of race-pleasure. When race-pleasure is out of reach, it presents whites who enjoy the colorline with an existential crisis similar to Kayser’s description of madness: “She was in a theatre watching a movie when a tidal wave of blackness broke over
her head. The entire world was obliterated—for a minute.”

The image of the black is ubiquitous. Whites return and return and return again to this fetish in order to satisfy a self-created urge to be white. The satisfaction of this will-to-whiteness is a form of pleasure in and about one’s body. It is a pleasure that is satisfied through the production, circulation, consumption, reproduction, recirculation, and consumption of images of the not-white. The body is contested territory in the conflict over symbolic representation. Whiteness is a pleasure that has woven itself into all aspects of our culture and our identities. Visions of black subalterns dance through our dreams, our literature, our arts, our sciences, and our films like Shirley Temple and Mr. Bojangles.

Eros

The zipless fuck was more than a fuck. It was a platonic ideal. Zipless because when you came together zippers fell away like rose petals, underwear blew off in one breath like dandelion fluff. Tongues intertwined and turned liquid. Your whole soul flowed out through your tongue and into the mouth of your lover.

—Erica Jong

Everytime I tell about it, I hurt in a new place.

—Anonymous victim of sexual abuse

To be black is to possess a million stories of the abyss. For whites, these stories take the form of intense physical pleasure-in-whiteness. Race is an erotic encounter between two or more bodies. Race is akin to rape. The zipless encounter that Jong describes is akin to the experience of bodily pleasure that whites obtain by enmeshing their Others in the colorline. It is important to remember that whiteness and blackness are nothing more than their relative positions in this violent encounter.

One spring day in 1976, on a bus chartered for a junior-high-school trip to Washington, D.C., one of my schoolmates stood and began to comb her long, brown hair. We were on a class trip to learn how laws were made and to witness the sites and monuments that make up the Republic to which we had been ordered to pledge allegiance every day of our elementary- and junior-high-school lives. She was tall and cool and pretty. She combed her long, brown hair slowly and deliberately. After a long while, she turned and addressed us all: “Whose comb was this? Thanks, I’m all done.” No one responded. It seemed as though the unknown owner of the comb must not have been listening. Just then, one of our classmates answered in a mirthful voice: “It’s Farley’s comb.” I, Farley, was the only black person on this otherwise all-white school trip to the nation’s capitol. My classmates burst into laughter. The girl with the long brown hair turned crimson and began to cry in loud, long sobs. The sobs quickly turned into the sounds of retching, which were accompanied by shudders running through her now hunched form. She may have vomited. While her personal trauma unfolded, accompanied by squeals of laughter from all of her white classmates, I said nothing.

Those few minutes of mirth, sobs, laughter, and silence showed the colorline at work. The boy with the mirthful voice who falsely declared that the comb belonged to me knew the dance, and so the jest worked as he intended. The girl with the long, brown hair knew the dance, and so she wept and became nauseated at the public revelation of such improper intimacy with the Other. Our classmates knew the dance, and so the spectacle of such an uncouth, albeit unintended, boundary crossing caused great amusement. I was silent. All of us experienced our connection through the colorline as a physical sensation, not as an
abstract idea. We were all breathing to the same beat. One nation, indivisible, tightly bound by the colorline.

Erica Jong’s words regarding the zipless encounter applied completely to my white classmates’ actions on that school bus (“Tongues intertwined and turned liquid. Your whole soul flowed out through your tongue and into the mouth of your lover”). I was the soul of my white classmates. They transformed me with their jests, tears, and laughter. I could feel myself extruded as vomit, as sweat, as spit, as abjection itself. Their souls flowed out through their tongues, and I was filled with the nobodyness they desired of me.

The adrenaline rush of the war on invocation of the colorline, the nausea and shame brought on by the ritual uncleanness of forbidden contact, the peals of cathartic laughter by those thwarted by the ritual, and the abject silence of the “raced” were all part of the meaning of race. The year was 1976, it was the Bicentennial—the entire nation was celebrating white freedom and black slavery. What, to me, was their Bicentennial? The nation animated our bodies. To be black is to be available for humiliation, to be white is to partake of race-pleasure, and to be colorblind is to repress one’s awareness of the entire enterprise. The colorline depends on all three aspects—humiliation, pleasure, and denial—for its power.

What is to be done when your subalternation, your pain, is the source of a pleasure that supports a political order that, in turn, ensures your subalternation? The colorline is intertwined with all the other large and small acts of dominance and submission that fragment and frame our collective imagination. I could feel the gaze of the stone-eyed statues of slavemasters such as George Washington and Thomas Jefferson that surrounded our trip to Washington, D.C. I understood my own surrender of self every moment that I caressed the slavemas-

ter iconography that we call “legal tender.” Capital, like the capitol, is white: in God and slavery we trust. This was the belly of the beast—I lived, as I live now, in a nation that places statues of slavemasters in public spaces and pictures of slavemasters on its currency.

He felt as though he were wandering in the forests of the sea bottom, lost in a monstrous world where he himself was the monster. He was alone. And what of knowing that the dominion of the party would not endure for ever? Like an answer, the three slogans on the white face of the Ministry of Truth came back at him:

WAR IS PEACE

FREEDOM IS SLAVERY

IGNORANCE IS STRENGTH

He took a twenty-five-cent piece from his pocket. There too, in tiny clear lettering, the same slogans were inscribed, and on the other face of the coin the head of Big Brother. Even from the coin the eyes pursued you. On coins, on stamps, on the covers of books, on banners, on posters, and on the wrapping of a cigarette packet—everywhere. Always the eyes watching you and the voice enveloping you. Asleep or awake, working or eating, indoors or out of doors, in the bath or in the bed—no escape. Nothing was your own except the few cubic centimeters inside your skull.47

The colorline was not and is not a matter of politics or money or thought alone. It is also a matter of the flesh.

James Baldwin asked:

How can one be prepared for the spittle in the face, all the tireless ingenuity which goes into the spite and fear of small, unutterably miserable people, whose greatest terror is the singular identity, whose joy, whose safety, is entirely dependent on the humiliation of others?48

Baldwin’s question has no answer. The “spittle in the face” is the victim’s identity,
just as it is the identity of the victimizer. The enemy is the face in the mirror, the spectacularized face, the face covered in spit. In George Orwell's *Nineteen Eighty-Four*, his protagonist Winston Smith reflects:

"They can't get inside you," she had said. But they could get inside you. "What happens to you here is forever," O'Brien had said. That was a true word. There were things, your own acts, from which you could not recove. Something was killed in your breast; burnt out, cauterized out.53

I was silent. Silence, like crying and vomiting, is an act ("There were things, your own acts, from which you could not recover. Something was killed").

On that day, completely dislocated, unable to be abroad with the other, the white man, who unmercifully imprisoned me, took myself far off from my own presence, far indeed, and made myself an object. What else could it be for me but an amputation, an excision, a hemorrhage that spattered my body with black blood.54

I was silent during my moment of Bicentennial humiliation on the class trip to the nation's capital, and my classmate who was tall and cool and pretty played an active role to protect herself. My silence, her crying, the native bearer's ostentatiously disregarded plunge into the abyss of the Tarzan movie, and the hideous repetition of it all were the colorline. What could we say to each other?

"I betrayed you," she said blandly. "I betrayed you," he said. She gave him another quick look of dislike. "Sometimes," she said, "they threaten you with something—something you can't stand up to, can't even think about. And then you say, 'Don't do it to me, do it to somebody else, do it to so-and-so.' And perhaps you might pretend, afterwards, that it was only a trick and that you just said it to make them stop and didn't really mean it. But that isn't true. At the time when it happens you do mean it. You think there's no other way of saving yourself and you're quite ready to save yourself that way. You want it to happen to the other person. You don't give a damn what they suffer. All you care about is yourself." All you care about is yourself," he echoed. "And after that, you don't feel the same toward the other person any longer." "No," he said, "you don't feel the same."55

You do not feel the same.

**Jurisprudence of the Spectacle**

The command of the old despotisms was "Thou shalt not." The command of the totalitarians was "Thou shalt." Our command is "Thou art."

—George Orwell56

As for the Negro voting in my primary, we'll fight him at the precinct meeting, we'll fight him at the county convention, we'll fight him at the enrollment books, and, by God, we'll fight him at the polls if I have to bite the dust as did my ancestors!

—John D. Long57

**Segregation**

The naive hope of the civil-rights era that more information about subaltern suffering would change the hearts and minds of a colorlined nation fades even further if we think of race as a form of pleasure. The suggestion that racism in today's post-civil-rights era is unconscious is beside the point if we think of race as a practice people enjoy, as a form of pleasure.58

What then must we do? The power effects of the myriad pleasure forms enjoyed under the rubric of race give rise to the colorline. The body is a social structure. The body is a form of connection, a way of knowing pleasure and humiliation, of experiencing the self in Others. Power masks itself.
Michel Foucault writes, "Power is tolerable only on condition that it mask a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms." Power, for Foucault, does not exist solely in the "negative and emancipated form of prohibition." Rather, power is "the name that one attributes to a complex strategic situation in a particular society." There is nothing about race that is separate from this complex strategic situation. What Foucault says of power in his discussion of sexuality is also applicable to the colorline:

If sexuality was constituted as an area of investigation, this was only because relations of power had established it as a possible object; and conversely, if power was able to take it as a target, this was only because techniques of knowledge and procedures of discourse were capable of investing it. Between techniques of knowledge and strategies of power, there is no exteriority, even if they have specific roles and are linked together by their difference.

The racialized body and its pleasures constitute one of the myriad masks of power.

Edmund White, writing in a different context, captured a notion that can be applied to life governed by the colorline: "People were bodies, I thought; the only valuable people have beautiful bodies; since my body isn't beautiful, I'm worthless. That was the humble feed I pecked at night and day." Black is not beautiful in a world governed by the colorline.

Nobodying is a sensual experience that envelops everything. It does not limit itself to the body. It cannot, for the body is the lens through which we encounter the world: "More than a symbol, more than the bread and wine of Christ, the body is a knowing connection, it is the telling thing, the medium of experience, expression, being, and knowing." People, neighborhoods, jobs, schools, style, language, religion, art—are all viewed and sexualized through the coloring lens of the racialized body. The entire world of the social is submitted to the pleasure economy of the colorline. The racialized body is a eulogized space; it is given a poetic significance by the colorline. But the body is not the only eulogized space. Its poetry spills out on the universe it both creates and inhabits. Blackness can come to color even such things as work. Consider the observation of Paul Goodman:

Consider the current social imputation of many jobs as "menial." When I was young, driving a bus or a trailer-truck was manly, difficult, and responsible; now when there are many black drivers, it is ordinary. Construction work used to be skilled; but a black or Spanish bricklayer or mason tends to be unskilled. White road-workers in Vermont have a decent job; black roadworkers with the same equipment have a menial job. Postman, a job requiring unusual tact and judgement, has always been a dignified occupation; now that, like other Federal employment, it is open to many blacks, my guess is that it will be considered drab. A German or Jewish waiter is a mentor or kibitzer, a black waiter has a servile job. This social imputation of worth is made, of course, by both whites and blacks. Whites, however, usually don't give it a second thought, as their young move into other jobs. The question is why the blacks go along with the same imputation. The dismaying thing is the objective criteria like the kind of work, the worth of the product or service, and often the wages count for very little. In this frame of mind, it is impossible to be free and independent.

You cannot run away from that which is always with you.

Follow the wake of a beautiful woman—that is, a woman who is socially constructed as beautiful—as she walks down a crowded street. The normal eddies and currents of
human feeling are changed by her movements. Her walk down the street is experienced by the crowd as a physical sensation. "The girl can't help it!" sang Little Richard in his 1956 homage to female beauty in general, and the white actress Jayne Mansfield in particular. She seems to be felicity itself:

If she walks by the men-folks get engrossed,
THE GIRL CAN'T HELP IT!
If she winks an eye and bread slices to toast
THE GIRL CAN'T HELP IT!
If she's got a lot of what they call the most,
THE GIRL CAN'T HELP IT!
If she was born to please,
THE GIRL CAN'T HELP IT!
And if she's got a figure made to squeeze.
Won't you kindly be aware,
THE GIRL CAN'T HELP IT!  

In the film of the same name, we see Mansfield, improbably blond, busty, and slim-waisted, walk down the street in full color. We also see the men seeing her. A prepubescent paperboy whistles at her like an adult wolf; an iceman's supply melts under his hands and pours from the bed of his truck onto the front of his trouser before spilling on the street; milk spurts forth from a milkman's bottle and runs all over his hand; finally, the spectacles of a too-curious neighbor shatter as he gazes on her body. She is trapped by the male gaze. The scene has all the gender subtlety of a hand grenade.

Follow the wake of a black person on that same street. The space he occupies is also a sensual space. White boys pull their white girlfriends closer. White women's knuckles whiten as they tug their purses closer. A symphony of automatic doorlocks and cold Venus-in-furs smiles accompany him down the sidewalk. Stepping indoors, he is harried by a flock of store detectives, security guards, and salespeople. The store detectives and security guards are silent, but the salespeople crows, "Can I help you find something?" until he quits the store. He is infelicity itself. He is trapped by the white gaze. The scene has all the race subtlety of a hand grenade.

Our images of felicitous space are produced by our images of infelicitous space, and vice versa. When the native bearer falls into the abyss, he plunges out of felicitous space in two senses. First, he falls to his death. Second, the native is a "Fallen" man. To be regarded as a native bearer, a black, is already to have Fallen. The scene compresses the natural and the social by pairing both falls, thereby doubly highlighting the Fallen nature of the native bearer. It thus seems quite natural that the intrepid white explorer would turn and shout, "The supplies!" on seeing the native bearer plunge out of sight. The practice of turning and shouting, "The supplies!" is the practice of nobodying the other. That is, the native bearer disappears into the abyss because we shout, "The supplies!"

The supplies! We watch these white mythologies over and over. They give a natural-seemingness to the color line. They are a way to take pleasure in one's body through the body of the Other. Whites cannot think of themselves without the Negro. We are the "bright and morning star" in their navigation of existential space. In order to be, they must legislate us into being. Whites cannot feel themselves without the Negro. We are the "bright and morning star" in their navigation of sensual space, as well.

Consider the spectacle of the segregated bus. The image is ubiquitous. We can see the segregated bus in pre-Technicolor, grainy, black-and-white 1950s newsreel footage of utterly abject blacks in the back of the bus and utterly triumphant whites in the front of the bus. The back of the bus is a sensation of sweat, adrenaline, furrowed brows, and metallic tases. Minstrelization is a thing one feels in one's body. It is what
happens when you are ordered to "jump Jim Crow!" Each act of submission is a spectacular leap into the abyss.

The whites, audience to this spectacular presentation, gaze voraciously on the anathematized black bodies by placing them behind their eyes in the non-space of the abyss, the disfavored and ritually unclean rear seats. The excrementalization of the bodies marked as black produces a corollary feeling of blessedness, an ecstasy of belonging and belovedness, in the bodies marked as white. Whiteness, emerging from sadistic insistence on the illusion of race through the painful applicaton of blackness to the bodies of the innocent, produces pleasure. Whiteness emerges out of this situation as a political orgasm. "Try arguing with an orgasm sometimes. You will find you are no match for the sexual access and power the materials provide," writes Catharine MacKinnon of pornography and the subordination of women. The ensemble of law that creates and maintains the colorline is a form of racial pornography. Words are no match for the sexual access and power the colorline provides. Indeed, the colorline is a place where debate does little more than provide the titillation of easily overcome resistance.

The entire ensemble, the body of law that maintains the distance between colonizer and colonized or between black and white or between men and women or between here and there, is reified in the bodies it both constitutes and circumscribes. Individuals reify this fundamental contradiction in their hearts and minds. It imbues their behavior with the same bad faith and frenzy exhibited by the entire ensemble.

The state, and hence the law, emerge as constitutive parts of whiteness and the race-pleasure needed to create and maintain whiteness. The body of law is both flesh and discourse, because the state, through segregation, arranges both the public forum and the intimate choreography for the race-pleasure tryst. The time and place of this erotic experience between bodies made black and white are themselves the result of a complicated dance of private capital within a vast regulatory web, but the erotic experience is more than the political economy that sets the stage. The bodies come together again and again in a dance called segregation—de jure or de facto—and beget the colorline. Our society's economic and political structures stand in relation to race-pleasure in the way that the beehive's honeycombs stand in relation to honey. The sweetness, the race-pleasure, is the thing that supports the entire enterprise.

Indeed, segregation statutes can be read as a Kamasutra of race-pleasure. Elleke Boehmer, writing on the texts of Imperialism makes a point that is helpful in understanding the legal texts of the colorline:

Readers... experience Empire textually, through the medium of nineteenth- and twentieth-century novels and periodicals, travel writings, scraps of doggerel. Yet Empire was itself, at least in part, a sexual exercise. The colonial officer filing a report on affairs in his district, British readers of newspapers and advertisements of the day, administrators who consulted Islamic and Hindu sacred texts to establish a legal system for British India: they too understood colonization by way of text. The Empire in its heyday was conceived and maintained in an array of writings—political treatises, diaries, acts and edicts, administrative records and gazetteers, missionaries' reports, notebooks, memoirs, popular verse, government briefs, letters "home" and letters back to settlers. The triple-decker novel and the best-selling adventure tale... were both infused with imperial ideas of race pride and national prowess.

The racial contours of the legislatively colorlined bodies stand out from the stature books like lovingly carved temple dancers. The judiciary, too, has its role in the organs-
tic reification of "race." Finally, we must not forget the role of popular justice and injustice in this festival of lawmaking. As with the Marquis de Sade's primers on lovemaking, bodies are typed and arranged in every possible permutation. The erotic plays over the now-black and now-white bodies with boundless enthusiasm for variety. One sees a detailed racial choreography of everyday life. Proximities, angles, activities, incentives, and punishments all were feverishly written into law. And, conversely, the law was a fever that both the segregated and the segregated came to feel within their bodies.

There was no social space that could not be colorlined by state legislators. For example, by 1949, the same year Orwell's Nineteen Eighty-Four was published, schools for the blind were racially segregated by state law in Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and West Virginia. Thus, even blindness could be made to see color through the peculiar miracle of segregation.

De jure segregation had expanded into every conceivable site by 1949. Consider the following actions by states. Madness was segregated: Mental patients were segregated in Alabama, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Montana, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia. Disease was segregated: Alabama, Delaware, Kentucky, Maryland, Oklahoma, Texas, and West Virginia forbade race mixing of tuberculosis patients. Sports were segregated: Boxing, the "sweet science," was segregated by Texas law since the white power riots that followed Jack Johnson's victory over a white hope to become the first black heavyweight champion of the world. Parental love was segregated: Interracial adoptions were forbidden in Louisiana, Montana, South Carolina, and Utah. Belief was segregated: It was a crime to publish anything advocating social equality in Mississippi. Communication was segregated: Telephone booths were segregated in Oklahoma. Poverty was segregated: Paupers were to be segregated in Alabama and West Virginia. Fantasy was segregated: Tennessee and Virginia segregated movie theaters. Punishment was segregated: Black and white prisoners could not be chained together in Alabama, Arkansas, Florida, Georgia, North Carolina, and South Carolina. Thus, even the chains that linked the actors Tony Curtis and Sidney Poitier together in the 1958 Hollywood integration film The Defiant Ones were forbidden. Texts were segregated: Florida and North Carolina required separate textbooks for black and white schoolchildren. Happiness was segregated. Innumerable joys were segregated and thus made into sizes for racialized joy: Billiard and pool rooms, parks, playgrounds, beaches and boating, racetracks, and circuses were all segregated by race in various states.65

State legislators were neither the beginning nor the end of sorrows; segregation was very much a creature of county and municipal ordinances. Within states, local governments refined and multiplied methods of segregation to satisfy their particular needs for race-pleasure. The City Code of Houston (1942), with its bold contradictions, is typical:

Sec. 1587. Use of Public Building for Promotion of Religious or Racial Antagonism.—The rental or use of Sam Houston Coliseum, the City Auditorium or any other city-owned building, park or property used as a place of public assembly, for any purpose which will tend, by speech or otherwise, to engender racial or religious antagonism. The manager of the coliseum, with respect to the coliseum, the auditorium or other city-owned building, and the superintendent of parks, with respect to the use of park property, are authorized and directed to investigate all applicants for the proposed
use thereof by way of lectures, speeches, debates and otherwise, and to deny the use thereof, if, in their opinion, the use will tend to engender religious or racial antagonism.

Sec. 1434. Emancipation Park to be used Exclusively by Colored People.—There is hereby set aside for the exclusive use of the colored people of the city, the park known as Emancipation Park, which park shall be under the jurisdiction and control of the department of public parks of the city. All other parks of the city now or hereafter existing and not set aside exclusively for the use of colored people shall be used exclusively by white people.

Art. III—Segregation of Races in Buses.

Sec. 2222. Penalty for Riding in Compartment After Having Been Forbidden to Do So.—If any passenger on any motor bus provided with separate compartments within the meaning of this article shall ride in any separate compartment not designated for his race after having been forbidden to do so by the conductor or other person in charge of said motor bus, he shall be guilty of a misdemeanor and shall be fined, upon conviction, not less than five dollars nor more than twenty-five dollars.

Sec. 2223. Article Inapplicable to Nurses and Officers.—The provisions of this article shall not be so construed as to prohibit nurses from riding in the same separate compartment of any motor bus with their employer, even though of a different race, and shall not prohibit officers from riding with prisoners of their charge.

In the segregated world of the colorline, pleasure soothes all contradictions, and so Houston was able to realize itself through a single municipal code that forbade the use of public spaces for lectures, speeches, debates, and otherwise that "tend to engender religious or racial antagonism" and banned blacks from all parks save the perversely named Emancipation Park. Orwell wrote of this perverse integration of opposites:

Don't you see that the whole aim of Newspeak is to narrow the range of thought? In the end we shall make thoughtcrime literally impossible, because there will be no words to express it. Every concept that will be needed will be expressed by exactly one word, with its meaning rigidly defined and all its subsidiary meanings rubbed out and forgotten.

To enjoy the experience of domination, one must create a situation of domination and then blind one's eyes to the evidence of one's own handiwork (Emancipation Park). In this way, caste becomes a bodily attribute—whiteness becomes superiority and blackness becomes inferiority. This process of becoming also means that superiority becomes whiteness and inferiority becomes blackness.

The lawyers, judges, legislators, and law professors mistook their own echoes for the voice of Nature and Nature's God. The system's minor contradictions, such as the exception for nurses, were easy to smooth over once the major contradiction of segregation was resolved. Is segregation an insult? One might even ask whether the order banning blacks from all parks save Emancipation Park does not itself violate the order banning any use of any public park that would "tend to engender religious or racial antagonism." The answer would be "no": "No, because it is God's plan, not ours." "No, because it is for peace and good order and thus the best for both races." "No, because it is a time-honored tradition."

The terrifying banality of the municipal code, the repetitive dichromatic world of the segregators, the fetishistic pursuit of the black body with an ardor-undo-boredom, an ardor that expanded itself to infinity and hence to invisibility as it fused with Nature and Nature's God, all made "race" synonymous with "segregation." And all of it made segregation a part of that which could not be questioned. In the collective imagination
of its Creators, in their hearts' conceit, segregation was not created at all. Confusing
their hands with God's, they felt:

Almighty God created the races white, black, yellow, malay and red, and he
placed them on separate continents. And but for the interference with his arrange-
tment there would be no cause for such [inter racial] marriages. The fact that he
separated the races shows that he did not intend for the races to mix.67

And yet, this confusion was a confusion that contained yet another confusion that mas-
queraded as clarity. The segregators, apparently recognizing that "here on Earth, God's
work must truly be our own," did not allow their signifiers to shift:

Sec. 215. Shifting Signs That Separate
Compartment s.—It shall be the duty of
the person in charge of any motor bus, in
his discretion, to shift the signs that sep-
arate the two compartments for the
white and for the black races, and any
person other than said person in charge
of said motor bus who shall shift or
change from one place to another the
signs separating the two separate com-
partments of any motor bus shall be
guilty of an offense and, upon conviction
thereof in the corporation court, shall be
fined not less than five dollars nor more
than two hundred dollars.

It is hereby made the duty of the per-
son in charge of any motor bus, where-
only or in which any person other than
himself shall shift or change from one
position to another any signs separating
the two separate compartments of said
motor bus, to report said person so
offending to the corporation court and
to file complaint against the said
offender, and any conductor who shall
fail to refuse to report such violation
shall be guilty of offense and, upon conviction
of the same in corporation court, shall be
fined not more than fifty dollars.68

The writerly and readerly pleasures of col-
orlining flesh in the pages of a text, legal or
otherwise, are the same pleasures enjoyed
on the colorlined "motor bus." Racial
writing and reading, like colonial writing and
reading, is part of the sensual process of
nobodying the Other.

The site and cite of colorlined pleasure
merge when we reflect on the literary
defined, or spectacularized, nature of our
bodies. Our bodies are parchment, and "race"
has been a bold inscription on the leaves rep-
resenting the contributions of the twentieth
century. The racial pornographer, the legisla-
tor, both carves his accusation into the black
body and makes it true in the act of legis-
ating. That act is an act of race-pleasure. That
Act is also an Act of race-pleasure. The leg-
islative drafting, the executive enforcement,
the judicial interpretation, the academic
analysis, the jurisprudential theorizing, the
regular police violence, the supplementary
mob violence, the democratic legitimation,
and the public awareness of these Acts are all
acts of race-pleasure. Sade is helpful in under-
standing the project on which these legal
actors toiled so furiously:

After having immured themselves within
everything that was best able to satisfy
the senses through lust, after having established this situation, the plan was
to have described to them, in the great-
est detail and in due order, every one of
debauchery's extravagances, all its diva-
gations, all its ramifications, all its con-
tingencies, all of what is termed in libertin-
gism language its passions.69

The four libertine of Sade's The 120 Days of
Sodom, like the segregators, form a "society" for the purpose of torture and murder. Not
content with the mere direct enjoyment of
cruelty, the libertine establish a method of
memorializing and systematizing their
deeds, of translating their passions into
texts. This transformation of passions to
texts is itself a form of pleasure:

He who should succeed in isolating and
categorizing and detailing these follies
would perhaps perform one of the most splendid labors which might be undertaken in the study of manners, and perhaps one of the most interesting. It would thus be a question of finding some individuals capable of providing an account of all these excesses, then of analyzing them, of extending them, of itemizing them, of graduating them, and of running a story through all, to provide coherence and amusement. 

The legislators of the pre-Civil Rights Movement era were engaged in the production of just such an accounting, analysis, extension, itemization, graduation, and narration of the colorline. Sade’s libertines, like the segregators of the pre-Civil Rights Movement era or the neo-segregators of our own, “enclose themselves inside their retreat as within a besieged citadel, without leaving the least entrance to an enemy, the least egress to a deserter” and labor “over a code of laws.” 71 Sade warns, “it is essential that these articles of government be known to the reader who, after the exact description we have given him of everything, will now have no more to do than follow the story, lightly and voluptuously.” 72 Sade’s statutes, like the statutes of the segregators, do not simply command humiliation; they are complicated texts of pleasure. That is, the statutes themselves are, textually, forms of race-pleasure.

In addition to being forms of pleasure and humiliation in themselves, the statutes serve to structure the pleasures and humiliations of our lives. Our personal narratives are both constituted and circumscribed by the colorline. Sade writes:

We have, moreover, blended these six hundred passions into the storytellers’ narratives. That is one more thing whereof the reader were well to have fore-knowledge; it would have been too monotonous to catalogue them one by one outside the body of the story. But as some reader not much learned in these matters might perhaps confuse the designated passions with the adventure or simple event in the narrator’s life, each of these passions has been carefully distinguished by a marginal notation: a line, above which is the title that may be given the passion. The mark indicates where the account of the passions begins, and the end of the paragraph always indicates where it finishes. 73

In this passage, “the care taken to preserve the effectiveness and the framework of a dictionary within the ‘body of the narrative’ entails a painful didacticism, to the point of suggesting how the work should be used.” 74

Like the segregator’s statutes, Sade’s 120 Days of Sodom is easy to use, “as with a dictionary we can begin and end anywhere.” Like the segregation statutes, Sade’s statutes say everything:

We know who’s who, what each person is capable of, what each person desires, etc. Everything is circumscribed from the outset, and nothing remains ambiguous. 75

The subaltern world of the Sadean victim resembles the subaltern world of the native as described by Fanon and the segregated world of the colorline. It is:

A world divided into compartments, a motionless, Manicheistic world, a world of statues … a world which is sure of itself, which crushes with its stones the backs flayed by whips … The native is a being hemmed in; apartheid is simply one form of the division into compartments of the colonial world. The first thing which the native learns is to stay in his place. 76

Sade’s statutes, like those of the pre-Civil Rights Movement world, constitute what Marcel Henaff calls an “encyclopedia of excess.” 77 The encyclopedia of excess says too much in two distinct and contradictory ways. The encyclopedia of excess is a collision of impulses of totality (“saying too much” in the encyclopedic sense) and excess
("saying too much" in the sense of a demand that everything be revealed and the claim that "I'm going to tell all"). The encyclopedia of excess can be seen in Sade's "statutes" and in the statutes of the segregationist legislators.

The legislators aspire to totality and tell us every detail of the black body. They also embrace excess, for in telling all regarding the black body, they necessarily add supplemental information about themselves. This supplemental information is excess—that is, the legislators' aspiration for totality reveals their need to tell all about the black body. The legislators' need to tell all, which produces excess, also serves to undermine the tale they tell. The legislators describe blacks encyclopedically over and over again. The repetitive encyclopedic iterations of the same old story of natural inferiority belie the dispassionate objectivity on which the project of encyclopedic repetition depends. The production of the truth of black subalternation, then, is both dependent on and undermined by the legislators' pleasure in the production of the truth of black subalternation. The black body is produced as truth because of the legislators' passion for race-pleasure. The black body is undermined as truth because of the legislators' passion for race-pleasure. Or so it seems from outside of the pleasure dome.

Violence and pleasure was the truth of these statutes. The five-dollar or two-hundred-dollar fines of a typical municipal segregation ordinance or the prison terms of state segregation statutes were supported by the dangerous supplement of violence. Law needed lawlessness to function properly as law. The lawlessness required was not that of the outlaw; rather, it was that of the insider. That is, the law of segregation was given meaning not solely by those who defied the colorline but also by those who upheld the law of segregation by breaking all other laws, including the law of segregation, by supplementing the law with extralegal punishments. A typical report comes from the New York Tribune of February 8, 1904:

Luther Holbert, a Doddsville [Mississippi] Negro, and his wife were burned at the stake for the murder of James Easland, a white planter, and John Carr, a Negro. The planter was killed in a quarrel... Holbert and his wife left the plantation but were brought back and burned at the stake in the presence of a thousand people. Two innocent Negroes had been shot previous to this by a posse looking for Holbert... There is nothing in the story to indicate that Holbert's wife had any part in the crime.

The Vicksburg, Mississippi, Evening Post, had a more elaborate account of the incident:

When the two Negroes were captured, they were tied to trees and while the funeral pyres were being prepared they were forced to suffer the most fierce tortures. The blacks were forced to hold out their hands while one finger at a time was chopped off. The fingers were distributed as souvenirs. The ears of the murderers were cut off. Holbert was beaten severely, his skull was fractured, and one of his eyes, knocked out with a stick, hung by a shred from the socket... The most exquisitely form of punishment consisted in the use of a large cork screw in the hands of some of the mob. This instrument was bored into the flesh of the man and woman, in the arms, legs and body, and then pulled out, the spirals tearing out big pieces of raw, quivering flesh every time it was withdrawn.

These punishments were frequent. "On the average, a black man, woman or child was murdered, nearly once a week, every week, between 1882 and 1930 by a hate-driven white mob." The strange fruits of lynching were the truth of all of the segregation statutes. We ought to think of these celebrations of white supremacy as trees of knowledge. After consuming the strange fruit, the celebrants clothed their bodies in
whiteness. The segregationists’ strange fruit gave the people the knowledge that the result of violation might be a “legal” punishment, but it might also be “corkscrews.” The ritualistic nature of the preparation of the black bodies showed the pleasure that it gave the preparers.

Together, lynching and law produced the dramatic tension on which the production of race-pleasure depended. The black body, spectacularized by lynching as by segregation statutes, caught between the “good Negro’s” humiliating imitation of life and the “bad Negro’s” humiliating death by lynching, was overdetermined from without. The spectacle was, of course, taken in by white and black alike. For example, the following author, and the pair he writes about, all act as both the product and producer of the spectacle:

To the White Citizens of Jackson County
[Florida]:

Just a few lines to let you all know that we good colored citizens of Jackson County don’t feel no sympathy toward the nigger that —— the white lady and killed her. No! We haven’t felt he did right because he should stay in his place, and since he did such as he did, we are not feeling we have a right to plead to you all for mercy.

***

Your Faithful Servant,
John Curry

The “White Citizens” did indeed find “the nigger” alleged to have committed the act so horrifying to their sense of themselves that even their “Faithful Servant” could mention it only in code (“the nigger that —— the white lady and killed her”). The “Faithful Servant” of the “White Citizens” had no such difficulty using the word “nigger” and thus openly naming the act of racialization. An investigator for the NAACP reported:

After taking the nigger [Claude Neal] to the woods about four miles from Green-

wood, they cut off his penis. He was made to eat it. Then they cut off his testicles and made him eat them and say he liked it. . . . Then they sliced his sides and stomach with knives and every now and then somebody would cut off a finger or toe. Red hot irons were used on the nigger to burn him from top to bottom.82

Subaltern flesh, like that ritualistically stripped from Claude Neal’s bones, was transformed into and created by law, both state and federal, both legislative and judge-made. Robert Cover wrote of the connection between legal interpretation and pain and death:

Legal interpretation takes place in the field of pain and death. . . . Legal interpretive acts signal and occasion the imposition of violence upon others. . . . Neither legal interpretation nor the violence it occasions may be properly understood apart from one another.83

What Cover writes of “pain and death” is also true of pleasure.

The case of United States v. Cruikshank (1875) illustrates how race-pleasure rituals such as the killing of Claude Neal were transformed into the textualized race-pleasure rituals of constitutional jurisprudence.84 In Cruikshank, the Supreme Court held that the duty of protecting all its citizens in the enjoyment of equal rights was originally assumed by and remained with the states. Thus, the enforcement of the Fourteenth Amendment, which had been adopted for “the protection of the newly-made freemen and citizen from the oppression of those who had formerly exercised unlimited dominion over him,” would be left to the very same authorities that had formerly exercised unlimited dominion over him.85 It was this same “unlimited dominion” that had given rise to Cruikshank in the first place. In April 1873, whites in Grant and other surrounding Louisiana parishes organized themselves into the “White League”
and other Reconstruction resistance groups and declared their intention to rid their "white man's country" of its newly enfranchised "Black Devils." When the whites sought a military solution to the problem of racially integrated Republican officeholders, armed blacks occupied the courthouse, the sole brick building in Califax, the parish seat, and took a stand.87

The blacks were defeated. Dozens were burned alive within the courthouse. Many of those who tried to flee the surrounded building were shot while others were ridden down without mercy.88 Estimates of the total number of blacks killed ranged from sixty-nine to more than one hundred; some estimates were as high as four hundred. Not all the murders occurred in the courthouse confrontation. Several blacks were shot or bayoneted long after their capture. Some were killed with the deliberate speed of the classic lynching. One of the whites recalled:

Captain Dave Paul and Mr. Yawn came walking by me and says, "We got most of them, but the man which we want. We don't see him among the dead." I says, "Examine them carefully, maybe you can find him in there [the garden]." We walked down the line and there was a negro with his hat pulled down over his eyes. Jim Yawn was laying for the man who killed Jeff [in 1871]. Yawn lifted his hat up and grabbed him by the coat and says, "I got you," and took him about twenty steps away and shot him.89

Reconstruction was doomed but not quite dead, and so federal officials actually managed to obtain convictions of William Cruikshank and two others under the Enforcement Act of 1870 for violating the civil rights of black citizens. In overturning these convictions and returning blacks to the hands of their former masters, the Law—and the justices of the Supreme Court of the United States of America—textually partici-pated in the very race-pleasure ritual that had placed the case, and the strange fruit, of Southern trees, at their table. The death of Reconstruction, the redemption of the pre-Civil War status quo, and the body of Law implicated in that death, that redemption, and that return to things past were all ways of spreading skin across territories and spaces.

The black body is a vast writing project. It is a twice-haunted, twice-scripted body. The good Negro and the bad Negro are animating spirits that emerge, like the Madonna and the Whore, depending on the performance desired. White pre-Civil Rights Movement desire for abject black bodies required, at times, the good Negro of minstrelsy and, at other times, the bad Negro of lynching. Pity and contempt were the twin emotions that accompanied the race-pleasure rituals: pity for the good Negro and contempt for the bad Negro. White power was both the product of the ritual and the condition of the ritual's possibility. The law produced absolute power in whites by reducing blacks, once again, to creatures dispossessed of any rights the "white man was bound to respect."90 Absolute power produced dependency; dependency produced sycophancy; and sycophancy produced the race-pleasure that supported the entire enterprise of the colorline. Absolute power also produced desperation; desperation produced audacity; audacity produced rebellion; and rebellion, particularly its small-scale incarnations in crime and insolence, was used as the centerpiece of the lynching. In the pre-Civil Rights Movement world, the colorline frequently broke the surface of the race-pleasure documents produced by lawyers, judges and legislators. In the documents of the post-Civil Rights Movement world, however, the colorline is often found lurking at deeper, subtextual, levels.

To search is to desire. Whether we write or read, we enter a text looking—cruising—for the obscure object of our desire. The figure
in the text, it seems, desires us. Enter, it seems to say. It beckons and it hides. We think that the text is trying to tell us something. We seek and find the obscure object of our desire in even the most unlikely textual terrain. In fact, we always find the obscure object of our desire, no matter how the textual terrain is configured. In legal interpretation, to desire is already to have found. The writers and readers of the segregation era's laws found the black bodies they desired, just as the writers and readers of the neo-segregation era's laws find the black bodies they desire.

The post-Civil Rights Movement authors and readers of law have also stalked and captured the black bodies they desired. Critical legal studies and Critical Race Theory have painstakingly demonstrated the myriad ways in which the post-Civil Rights Movement rhetoric of antidiscrimination can and has been used to reify the old arrangements of the pre-Civil Rights Movement era. The basic coloored order of things has not changed since Loving v. Virginia. Blackness today remains blackness, and whiteness today remains whiteness, although the sites and cites of the race-pleasure tryst have changed. Neo-segregationist rule fetishists continue to cruise texts for black bodies. Although the name given to the space of these twilight textual encounters may have changed, “You must remember this, a kiss is still a kiss, the fundamental things apply,” however much time may have gone by.

**Neo-segregation**

As a case in point of this sort of sensitization through interaction, I take what can be described as a composite pattern of social sadism and social euphemism. "Social sadism" is more than a metaphor. The term refers to social structures which are so organized as to systematically inflict pain, humiliation, suffering and deep frustration on particular groups and strata. This need have nothing at all to do with the psychic propensities of individuals to find pleasure in cruelty. It is an objective, socially organized, and recurrent set of situations that has these cruel consequences, however diverse its historical sources and whatever the social processes that maintain it. This type of sadistic social structure is readily overlooked by a perspective that can be described as that of the sociological euphemism. The term does not refer to the obvious cases in which ideological support of the structure is couched in sociological language. Rather, it refers to the kind of conceptual apparatus that, once adopted, requires us to ignore such intense human experiences such as pain, suffering, humiliation, and so on.

—Robert K. Merton

Blacks and Mexican Americans are not academically competitive with whites in selective institutions. It is the result primarily of cultural effects. Various studies seem to show that blacks and Mexican Americans spend much less time in school. They have a culture that seems not to encourage achievement.

—Lino A. Graglia

Law creates the black body through minstrelization and criminalization. These are two sides of the same pre-Civil Rights Movement, good Negro–bad Negro coin. The good Negro today is either the less-than-competent “African American” who "needs affirmative action" or the fantasy “African American” who “would have made it even without affirmative action.” The good Negro of fantasy never actually applies for any particular job or mortgage or lease; rather, he exists entirely in the Spectacle Paradise of television, the mythmaking world of Colin Powell or O. J. Simpson (before his ex-wife Nicole Brown’s “wrongful death”). The bad Negro today is the criminal. The bad Negro is every black person until he proves himself a good Negro. The bad Negro of fantasy also exists in the Spectacle.
Paradise to warn us that all Angels, even the black: Angels of a lesser God, can fall, like O. J. Simpson, and become Willie Horton, Bigger Thomas, or even the doubly fantasized child-kidnapping bad Negro of Susan Smith’s and South Carolina’s imagination. Law creates the conditions under which blacks will be deemed either minstrels or criminals. Minstrelsy, of course, leads to criminality, and vice versa.

Today’s civil-rights statutes serve the same race-pleasure function as did yesterday’s segregation statutes. The segregation statutes announced to the world that blacks were inferior. The attendant black pain was integral to the pleasure of whiteness. Our civil-rights statutes today serve to legitimate, not prevent, discrimination. Discrimination has continued, more or less unabated, despite the presence of these civil-rights statutes. Our civil-rights statutes serve mainly to delegitimize any claims that discrimination continues. This last task they do well—so well that discrimination today is spoken of only as a vestigial remnant of yesterday, not as the very pulse of morning. Thus, today’s civil-rights statutes, like yesterday’s segregation statutes, announce to the world that blacks are inferior.

Race works in mysterious ways. Our civil-rights statutes are designed from a “perpetrator perspective,” not from a “victim perspective”:

From the victim’s perspective, racial discrimination describes those conditions of actual social existence as a member of a perpetual underclass. . . . The perpetrator perspective sees racial discrimination not as conditions but as actions, or a series of actions, inflicted on the victim by the perpetrator. 54

The victim perspective focuses on the problem of inequality, while the perpetrator perspective focuses on the problems of fault and causation. The victim lives in a toxic ocean of discrimination, but the perpetrator sees only the nets as problematic. By focusing on the problems of fault and causation, the perpetrator perspective guarantees that discrimination that is not located, litigated, and proved in a court of law will be protected and legitimated as non-discrimination. Thus, most anti-black behavior is legitimated as non-discrimination by today’s civil-rights statutes. The statutes purport to do that which they do not do—namely, protect people of color from discrimination.

This legitimation of discrimination through antidiscrimination law has two effects, each of which is bound to the other. First, it has the effect of minstrelizing blacks in the white imagination, for the failure of the oppressed successfully to use such powerful, privileging legal means thus confirms their essential inadequacy. Reform, in the guise of a succession of Race Relations Acts, like so much reform becomes part of the problematic, creating and sustaining that which it purports to counter.55

While the pre-Civil Rights Movement segregation statutes merely served to accuse blacks of inferiority, civil-rights statutes serve to prove black inferiority, over and over again, with fetishistic intensity every time the civil-rights era is invoked. What is the Reverend Dr. Martin Luther King, Jr., today but a living, or perhaps undead, spectacularized symbol of white Supremacy? If there are no blacks today who seem competent to claim the victory that King is said to have won, what then? What is to be done? We use the phrase “affirmative action” instead of “race” and call that progress. The state of “black” America is a disaster:

* The median white family income in the United States is $46 percent of the median black family income.56
* The median net worth of white households in the United States is ten times
the median net worth of black households.\textsuperscript{97}

- The average black family has no net financial assets.\textsuperscript{98}
- Nearly three-quarters of all black children grow up in households possessing no net financial assets.\textsuperscript{99}

The minstrelization of blacks is almost complete.

Minstrelization leads to pity and piety to charity and charity to dependence and dependence to subalternation. It can also lead to criminality. And that is the second effect of the post-Civil Rights Movement legitimization of discrimination through anti-discrimination laws. If the oppressed cannot make it through their own efforts, if only white charity can keep the iron spur of competition from piercing their black bodies, and if charity is not inexhaustible, then criminality must appear as a limit to and exorcism of white guilt. Criminality is the device for transforming pity into contempt and the good Negro into the bad Negro. Criminality is the other race-pleasure experience, and law manufactures it for its white consumers just as surely as law manufactures the minstrelsy that is its other face. Today, the spectacle of subaltern criminality has, to a large degree, replaced the “Whites Only” signs as the primary marker of race. According to the January 1997 report of the Sentencing Project:

- Twelve states and the District of Columbia incarcerate blacks at a rate more than ten times that of whites.
- From 1988 to 1994, 38 states and the District of Columbia experienced an increase in the racial disparity in their rates of incarceration. Nationally, the black rate of incarceration in state prisons during this period increased from 6.88 times the rate of whites to 7.66.
- In comparison to a similar increase in the number of imprisoned violent offenders for blacks and whites from 1986 to 1991 (31,000 and 33,000, respectively) the increase in the number of black drug offenders in prison far outpaced that for whites, by 66,000 to 15,000. The black increase represented a 465 percent change between 1986 and 1991.
- The ongoing consequences of high rates of incarceration have impacts that may seriously erode the black community’s participation in civic life, such as voting rights. Nationally, an estimated 1.4 million African American men are currently or permanently disfranchised from voting as a result of a felony conviction. This represents 14 percent, or one in seven, of the adult black male population of 10.4 million. In total, about 4.2 million persons of all races are currently disfranchised as a result of a felony conviction.\textsuperscript{100}

Indeed, on any given day, one out of three black men between the ages of twenty and twenty-nine are either in prison or on parole.\textsuperscript{101} Prison, as we all know, produces recidivism. Whites manufacture black criminality in order to enjoy the spectacle. It is the spectacle that makes whites white. It is the spectacle that explains the peculiar neo-colonial relationship between suburb and inner city today. The city is organized and maintained as a plantation. The plantation produces the spectacle of black subalternation. The plantation produces criminality in black. This crop is reaped for the six o’clock news, woven into fantasy during the movie hour, and recycled as news at eleven o’clock. A colorlined nation gapes into the Spectacle Paradise of television and finds itself whitened by the ritual and convinced of the truth of its pleasure.

We use the word “crime” instead of “race” and call it progress. The spectacle of subaltern criminality produces the imaginary distance between the neo-colony and the suburb, between blacks and whites. The spectacle
of crime serves to divide the rainbow—blacks from whites and blacks from themselves and Others.

Washington v. Davis as Spectacle

While lamented by commentators and the bar, the relative paucity of African American judges has rarely been challenged as illegal and never as unconstitutional. Efforts to promote racial diversity on the bench are often couched in the soft language of inclusiveness, public confidence and promoting the appearance of justice. Racial diversity in the courts is almost never discussed in the more forceful language of rights and representation. The tentativeness of the judicial diversity discourse is a product in large part of continued resistance to the very idea that judges are representatives. Indeed, to describe judges as representatives is to invite hostility from both the bench and the bar. Diversity efforts are countered with the argument that judges are impartial and thus need not be representative of particular racial groups. Impartiality, as currently understood, stands as a barrier to achieving racial diversity on the bench.

—Sterrilyn A. Fell

The picture was bleak. Employees in the lower-echelon jobs were virtually all staffed with blacks, the upper-echelon jobs were nearly all white. Laborers and messengers were commonly asked to perform menial work for the Justices. . . . Cleaning women lived in fear of being summarily dismissed for breaking something. They had to pay for all china and crystal broken while cleaning up for private dinners hosted at the Court by the Justices.

—Bob Woodward and Scott Armstrong

If a master is known best by his slaves, it is possible that a judge is known best by his clerks. It is possible that the impartiality of judges is belied by the presence of the colored line in their racially partial decisions regarding the employment of clerks. It is possible that judges judge cases in ways that preserve the myth of judicial impartiality. It is possible that judges strategically create blind spots in order to cloak their preference for whiteness in a cover of darkness. It is possible that justice is strategically blind.

The clerks make the work of the Supreme Court possible. Each year, more than seven thousand people and organizations take their cases all the way to the Supreme Court. The thirty-five or thirty-six clerks aid the Supreme Court in the following ways:

1. Clerks do the initial screening of petitions. The clerks participate in a "pool" in which they divide up the cases and write a single memorandum about each case that is sent to the justices.

2. The pool memoranda summarize the facts and the issues and often recommend whether the case should be accepted by the court for review.

3. All nine justices meet to decide whether to accept or deny a petition for review. If four of the nine say the case warrants review, it is docketed for oral arguments. Fewer than one hundred cases are accepted each term.

4. Some justices have clerks write a bench memo that summarizes the case and may also suggest questions the justice could ask during oral arguments.

5. The justices meet after oral arguments to take an initial vote and to assign the writing of the majority and dissenting opinions. Clerks usually write the first drafts.

6. Drafts are circulated to other justices for editing and revision. Clerks are often the lines of communication between the justices as they negotiate their finished opinion.

7. Opinions are handed down in the names of the justices. Clerks are never mentioned.

Number: How does an entire race come to be represented by the spectacle of the grinning, white-gloved, being-for-others figure
of the minstrel? Law is a production site for the spectacle of the minstrel. Consider the habit that all nine of the justices of the U.S. Supreme Court have made of not hiring black clerks:

Chief Justice William H. Rehnquist: 82 hires and 0 blacks
Justice John Paul Stevens: 67 hires and 3 blacks
Justice Sandra Day O'Connor: 72 hires and 1 black
Justice Antonin Scalia: 52 hires and 0 blacks
Justice Anthony McLeod Kennedy: 49 hires and 0 blacks
Justice David Souter: 35 hires and 0 blacks
Justice Clarence Thomas: 33 hires and 1 black
Justice Ruth Bader Ginsburg: 24 hires and 1 black
Justice Stephen Breyer: 20 hires and 1 black

Their statistics regarding Latina/o ("hispanic") clerks are even worse:

Rehnquist: 8 hires and 1 hispanic
Stevens: 6 hires and 0 hispanics
O'Connor: 72 hires and 1 hispanic
Scalia: 52 hires and 0 hispanics
Kennedy: 49 hires and 1 hispanic
Souter: 35 hires and 1 hispanic
Thomas: 33 hires and 0 hispanics
Ginsburg: 24 hires and 0 hispanics
Breyer: 20 hires and 1 hispanic

Nor are the numbers for Asian Pacific Americans cause for celebration:

Rehnquist: 82 hires and 0 Asian Pacific Americans
Stevens: 67 hires and 5 Asian Pacific Americans
O'Connor: 72 hires and 4 Asian Pacific Americans
Scalia: 52 hires and 0 Asian Pacific Americans

Kennedy: 49 hires and 3 Asian Pacific Americans
Souter: 35 hires and 1 Asian Pacific American
Thomas: 33 hires and 3 Asian Pacific Americans
Ginsburg: 24 hires and 1 Asian Pacific American
Breyer: 20 hires and 1 Asian Pacific American

The justices' hiring practices show a gender disparity as well as a race disparity. Only Breyer hires men and women at a 1:1 ratio (10:10). The rest, including O'Connor (40:32) and Ginsburg (14:10), all hire more men than women. 185

In addition to an examination of the flesh, there seems to be an examination of ideology. Michael Luttig, a judge of the U.S. Court of Appeals for the Fourth Circuit, made the "Minstrelsy" test very clear. Judge Luttig, who, like Clarence Thomas, was appointed by the former President Bush, recently stated that he relies on word of mouth from his current clerks about up-and-coming students, because "the professors don't really know the students." Thus, per Luttig, many former clerks are implicated in the production of this spectacle. Luttig said that likely candidates are brought in for lengthy interviews aimed at making sure that "they take the law deadly seriously, and not as an engine for social change." 186 Luttig's rule, of course, would eliminate virtually all candidates of color. Luttig, one of the top "feeder" judges for the U.S. Supreme Court, has sent sixteen of his former clerks on to clerk for justices of the U.S. Supreme Court since 1991.

Who are these clerks? What or who do they represent? Are they products of what Fitzgerald's Daisy Buchanan called her "beautiful white girlhood [or boyhood]?" 187 Is black beautiful in their eyes or in the eyes of their employers? Is either question fair? Where might I begin a fair-minded inquiry? Luttig would not be able to hire a young
Charles Hamilton Houston, for example, and that hardly seems fair. Houston was the first black member of the Harvard Law Review (1921); he had a brilliant career as the resident vice-dean of Howard Law School (1930–34); he was the first special counsel to the NAACP (1935); he was the chief architect of the legal battle against segregation; and, finally, he was professor and mentor to the young Thurgood Marshall. We know all these things about Houston, but we also know that he was black and not fair in color and that he was famous for insisting that a lawyer was either a "social engineer or a parasite on society." As an admitted "social engineer" he would not pass Luttig's Minstrelsy test. Indeed, Luttig's test seems clearly designed to eliminate those who follow in Houston's wake.

Given the fact that there would be virtually no students of color at elite law schools but for Houston's belief that lawyers should not take the law seriously as law and should instead view themselves as "social engineers," Luttig's test is an interesting one. What could a "deadly serious" lawyer do with a case such as Plessy v. Ferguson (1896) and the weight of white precedent, lifestyle, hope, and expectation behind the doctrine of "separate but equal"? The "deadly serious" lawyers of that era were parasites on received tradition. Those who "take law seriously as law" have never made a contribution worth noting. The "social engineers" have given us what little law has been worthwhile.

Recall that when the doctrine of "separate but equal" was first announced in Roberts v. City of Boston (1849), the lawyers representing five-year-old Sarah Roberts against the forces of school segregation were forced to cite a continental source—Rousseau—for the proposition that the tendency towards inequality ought to be resisted with law. "It is precisely because the force of things tends always to destroy equality, that the force of legislation ought always to maintain it." The lawyers argued, "[Segregation] tends to create a feeling of degradation in the blacks, and of prejudice and uncharitableness in the whites," to no avail. The Supreme Judicial Court of Massachusetts, speaking through Chief Justice Lemuel Shaw, announced: "The increased distance, to which plaintiff was obliged to go to school from her father's house, is not such, in our opinion, as to render the regulation in question unreasonable, still less illegal." The "fifth of a mile or seventy rods" Sarah Roberts had to walk to attend the colored school was, in phenomenological terms, as far as the distance from freedom to slavery or as far as a fall from grace.

The losing argument by Robert Morris, Jr., and Charles Sumner was the first civil rights appellate brief ever filed by a black lawyer and a white lawyer in any case in America. Their journey, like that of Queequeg and Ishmael, was doomed from the start. Shaw wrote for insiders:

"The committee, apparently upon great deliberation, have come to the conclusion that the good of both classes of schools will best be promoted, by maintaining separate primary schools for colored and white children, and we can perceive no reason to doubt, that this is the honest result of their experience and judgement."

It did not have to be this way. Shaw's own son-in-law, Herman Melville, began the epilogue of Moby Dick with words from Job: "And I only am escaped alone to tell thee," that reflected a deeper understanding of exclusion than that dreamed of in his father-in-law's jurisprudence. Melville had a sense of the poetics of space and the cruelties of abandonment that seemed to have escaped his father-in-law. Consider Melville's description of the separation between Pip, a black sailor, and Stubb, a white sailor:
In three minutes, a whole mile of shoreless ocean was between Pip and Stubb. Out from the centre of the sea, poor Pip turned his crisp, curling black head to the sun, another lonely castaway, though the loftiest and the brightest. Now, in calm weather, to swim in the open sea is as easy to the practiced swimmer as to ride in a spring-carriage ashore, but the awful lonesomeness is intolerable. The intense concentration of self in the middle of such a heartless immensity, my God! who can tell it? Mark, how when sailors in a dead calm bathe in the open sea—mark how closely they hug their ship and only coast along her sides. But had Stubb really abandoned the poor little negro to his fate? No; he did not mean to, at least. \(^{115}\)

Pip is madden'd by the abandonment: "The sea had jeeringly kept his finite body up, but drowned the infinite of his soul." \(^{117}\) The doctrine of "separate but equal" meant ritualizing both abandonment and its denial ("The increased distance, to which plaintiff was obliged to go to school from her father's house, is not such, in our opinion, as to render the regulation in question unreasonable, still less illegal").

The Supreme Court lived this two-stranded lesson to its limit: Even its toilets were segregated, "separately and equally," until the year before Brown v. Board of Education (1954). \(^{118}\) Surely, desegregating toilets would be an engineering task and not a way of "taking the law seriously as law." I imagine the excrementalized Others abandoned in the vortex. I imagine the disappearance of the Pequod in those swirling waters. I imagine the abyss. Call me Ishmael:

So floating on the waters of the ensuing scene, and in full sight of it, when the half spent suction of the sunk ship reached me, I was then, but slowly drawn towards the closing vortex. When I reached it, it had subsided to a creamy pool. Round and round, then, and ever contracting towards the button-like black bubble at the axis of that slowly wheeling circle, like another Ixion I did revolve. Till, gaining that vital centre, the black bubble upward burst; and now, elevated by reason of its cunning spring, and, owing to its great buoyancy, rising with great force, the coffin life-buoy shot lengthwise from the sea, fell over, and floated by my side. Buoyed up by that coffin, for almost one whole day and night, I floated on a soft and dirge-like main. On the second day, a sail drew near, nearer, and picked me up at last. \(^{119}\)

But perhaps water is the wrong metaphor. God already gave Noah the rainbow sign. There are no white sails on the horizon. And Ishmael is not my name, although I sometimes find myself floating, "round and round... on a soft and dirge-like main" in Houston's wake, buoyed up by that coffin. Sometimes, but not this time, I think of this timeless turning:

Weel a-bout and turn a-bout
And do just so
Every time I weel a-bout
I jump Jim Crow\(^{120}\)

Do the clerks and their justices think of the whiteness of their workspace as they work and play? In the temple of wisdom regarding the law and justice, "Not under man but under God and Law," the priests and their acolytes are, virtually, all white. Is it a blinding whiteness, or is it a whiteness that is sometimes able to see itself as white? Perhaps in play, in moments of communal playfulness, the clerks and their justices find that their workspace-segregation lines come into focus. This play occurs on the court within the Court. The highest court in the land, "our" Supreme Court, contains a basketball court within its walls. The clerks play basketball with one another in moments of unstructured, informal time. Do they see an absence among the players on the court that mirrors an absence among the workers, the clerks, of the court?
In the game of basketball, virtually all of the “heroes” whom young children—even, or especially, young white children—dream of becoming are black. There are white basketball heroes; however, the players that children most often pretend to be when they imagine themselves as professionals are black: Julius Erving (Dr. J.), Earvin Johnson (Magic), Michael Jordan (Mike). Indeed, global corporations such as Nike encourage everyone, “black and white together,” to “be like Mike” on the basketball court. When the young clerks play at being black, when they strive to be black “like Mike,” do they think about the whiteness of their bodies or their basketball court or their Supreme Court? Or does it just seem natural that their workspace, like their bodies and their basketball court, is so white?

The dearth of Supreme Court clerks of color is important as spectacle and as jurisprudence. As spectacle, it is either read as a statement that the justices follow the colorline or as a statement that people of color are racially inferior to whites. Both readings are the same reading. Neither of these readings may be an accurate reading of the hearts and minds of the justices. At the level of spectacle, the intent behind the numbers does not matter. Nor does intent matter at the level of jurisprudence. As I will show, at the level of jurisprudence, the numbers become the jurisprudence. That is, the dearth of clerks of color becomes jurisprudence.

Numbers as Spectacle: Numbers tell us a lot. One says a lot, and zero says a lot more. One is the total number of black clerks that four of the justices—Breyer, Ginsburg, O’Connor, and Thomas—have ever hired. Zero is the total number of black clerks that four other justices—Kennedy, Rehnquist, Scalia, and Souter—have ever hired. The remaining justice—Stevens—has hired only three blacks since his career began in 1975.

It is worth examining the mind of this last, most ecumenical, of the justices. In Texas v. Johnson (1989), a case involving the public burning of an American flag in violation of a Texas statute forbidding the desecration of a venerated object, Justice Stevens, in an emotional dissent in defense of the Texas statute, listed a number of great Americans:

The ideas of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln, schoolteachers like Nathan Hale and Booker T. Washington, the Philippine Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach.

The lone black that made the list is, of course, most known for his compromise with segregation. Booker T. Washington burst on the national scene after giving his famous “Atlanta Compromise” speech at the 1895 Atlanta Exposition: “In all matters that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress.” At that time, to “take law seriously as law” was to understand that segregation was the law of the land. It was the year Frederick Douglass died. It was the year my grandfather, Richard Gustavus Adolphus Alexander Morris, was born in Jamaica. It was the year the uncompromising W.E.B. Du Bois became the first black person to earn a doctorate at Harvard University. It was the year before Plessy v. Ferguson, and it was a year before the compromised Booker T. Washington would become the first black person to be given an honorary degree from Harvard University. Washington’s Atlanta Compromise was the original contract presented to the subaltern body: “All these things I will give you.” But what profit a man? The year 1895 was one of horror; it was a year of promise; it was a year like the first year; it was a year like the present.
Washington's compromise with segregation made him a national star with the white establishment. For most whites, he was a welcome relief from blacks such as Du Bois, founder of the NAACP. Washington's place as the lone black in Stevens's *Texas v. Johnson* dissent speaks volumes regarding the hearts and minds on the Supreme Court, just as Washington's place as the first black on the white establishment's list of most-favored subaltern spokespeople spoke volumes regarding the hearts and minds of the people of pre-Civil Rights Movement America.

These hiring records produce a spectacle. It is a spectacular accusation that blacks are inferior. Perhaps the justices do not intend to send such a message; nevertheless, the message is sent and read as either-or. The American public gazes on the spectacle, and the spectacle gazes back into them. One comes away "either" convinced that blacks are inferior "or" that the justices are anti-black: 0 in 82, 3 in 61, 1 in 72, 0 in 52, 0 in 49, 0 in 35, 1 in 33, 1 in 24, and 1 in 20 are ways to say that blacks are beyond the pale. This is said also of Latinas/os and Asian Pacific Americans.

At the level of spectacle, the numbers matter a great deal. The justices are not fools, and so they know that numbers matter. When the chief justice of the Supreme Court of the United States of America has a 0 in 82 hiring record against blacks, it says something about the law and the colorline: It says that they are the very same thing.

The numbers do not operate solely at the level of spectacle. They also operate at the level of actual lawmaking. The justices create a world that justifies the spectacle. Why? Because they enjoy the spectacle; they have power, and power means never having to say you're sorry. The Supreme Court would establish this principle during the nation's Bicentennial in *Washington v. Davis* (1976), the same year I took my junior-high-school trip to Washington, D.C.

*Numbers as Jurisprudence:* In *Washington v. Davis*, the justices were explicit about the need to protect white intuitions regarding quality from equal-protection scrutiny. White hunches about quality produce the spectacle of the colorline. The justices could not have ruled for the plaintiffs in *Washington v. Davis* without ruling against themselves and thus undermining the very spectacle that they had worked so hard to create. Remember that Rehnquist did not create the inexorable zero in one day; he did it in hiring decision after hiring decision after hiring decision.

Perhaps the Supreme Court does not follow the colorline. Perhaps it is the case that writers such as Dinesh D'Souza, Richard Herrnstein, and Charles Murray are right about black inferiority. They have to be right about black inferiority in order for the numbers to be just. They have to be right for the numbers to be just numbers. D'Souza argues in *The End of Racism* that blacks are culturally inferior to whites, while Herrnstein and Murray argue in *The Bell Curve* that blacks are biologically inferior to whites. Culture and biology represent the two claims of modern white-supremacist thought. Both claims end in social exile for blacks. Together, they constitute a biocultural territorial claim. This territorial claim, examined legally, is the same claim made by the Supreme Court. It is the same claim made by Al Campanis, then the vice-president of the Dodgers baseball team, on the fortieth anniversary of the desegregation of Major League Baseball. Campanis made his claim on ABC's national television-news program *Nightline*.

TED KOPPEL: I mean, there are a lot of black players, a lot of great black baseball men who would dearly love to be in managerial positions. And I guess what I'm really asking you is ... why do you think it is? Is there still that much prejudice in baseball today?
CAMPANIS: No, I don’t believe it’s prejudice. I truly believe that they may not have some of the necessities to be, let’s say, a field manager or perhaps a general manager.

KOPPEL: You really believe that?

CAMPANIS: Well, I don’t say that all of them, but they certainly are short. How many quarterbacks do you have? How many pitchers do you have that are black? The same thing applies.

KOPPEL: Yes, but I mean ... you know, I got to tell you, that sounds like the same kind of garbage we were hearing forty years ago about players when they were saying ....

CAMPANIS: Well.

KOPPEL: You remember the days, you know, hit a black player in the knees, and you know ... that really sounds like garbage, if you forgive my saying so.

CAMPANIS: No, it’s not garbage, Mr. Koppel, because I played on a college team, and the centerfielder was black, and in the backfield at [New York University] with a fullback who was black, never knew the difference in whether he was black or white. We were teammates. So it might be that they ... why are black people not good swimmers? Because they don’t have the buoyancy.

KOPPEL: Oh, I don’t—it may just be that they don’t have access to all the country clubs and the pools. But I’ll tell you what, let’s take a break and we’ll continue our discussion in a moment.

Ironically, Jackie Robinson, the first black person permitted to play in “major league” baseball, and Al Campanis were once teammates. Indeed, Campanis made clear on Nightline that some of his best friends were black. (“I played on a college team, and the centerfielder was black, and in the backfield at NYU with a fullback who was black, never knew the difference in whether he was black or white. We were teammates”). Campanis’s suggestion that blacks lack “buoyancy” seems implausible. It also seems implausible that blacks lack the “necessities” to coach baseball or to be Supreme Court clerks. Finally, it seems implausible that Chief Justice Rehnquist’s intellect is simply out of every black person’s league. Something else must be at play.

Quality: In Washington v. Davis we learn that “Test 21,” a test of standard English, had the effect of eliminating a disproportionate number of black test-takers from consideration for employment as police officers in the District of Columbia’s Metropolitan Police Department. The eliminated would-be police officers, “Negroes” in the Supreme Court’s Bicentennial parlance, filed a lawsuit claiming that they had been denied equal protection. They argued that the use of Test 21 was a violation of equal protection because it bore no relationship to job performance and it had a highly discriminatory impact on black candidates. The District Court sustained Test 21 but agreed that the evidence presented warranted three conclusions: First, the number of black police officers was not proportionate to the population mix of the city; second, a higher percentage of blacks failed Test 21 than whites; third, Test 21 had not been validated to establish its reliability as a measure of subsequent job performance. The Court of Appeals invalidated Test 21, endorsing by its actions the argument that the analysis set forth by the Supreme Court in Griggs v. Duke
Power Company (1973) for judging violations of Title VII of the Civil Rights Act of 1964 could be used to analyze violations of equal protection, whether under the Fifth Amendment or the Fourteenth Amendment. In Griggs v. Duke Power, the Supreme Court determined that employers were free to use standards of hiring and promotion that had disproportionate effects based on race, provided that they could prove that their standards were a job-related business necessity. In Washington v. Davis, the Supreme Court rejected the Griggs v. Duke Power Title VII analysis as a method of judging violations of equal protection.

It is untenable that the Constitution prevents the Government from seeking modestly to upgrade the communicative abilities of its employees, rather than to be satisfied with some lower level of competence, particularly where the job requires special ability to communicate orally and in writing.

Thus, the Supreme Court answered the “Negroes” with the very question to be decided. The “Negroes” had sought to force the “Government” to explain why it used Test 21, despite the fact that “four times as many” blacks failed the test than did whites. The court responded by saying that the fairness of the test—and, by implication, the biocultural inferiority of the black test-takers—were self-evident (“it is untenable that . . .”). It is only that which is self-evident that need not be proved or explained. The truth of black inequality was self-evident to the court.

In the history of struggles for land and freedom, explanation of secession has been regarded as a common courtesy. Our own Declaration of Independence (1776), as quoted in Dred Scott v. Sandford (1856), informs us that:

When in the course of human events it becomes necessary for one people to dissolve the political bands that have connected with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and nature’s God entitle them, a decent respect for the opinions of mankind requires that they should declare the causes which impel them to separation.

It then proceeds to say: “We hold these truths to be self-evident: that all men are created equal.” The notion that “a decent respect for the opinions of mankind” requires secessionists to explain “the causes which impel them to separation” runs deep in the United States culture. As does the notion that “all men [and women] are created equal.” To refuse to explain one’s reasons for separation is to show profound disrespect to others. In Washington v. Davis, the Supreme Court upheld the right of whites to exclude blacks without explanation.

Washington v. Davis was a case about secession, explanation, and respect. Test 21 effected a separation—secession—of whites from blacks when a disproportionate number of whites passed and a disproportionate number of blacks failed. This secession was a challenge to the idea that “all men [and women] are created equal.” The “Negroes,” therefore, followed the United States’ tradition and asked for an explanation—a declaration of the causes impelling the government towards separation. If the government could “declare the causes which impel them to separation”—that is, if the government could explain that Test 21 was a valid, job-related business necessity—then all parties could feel reconciled to the separation. The “Negroes” asked the Supreme Court to rule that a refusal to “declare the causes” was a violation of equal protection of the laws. The Supreme Court disagreed.

Washington v. Davis seems at odds with the principle of “respect” announced by the Founding Fathers in the Declaration of
Independence and quoted by Justice Roger Brooke Taney in *Dred Scott*. If a test or law or regulation has the effect of excluding those whom the Civil War Amendments were designed to protect, then the principle of "respect" would seem to demand an explanation—a declaration of causes. And an explanation in the form of a validation study was all that the "Negroes" requested. The response that "it is untenable that the Constitution prevents the Government from seeking modestly to upgrade the communicative abilities of its employees" is not a declaration of causes. It is a refusal to declare causes. The history of science is a history of how, once we try to move beyond our hunches, intuitions, and suspicions, the landscape of the "untenable" shifts, and that which we once thought we saw clearly now appears through a lens, darkly. If we return to the Dark Ages, many things become clear again. If we return to Justice Taney's opinion, things become very clear:

It is too clear for dispute, that the enslaved African race were not intended to be included and formed no part of the people who framed and adopted this Declaration [of Independence].

Then, as now, blacks were not regarded as people to whom "a decent respect" was due. Thus, in *Washington v. Davis* no explanation was provided to the "Negroes," because, per *Dred Scott*, "Negroes" are not people to whom "a decent respect" was due. Justice Taney wrote for the ages, in a language that survived the Civil War and the Civil War Amendments, when he declared of blacks that they had for more than a century before [the Declaration of Independence] been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect.

One must, therefore, read *Washington v. Davis* in tandem with the Declaration of Independence and *Dred Scott* in order to understand the ways of the colorline.

*Washington v. Davis* evokes Sartre's notion that each aspect of the legal order is bound to every other aspect of the legal order and that the law is an ensemble: "There is an underlying tie between the way of accepting and assuming different legal prescriptions (matrimonial, civic, military duties, etc.) and the way of accepting the right to possess slaves. It is the ensemble that is respected and recognized." In *Washington v. Davis*, the Supreme Court, in the end, based its opinion on its respect for the ensemble:

A rule that a statute designed to serve neutral ends is nevertheless invalid, absent compelling justification, if in practice it benefits or burdens one race more than another would be far reaching and would raise serious questions about, and perhaps invalidate, a whole range of tax, welfare, public service, regulatory, and licensing statutes that may be more burdensome to the poor and average black than to the more affluent white.

The spectacle of black exclusion is its own justification: Because blacks are silently excluded from every opportunity ("a whole range of tax, welfare, public service, regulatory and licensing statutes"), they may also be excluded from the police department by an untested test. To require an explanation of the secession effect of Test 21 out of "a decent respect" for the excluded blacks would threaten the entire ensemble ("the whole range"). Seriously questioning the untested tests would threaten the heart of whiteness itself, the Supreme Court.

So the "Negroes" lose their bid to force the "Government" officials to "state causes" and thereby explain whether the disparate impact of Test 21 is a job-related business necessity. The justices all know that their own hiring practices regarding clerks would
likely fail to meet their own Griggs v. Duke Power standard. Certainly, the spectacle of such whites-only hiring creates the appearance of impropriety. How might Chief Justice Rehnquist explain the inexorable zero?

The ability of white insiders to rely on untested tests is key to the maintenance of the colorline. An untested test is, in the end, a mere hunch, intuition, or suspicion regarding the “necessities.” The hunches, intuitions, and suspicions of white insiders regarding the “necessities” or regarding the constitutive elements of quality form the basis for the tests used to determine who gets to become an insider. Most hunches regarding quality are somewhat self-referential. We believe quality to be that which makes us feel well qualified. Given that whites are disproportionately on the inside, white hunches intuitions and suspicions regarding quality will disproportionately become the untested tests. Thus, the whiteness of the workspace tends to replicate itself.

The colorline separates the inside from the outside. The insiders are white, and the outsiders are not. The insiders see themselves as qualified, truly qualified, to be inside. They see themselves as superior. The insiders see blacks as inferior. They admire their whiteness in the mirror of black inferiority. Through the looking glass of race, whiteness and superiority become the same, and blackness and inferiority become the same. The looking glass—the colorline—cannot be examined, and so it all looks natural. And it is everywhere you look.

The Supreme Court, by protecting white hunches, intuitions, and suspicions from constitutional scrutiny, simultaneously protects its own white hunches, intuitions, and suspicions from constitutional scrutiny. Untested white hunches, intuitions, and suspicions are constitutionally protected from equal-protection challenges.

That is the result of Washington v. Davis. Suspicion proves itself: The justices create a world in which numbers cannot be examined and do not have to be explained, and then we blacks, strangers in a strange land, are told to treat this narrow, judicially created landscape of inquiry as "natural." It is only within the narrow confines of this Supreme Court-created space that it makes any sense to be confused about the meaning of zero. In any other space, the fact that the chief justice has never hired a black clerk would speak volumes. If the justices had ruled the other way in Washington v. Davis, then we would have an understanding that the zero would need to be explained and that the justices would all have some explaining to do.

If the Griggs v. Duke Power standard of Title VII disparate-impact analysis were the standard of constitutional equal-protection analysis, then "zero" would be read as "segregation" until and unless the justices explained themselves. The justices chose to close the landscape of inquiry in Washington v. Davis in 1976. We cannot ask, and they will not tell.

The justices are not the only ones hard at work in the business of spectacle production. The zeros are everywhere. The justices were aware that they were granting constitutional protection to the production of the spectacle even as they were hiding the production process from judicial (and public) scrutiny. The spectacle, then, is its own justification.

Production Values, or the Situationists Foreshadowed: Blackness is a necessity for whites. Without the spectacle of black inferiority, whites cannot maintain their whiteness. The colorline can be examined as marking the production site for the "necessities" of white existence.

The native bearers of the Tarzan film were burdened with the burdens of classic colo-
nialism: The supplies! We can produce image after image of black bodies swaying under heavy supplies from our collective memory of the colonial moment. The lesions of memory, mystic chords for some, pain us still. Indeed, they pain us most when they throb to the pulse of morning. Today’s moment is characterized by nothing so much as the realization that the days of the future are past. Our traditional methods have reaped only the traditional reward of the abyss. Today’s native bearers march in a long Lacanian line, bearing on their backs the image of themselves as native bearers. It is the age of the image: The spectacle is the commodity. Perhaps it was always so. Consider the narrative of a black slave who eventually escaped to become a successful businessman by day and a death-defying conductor of the Underground Railroad by night:

When he saw my work [he] flew into a rage, [and] beat me with a lash with a nail in it, until I had to go to a hospital for slaves. It was kept by a white woman who was inexperienced, and a heartless creature, as she not only neglected her patients, but would beat them unmercifully at the least provocation. I stood by helplessly and watched her beat the helpless. She was beating a woman with a rawhide whip when I protested. Instantly, [she] struck me across the face. Without a thought of what I was doing, I seized the whip and gave the white woman a sound beating, then ran out of the house, knowing full well what would happen to me if I was caught. . . . I stole on board the New Orleans steamer, and launched myself on an adventure that carried [me] into strange places and stranger incidents.157

Parker broke with his master and with the spectacle by taking a leap of faith. Dietrich Bonhoeffer, a German theologian who was martyred for violent resistance to the Third Reich, wrote of such faith:

They must burn their boats and plunge into absolute insecurity in order to learn the demand and the gift of Christ. . . . The new situation must be created, in which it is possible to believe in Jesus as God incarnation; that is the impossible situation in which everything is staked solely on the word of Jesus. . . . Unless a definite step is demanded, the call vanishes into thin air, and if men imagine that they can follow Jesus without taking this step, they are deluding themselves like fanatics.158

Parker followed the call and understood the cost of discipleship. Parker had an understanding. He understood that for whites, his black body was both a product and a passion. He took his definite step to interrupt the economy of the spectacle. Consider his remarks on recapture:

I was worth $1,800. For one to run away meant a loss of that much money, and anyone who aided me was a thief, worse than a thief, because he was an enemy to the institution of slavery. So the hand of the law, the anger of the people, and the consolidated fear of the South were all in a hot cry after anyone who helped to break down their institutions.159

And break them down we must. All of them—the entire ensemble. Like Bonhoeffer, Parker had a decidedly Situationist bent:

Being of an active mind, I occupied myself by working out imaginary plans of escape. For the ten months I was in jail, I worked out these problems until formulating certain theories which were of great use to me later on. For instance, I soon demonstrated that a man with a plan always had the advantage of an unsuspecting person. Second, timing of execution was even more important than a plan. There were certain positions which were blind spots to my captors. If I occupied one of these blind spots, if I timed my next movement correctly, I could do anything up to murder without my victim knowing of my presence. It
became a sort of a play with me, which I enjoyed, because I made the white man helpless against me.140

The Society of the Spectacle holds us fast.
Black exclusion is a product. The race-pleasure whites derive from this product is the key to understanding the economy of the Spectacle. Black pain under neo-segregation is as desired a product under neo-segregation as it was under classic segregation and as under slavery. The neo-colony is designed to produce the spectacle of well-deserved black subalternation. In the green light of this spectacle, whites feel themselves as white. It is, for them, an ecstatic moment of belonging both to and in their spectacle-beatified bodies. It is, as they know, an ecstasy that can be achieved only through the black body in pain. It is a sadistic pleasure. They shout, "The supplies!" to herald the orgasmic disappearance of black bodies into the swirling vortex of colorized need.

"The supplies!" The ensemble repeats the number of our name in the statistics it presses deep into our bodies. They use us for their pleasure and leave us with violence, narcotics, illiteracy, illegitimacy, and disease. We are blamed for the results of their abuse. And, marked with these numbers like the surplus population of the Third Reich, we work to make ourselves free. The freedom we are allowed is freedom only to manufacture ourselves as available bodies—as bodies available for humiliation. White America needs black suffering to maintain its whiteness. The legal system arranges the choreography of this dance. Law and order means that they lead and we follow. We follow the colorline all the way to the abyss.

The nation—the ensemble of law—animates our bodies. Our bodies have a legal structure: To be black is to be available for humiliation, to be white is to partake of race-pleasure, and to be colorblind is to repress all awareness of the entire. The colorline depends on all three aspects—humiliation, pleasure and denial—for its power. We are "The supplies!" The ensemble creates the spectacle. Jurisprudence, as we have seen with Washington v. Davis, is one aspect of the spectacle's eternal hymn of self-praise. How and when do we stop singing for the maser? Is there an end to this song and dance?

Toward a Situationist Jurisprudence

Introducing the Situationists

Sartre begins Orphée Noir thus: "What did you expect when you unbound the gag that had muted those black mouths? That they would chant your praises? Did you think that when those heads that our fathers had forcibly bowed to the ground were raised again, you would find adoration in their eyes? I do not know, but I say that he who looks into my eyes for anything but a question will have to lose his sight; neither recognition nor hate.

—Franz Fanon141

Our break with the spectacle must be total. We have failed to advance beyond the failure of the Civil Rights Movement for the same reason that the Civil Rights Movement failed: We have been mesmerized by the spectacle: "So we beat on, boats against the current, borne back ceaselessly into the past." The spectacle, like Gatsby's green light, has been our downfall. It is time for something completely different. The Situationists emerged in 1957 and published a journal, Internationale Situationiste, until 1969. Borrowing from Marxist thought and from art movements such as Dada and Surrealism, they were angry at everything:

A new spirit is rising. Like the streets of Watts we burn with revolution. We assault your Gods. We sing of your death. DESTROY THE MUSEUMS... Our struggle cannot be hung on walls. Let the past fall under the blows of revolt. The guerrilla, the blacks, the men of the
future, we are all at your heels. Goddamn your culture, your science, your art." 142

The Situationists made no claims to originality; in fact, they celebrated plagiarism. Everything, every societal given, could be subverted. *Détournement* (turnaround, diversion, subversion or hijacking), the reuse of old concepts in a new formation, was their watchword. For the Situationists, nothing was inevitable because everything could be hijacked:

A new dynamism exists. One which has followed Futurism, Dadaism and Surrealism to a point where they must be left behind. Where they attempted to revolutionize "art" we must change life. We seek a form of action which transcends the separation between art and politics: it is the act of revolution. Each culture determines those forms its art will take and we seek nothing less than the destruction of this culture. We have an art which is a substitute for living, a culture which is an excuse for the utter poverty of life. The call for revolution can be no less than "total." To change the welders of power is not enough; we must finally change life itself.143

They explained *détournement*, as "a game made possible by the capacity of devaluation."144 Their revolution aimed at a complete *détournement* of the order of things symbolic and real—all the elements of the cultural past must be reinvested or disappear.145 Sadie Plant writes: "The notion of *détournement* was first developed by the Belgian surrealist Marcel Mariën ... [who] described *détournement* as a sort of embezzlement of convention."146 The Situationists were convinced that

the poetry and desire revealed by the détournement of the language of information, bureaucracy, and functional control was vital to the success of the revolutionary project, the situationist proposed a situationist dictionary as a sort of codebook enabling one to decipher information and read the ideological veils that cover reality," and considered it "essential that we forge our own language, the language of real life."147

Because every convention could be turned around, "real life," for the Situationists, was a canvas on which anything could be painted. The Situationists endeavored to change life itself through a total assault on culture:

The chief theoretical contribution of the Situationists was their characterization of modern capitalist society as an accumulation of spectacles in which "all that once was directly lived has become mere representation."148 In modern society, they proclaimed, all social relationships are mediated by images. Guy Debord writes: "The spectacle is not a collection of images; rather, it is a social relationship between people that is mediated by images."149 It was this phenomenon of mediation that they labeled as the spectacle:

*Used from the very first as a term to designate contemporary culture—French: spectacle, a circus, a show, an exhibition—a one-way transmission of experience; a form of "communication" to which one side, the audience, can never reply; a culture based on the reduction of almost everyone to a state of abject non-creativity: of receptivity, passivity and isolation.150*

The Situationists borrowed Marx’s idea of commodity fetishism, the idea that relations of capital are reproduced in all social relations, and went further. They investigated the way in which our very identities and desires have been transformed into spectacle. We are seduced by the representations of our lives; we view ourselves through representations of ourselves, which, not surprisingly, vindicate the social order, the Society of the Spectacle, which bore them:

The spectator’s alienation from and submission to the contemplated object
(which is the outcome of his unthinking activity) works like this: the more he contemplates, the less he lives; the more readily he recognizes his own needs in the images of need proposed by the dominant system, the less he understands his own existence and his own desires. The spectacle's externality with respect to the acting subject is demonstrated by the fact that the individual's own gestures are no longer his own, but rather those of someone else who represents them to him. The spectator feels at home nowhere, for the spectacle is everywhere.\(^\text{151}\)

We gaze on the spectacle, and the spectacle gazes back. The spectacle becomes a mirror as we constitute ourselves out of that which it presents us.\(^\text{152}\)

Resistance is futile.\(^\text{153}\) Even as we fight against control, "we" fight as subservient, spectacle-laden identity groups. We are all, to a large degree, composed of the very hegemonic structures against which we battle. We thus end up performing our alienation, and thus internalizing the spectacle, even during our attempts at disalienation.\(^\text{154}\)

Debord argued that, just as capitalism's domination of social life entailed a downgrading of being into having, so, too, has the present age of the spectacle entailed a shift from having to appearing:

The spectacle corresponds to the historical moment at which the commodity completes its colonization of social life. It is not just that the relationship to commodities is now plain to see—commodities are now all that there is to see; the world we see is the world of the commodity.\(^\text{155}\)

The spectacle is neither a distortion nor a decorative element. Rather, it is the very heart of society's real unreality. In all its specific manifestations—news or propaganda, advertising or the actual consumption of entertainment—the spectacle epitomizes the prevailing mode of social life. It is the omnipresent celebration of a choice already made in the sphere of production, and the consummate result of that choice. In form as in content the spectacle serves as total justification for the conditions and aims of the existing system.\(^\text{156}\)

Everything in the Society of the Spectacle is an instance of the system representing itself. Our bodies are spectacles. The racial body, the foreign body, the gendered body, the sexed body, the sexually oriented body—all are spectacles. Our relationships to one another and to ourselves are all mediated by the spectacle. We see one another, and ourselves, through the spectacle of race, nation, gender, sex, and sexual orientation. These spectacles come with imperatives that, being hidden within, remain beyond critique, as with Washington v. Davis. Our identities are desires inculcated in us by the spectacle.

Our identities—that is, the desires around which we form our identities—are alien desires. The spectacle replicates itself in "a ceaseless manufacture of pseudo-needs," like Gatsby's green light.\(^\text{157}\) The spectacle thus reduces us to passive spectators and bit actors in situations not of our own making. The spectacle becomes hyper-real as we gaze on it to find ourselves and one another. We try to gain acceptance and find our exclusion to be a desired thing. Black exclusion is a commodity. The spectacle of black inferiority, which justifies black exclusion, is a commodity. We, in our excluded bodies, our inferior bodies, our bodies-without-buoyancy, our bodies-without-the-necessities, our bodies-without-respect, our color-lined bodies, our black bodies, our bodies-in-pain, are commodities. Whites become and stay white by consuming the spectacle of our pain.

The spectacle is not limited. The spectacle is the entire field of vision, and the field is the world. We see one another only through the lens of desires, such as race,
inculcated in us by the spectacle. Why do we not tear the whole thing down? Because we have come to believe in the green light. Like an addiction, the “orgastic future” becomes our identity. We think we can overcome the obstacles in the path selected for us by the spectacle if only, if only; if only. . . . We believe that our work will make us free, but the reality is that

the pusher always gets it all back. The addict needs more and more junk to maintain a human form . . . to buy off the Monkey. Junk is the mold of monopoly and possession. Junk is the ideal product . . . the ultimate merchandise. No sales talk necessary. . . . The junk merchant does not sell his product to the consumer; he sells the consumer to his product. 135

The spectacle, like the pusher, always wins. The green light is the way the system “sells the consumer to [its] product.” In thinking about the spectacle, the Situationists anticipated the postmodern view that

we live in the midst of codes, messages, and images which produce and reproduce our lives. These may have had their origins in commodity production, but have since won their independence and usurped its role in the maintenance of social relations. All that remains is the pleasure of playing in the fragments, the disruption and resistance of the codes in which we live, the jouissance of realizing that the search for meaning is endlessly deferred and has no point of arrival and in the absence of new movements, styles, or genres, the continual reiteration of those of the past. 136

The Situationist project was optimistic. Even the inevitability of defeat was transformed into the perpetual opportunity for revolution. The graffiti of Paris 1968, when Situationist and Situationist-inspired students (enragés) and workers united to capture the universities, the city, and the attention of the world, shows their joy: 160

- All power to the imagination.
- Be realistic, demand the impossible.
- No replastering, the structure is rotten.
- Forget everything you’ve been taught. Start by Dream.
- Masochism today takes the form of reformism.
- All power to the worker’s councils (an enrage).
- All power to the enraged (a worker). 161

Total revolt was their goal as they endeavored to create an oppositionist culture that revolved around the pleasure of disruption. Seven aphorisms to create a new world.

A New Cathedral

So man’s insanity is heaven’s sense; and wandering from all mortal reason, man comes at last to that celestial thought, which, to reason, is absurd and frantic; and weal or woe, feels then uncompromised, indifferent as his God.

—Herman Melville 162

Power, in the form of “codes, messages, and images which produce and reproduce our lives,” as Plant writes, exists everywhere. The Foucauldian vision of relationships of power being immanent in every relationship is important in understanding what is meant by the Situationist notion of total critique. Foucault writes:

There is no single locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. Instead there is a plurality of resistances, each of them a special case: resistances that are possible, necessary, improbable; others that are spontaneous, savage, solitary, concerted, rampant, or violent; still others that are quick to compromise, interested, or sacrificial; by definition, they can only exist in the strategic field of power relations. But this does not mean that they are only a reaction or rebound, forming with respect to the basic domination an underside that is in the end
always passive, doomed to perpetual defeat. Resistances do not derive from a few homogeneous principles; but neither are they a lure or a promise that is of necessity betrayed. They are the odd term in relations of power; they are inscribed in the latter as an irreducible opposite. Hence they too are distributed in irregular fashion: the points, knots, or focuses of resistance are spread over time and space at varying densities, at times mobilizing groups or individuals in a definitive way, inflaming certain points of the body, certain moments in life, certain types of behavior.163

The Situationists' total critique was not a "great refusal" so much as it was an attitude of polymorphic resistance, as shown by a Columbia University flyer that read:


WE ARE THE VANGUARD OF FANTASY, WHERE WE LIVE IS LIBERATED TERRITORY IN WHICH FANTASY MOVES ABOUT FREELY AT ALL HOURS OF THE DAY, FROM WHICH IT MOUNTS ITS ATTACKS ON OCCUPIED TERRITORY.164

Disruption is always possible, "détournement... confirms the thesis, long demonstrated by modern art, of the insubordination of words, of the impossibility for power to totally recuperate created meanings, to fix an existing meaning once and for all; in a word, the objective impossibility of a 'Newspeak.'"165

This chapter has focused on the sensual aspects of colorlined encounters, in textual and other spaces, in an endeavor to explore the power-knowledge-pleasure spiral at the heart of what we call "race relations." The Situationist concept of détournement shows us that no one, no group, can be permanently "orientalized."166 There are always what Duncan Kennedy calls "gaps, conflicts and ambiguities" in the spectacle that can be turned around, diverted, subverted, or hijacked and used as anti-spectacle.167 The Situationists were determined to create a culture based on opposition to the spectacle. A Situationist jurisprudence could be the most radical gesture of all. We need to demand everything and to demand it everywhere and to demand it at once:

We need to work toward flooding the market—even if for the moment merely the intellectual market—with a mass of desires whose realization is not beyond the capacity of man's present means of action on the material world, but only beyond the capacity of the old social organization.168

Theory is valuable only insofar as it constitutes such a propaganda of desire:

We know with what blind fury so many unprivileged people are ready to defend their mediocre advantages. Such pathetic illusions of privilege are linked to a general idea of happiness prevalent among the bourgeoisie and maintained by a system of publicity that includes Malraux's aesthetics as well as the imperatives of Coca-Cola—an idea of happiness whose crisis must be provoked on every occasion by every means.169

Situationist jurisprudence ought always to provoke a crisis in any system of desire that leaves us blinded by the green light. We may, at this juncture, recall the sweet songs of
the Civil Rights Movement that introduced this chapter.

At S&W one day, we will all buy a coke and the waitress will serve as we'll know its no joke, hallelujah I'm a-travelin', hallelujah ain't it fine, hallelujah I'm a-travelin' down freedom's main line.

We must provoke a crisis in the system of desire constituted by the "imperatives of Coca-Cola" that so moved the motionless movement for civil fights.

Two ideas were key to the Situationists' oppositionist culture—psychogeography and the dérive (drift). Situationist jurisprudence would be a jurisprudence of psychogeography and drift. Drift was "a mode of experimental behavior linked to the conditions of urban society: a technique of transient passage through varied ambiances." The Situationists proposed a culture based on continuous drift. The term "psychogeography" was proposed as a general term for the phenomena being investigated by drifting. Psychogeography was to set for itself the study of the "effects of the geographical environment, consciously organized or not, on the emotions and behavior of individuals."

In 1953, Ivan Chcheglov, then nineteen years old, composed a manifesto entitled, "Formula for a New Urbanism." Chcheglov's work, written under the pseudonym Gilles Ivain, remained unpublished until it appeared in the very first issue of the journal Internationale Situationiste in 1957, just a few years before its author would be confined to a mental hospital. Chcheglov proclaimed that once the Hacienda, the new experimental city, had been built, everyone will live in [her] own cathedral. There will be rooms awakening more vivid fantasies than any drug. There will be houses where it will be impossible not to fall in love.

Architecture was described as "the simplest means of articulating time and space, of modulating reality, of engendering dreams." Architecture in the Hacienda was to become a way of "constructing situations" that would bring to light "forgotten desires" and create "entirely new ones." The construction of Situations was the movement's defining activity:

What does the word "situationist" mean? It denotes an activity that aims at making situations, as opposed to passively recognizing them in academic or other separate terms. This at all levels of social practice or individual history. We replace existential passivity with the construction of moments in life, and doubt with playful affirmation. So far philosophers and artists have only interpreted situations; the point now is to transform them. Since man is the product of the situation he goes through, it is essential to create human situations. Since the individual is defined by his situation, he wants the power to create situations worthy of his desires.

The principal activity of the Hacienda's inhabitants was to be continuous drift. Drifting was to be their work and their play. Their continuous drift would be aided by the fact that the "changing of landscapes from one hour to the next [would] result in complete disorientation."

The Hacienda was to be a city of games. Consider the following tract from the anarchist Black Mask group:

LET US AVOID ALL THE LEADS TO NIGGERHOOD

Stay on the right side of the TV set: watch them little black mothers running their ass off, undignified but athletic, knocking things over, getting clubbed stupid. They have a nigger fat in store for them. Getting beat is good for niggers. It confirms their niggerhood. It fits in with ghettos, junk, filthy ugly tenements. Niggers get beat all the time. Look at that one, running, caught, sullen, not saying anything. ... We could never be sullen like that. We know what his fate is.
He will become more and more nigger until he either kills himself, or is killed: both fates amounting essentially to the same.

**WE WANT TO PLAY GAMES**

Games are liberating.
Games are Utopian.
We become embodied in doing. But doing is a trap. One is forced to choose between a doing which is not a doing, a doing which does not have the feel of doing, a doing which does on their level of unreality; and, on the other hand a doing which is a breaking away from that level, a doing which is liberating... and for which you get your head busted. No other alternatives: trapped in a nigger trap in spite of ourselves.179

The black body is shown as spectacle in this tract. One cannot escape "good Negro" ("a doing which is not a doing... which does not have the feel of doing... which does on their level of unreality") or the bad Negro ("a doing which is liberating... and for which you get your head busted"). The spectacle of the black body recasts the body's struggle against oppression as "black" struggles against oppression. This transformation guarantees the colorline's survival, whatever the outcome of the struggle ("He will become more and more nigger until he either kills himself, or is killed: both fates amounting essentially to the same"). Even in struggle, one either plays the role of the crossover "good Negro" and fails, or one plays the "bad Negro" role of barbarian at the gate and fails—one fails to destroy the spectacle. In a lyrical essay that appeared in a 1963 volume titled, *White on Black: The Views of Twenty-two White Americans on the Negro*, Sarah Patton Boyle writes:

I personally think that the Good Negro is a wish-fulfillment image—an ideal, a longing made flesh. Everything about him comforts white Southerners, even his faults, which give them a feeling of moral status, a pleasant awareness of their own high standards. As truly as the Southern white loves his Good Negro image, he hates his Bad Negro image. Again, anybody would. The Bad Negro is not really a man, but a repulsive, dangerous, sub-human creature with no feelings or standards of decency. He wallows in degradation, lives in burning lust for "pure, white" bodies.179

Both roles are identity traps. The racialized identity, the font of oppression, survives even in the bodies and souls of the enemies of the colorline. Undoing this trap requires an imaginative leap beyond the rules. This is what the Situationists meant by games. Such games or disorientations are necessary, for it is only when the word "black" cannot be understood that oppression by "race" will be fatally undermined.180

Debord describes one such game: "The production of psychogeographic maps, or even the introduction of alterations such as more or less arbitrarily transposing maps of different regions, can contribute to clarifying certain wanderings that express not subordination to randomness but complete insubordination to habitual influences."181 The Situationists wanted to play games, such as wandering down a London street using a map of Paris, that would expose new possibilities hidden within once-familiar sights—made-strange by our willed disorientation.182 With the Situationists, Dada and surrealism moved to the broader canvas of life itself. In Debord's words: "That which changes our way of seeing the streets is more important than [that which] changes our way of seeing a painting."183

Chirchev's Hacienda was not a Utopia.

Utopias afford consolation: although they have no real locality there is nevertheless a fantastic, untroubled region in which they are able to unfold; they open up cities with vast avenues, superbly planted gardens, countries where life is easy, even though the road to them is chimerical.184
The Hacienda was to be what Foucault describes as a “heterotopia”:

Heterotopias are disturbing, probably because they secretly undermine language, because they make it impossible to name this and that, because they shatter or tangle common names, because they destroy “syntax” in advance, and not only the syntax with which we construct sentences but also that less apparent syntax which causes words and things (next to and also opposite one another) to “hold together.” That is why utopias permit fables and discourse: they run with the very grain of language ... heterotopias ... desiccate speech, stop words in their tracks, contest the very possibility of grammar at its source; they dissolve our myths and sterilize the lyricism of our sentences.  

Chtcheglov’s Hacienda was less a building plan than an architectural metaphor for a political idea “the application of this will to playful creation ... to all known forms of human relationships.”

The Hacienda was a new form of human existence based on the embrace of a disorder worse than that of the incongruous, the linking together of things that are inappropriate; I mean the disorder in which fragments of a large number of possible orders glitter separately in the dimension, without law or geometry, of the heteroclite; and that word should be taken in its most literal, etymological sense; in such a state, things are “laid”, “placed”, “arranged” in sites so very different from one another that it is impossible to find a place of residence for them, to define a common locus between them all.

The Situationists’ Hacienda was an architectural metaphor for the celebration of what Foucault would later call the “insurrection of subjugated knowledges.” Subjugated knowledges take two forms. First are the historical contents of discourse that are masked by the dominant paradigm. This includes the resistances, struggles, and dominations in events and practices that have been subsumed in theoretical frameworks or universalist theories. This type of subjugated knowledge comprises the hidden histories of conflict that preceded the emergence of the dominant paradigm—for example, the history of violent, as opposed to non-violent, struggles against slavery, segregation, and neo-segregation.

Second are the “naïve” or “unruly” knowledges. These are forms of knowledge that have been disqualified, taken less than seriously, taken as irrelevant, or deemed inadequate by official histories. For example, the science fiction, short stories, personal reflections of a subaltern author. The discourses of the abyss—the mentally ill, the physically ill, the delinquent, the pervert, and other people, such as the native bearer, who hold knowledge that deviates from the established categories. The celebration of such counter-memories is a celebration of the Hacienda. The Hacienda was the Situationist dream of a permanent insurrection of subjugated knowledges. In sum, the constant pursuit of revolutionary paths not taken was given an imaginary architectural form in the Hacienda.

**Nobodyness**

“When I was a young man full of wildness and ideas, I read all the books from France by a man named Jules Verne. I see you know his name. But at night I many times thought I must be an inventor. That is all gone by; I never did what I thought I might do. But I remember clearly that one of the machines I wished to put together was a machine that would help every man, for an hour, to be like any other man. The machine was full of colors and smells and it had film in it, like a theater, and the machine was like a coffin. You lay in it. And you touched a button. And for an hour you could be one of those Eskimos in the cold wind up there, or you could be
an Arab gentleman on a horse. Everything a New York man felt, you could feel. Everything a man from China tasted, your tongue knew. The machine was like another man—do you see what I was after? And by touching many of the buttons, each time you got into my machine, you could be a white man or a yellow man or a Negrito. You could be a child or a woman, even, if you wished to be very funny.” The husband and wife climbed from the car. “Did you ever try to invent that machine?” “It was so very long ago. I had forgotten until today. And today I was thinking, we could make use of it, we are in need of it. What a shame I never tried to put it all together. Someday some other man will do it.” “Some day,” said John Webb. “It has been a pleasure talking with you,” said the old man. “God go with you.” “Adios, Señor Garcia,” they said.
—Ray Bradbury

This chapter takes the form of the Hacienda. I celebrate “the insurrection of subjugated knowledges” by drifting, in a Situationist style, through the imaginary walls that separate the various discourses of nobodyness. This drift begins with the colorline. The experience of being cast/e down is not limited to the experience of being raced. I begin with the experience of colonialism. Memmi, in his introduction to the 1963 French edition of James Baldwin’s The Fire Next Time, wrote:

We have now learned that oppressed peoples resemble each other. Their own peculiar features and individual history aside, colonized peoples, Jews, women, the poor show a kind of family likeness; all bear a burden which leaves the same bruises on their soul, and similarly distorts their behavior. A like suffering often produces similar gestures, similar expressions of pain, the same inner parasyssy, the same agony or the same revolt.

Each form of nobodyness sheds light on the others, if only by showing that none is a naturally occurring category and things could, therefore, be otherwise. The idea of “natural” differences is one of the masks of power. Hierarchies created by society are insulated from criticism by a natural-seemingness born of myths, stories, science, rules of propriety and decorum, notions of personal identity, ideas of virtue, and forms of pleasure.

Hegemony is the ability to contain class antagonisms on a terrain in which one’s legitimacy cannot be dangerously questioned. “Natural difference” and the untested tests by which it is said to be discovered is such a terrain for white power because the “natural” marks the boundary of that which may not be dangerously questioned. Just as a Situationist derive through London via a map of Paris liberates us from our usual ways of seeing architecture, an examination of the colorline through a different lens liberates us from our usual ways of seeing ourselves and one another. Such drifts often free us to make “the most radical gesture.” The most radical gesture is that which transgresses against the idea of the natural or given or obvious. The response of the Zapatista Army of National Liberation to a reporter’s query as to whether Subcommandante Marcos was gay demonstrated a strategic deployment of this transgressive notion:

Marcos is gay in San Francisco, black in South Africa, an Asian in Europe, a Chican in the streets of San Cristobal, a gang member in Neza, a rocker in the National University, a Jew in Germany, an ombudsman in the Defense Ministry, a Communist in the post-Cold War era, an artist without gallery or portfolio, a pacifist in Bosnia, a housewife alone on a Saturday night in any neighborhood in any city in Mexico, a reporter writing filler stories for the back pages, a single woman on the subway at ten P.M., a peasant without land, an unemployed worker, a dissident amid free-market economists, a writer without books or readers, and, of course, a Zapatista in the mountains of southeast Mexico.
The Zapatista parable mocks the idea of hierarchy itself. It avoids narrow nationalism and instead deploys the idea of family likeness to show twenty-one disparate masks of power. In each of the twenty-one antagonisms, power wears the mask of false necessity. The particular rituals of exclusion that produced each of the twenty-one forms of nobodyness have their own histories, as do the forms of resistance raised up against them, but each contest sheds light on other contests by showing their social, as opposed to natural, origins. The Zapatista uprising is a poetic embrace of "the insurrection of subjugated knowledges" and a celebration, like this chapter, of "the linking together of things that are inappropriate." This "family likeness" of which Memmi writes stems from the common struggle to remove the idea of the natural from the flesh of the subaltern body.

The struggle, then, is not merely against one's masters, but against oneself. The struggle is to eliminate the existence of the subaltern as a social role or character structure. The roles or character structures noted in the Zapatista parable as gay, black, Asian, Chicano, anarchist, Palestinian, Mayan, gang member, rocker, Jew, ombudsman, Communist, artist, pacifist, housewife, reporter, woman, peasant, unemployed, dissident, and writer are all identity formations through which we struggle. Foucault discusses this idea of struggling through a subaltern identity formation in relation to the social construction of homosexuality. He notes that when sexuality was subjected to the medical and jurisprudential gaze, the "homosexual" emerged as a form of "perversion." But that very label also made possible a "reverse discourse," or, to use the language of the Situationists, a détournement, whereby the "homosexuals" could speak for themselves:

[We see homosexuals] taking such discourses literally, and thereby turning them about; we see responses arising in the form of defiance: "All right, we are what you say we are—by nature, disease or perversion, as you like. Well, if that's what we are, let's be it, and if you want to know what we are, we can tell you ourselves better than you can." ... It is the strategic turnabout of one and the "same" will to truth.

The sexually oriented body, like each of the identities listed in the Zapatista quote, can be turned about and used against its manufacturers. A turn-about can also take the form of presenting the Supreme Court with its own statistical profile on the matter of race. Finally, a turn-about can take the form of using legal discourse to show the futility of legal discourse. This final turn-about is a way of delegitimizing the notion of gradual, orderly, and peaceful change. It is also a form of legitimating the radical actions of those who cannot wait any longer.

And, perhaps, the "will to truth" itself may be turned about.

If These Teardrops Had Wings

Angel of mercy whisk me away,
Sweep me into tomorrow so that this
day is done.
We'd be finished with goodbye hearts
already broken not
used to the lonely but one day along.
—Vance Gilbert

A full month after August 6, people said,
corpses lay wherever you went in the city,
skeletons were everywhere, and a nauseating
smell blanketed the city. Flies were all
over the place, as if someone had scattered
red beans; the flies were so dense in the
burned streetcars running in some parts
of the city that they turned the passen-
gers' skin pitch black; big black flies
swarmed hideously, particularly on the
faces of babies. Flies even got inside those
aluminum lunch boxes with the tight lids
and expired atop the rice.
—Ota Yoko

Some harms are irreparable. Sometimes we
cannot "finish with goodbye," as in the song
by Vance Gilbert. The colorline is such a harm. Our desire for the green light is a way of averring our eyes from the horrifying irreparability of it all. We want to believe that it is possible to mend our broken hearts. What if one bright day we suddenly Overcame? What would our world look like without the colorline? The question itself is incoherent because it assumes that we are somehow separate from the world. It assumes that the world could be the world without the colorline. It assumes that the world of the colorline is any less broken than our hearts.

Bradbury's short story "The Other Foot" illustrates the ways in which our notions of the everyday world are bounded by its irreparability and its unthinkability. It is set in the future:

When they heard the news they came out of the restaurants and cafes and hotels and looked at the sky. They lifted their dark hands over their upturned white eyes. Their mouths hung wide. In the hot noon for thousands of miles there were little towns where the dark people stood with their shadows under them, looking up. The blacks of "Way in the Middle of the Air" are now residents of Mars: "They say a rocket's coming, first one in twenty years, with a white man in it? What's a white man? I never seen one." The young children are excited at the prospect of a stranger in the village, but the elders remember:

"What right they got coming up here this late? Why don't they leave us in peace? Why didn't they blow themselves up on that old world and let us be?" "Willie, that ain't no Christian way to talk." "I'm not feeling Christian," he said savagely, gripping the wheel. "I'm just feeling mean. After all them years of doing things they did to our folks—my mom and dad, and your mom and dad—You remember?"

Willie Johnson remembers, as do others, and they plan as they go to meet the white man:

"The Shoe's on the other foot now. We'll see who gets laws passed against him, who gets lynched, who rides in the back of streetcars, who gets segregated in shows. We'll just wait and see." He remembers home, he remembers that "Home is where the hatred is:

"Have you thought, Willie? That's all I done for twenty years. I was sixteen when I left Earth, and I was glad to leave," he said. "There wasn't anything there for me or you or anybody like us. I've never been sorry I left. We've had peace here, the first time we ever drew a solid breath." Willie Johnson's talk of land and freedom and the solidity of breath evokes Fanon's discussion of French Colonialism in Algeria:

it is not the soil that is occupied. It is not the ports or the airstromes. French colonialism has settled itself in the very center of the Algerian individual and has undertaken a sustained work of clean-up, of expulsion of self, of rationally pursued mutilation. There is not an occupation of territory, on the one hand, and independence of persons on the other. It is the country as a whole, its history, its daily pulsation that are contested, disfigured, in the hope of final destruction. Under these conditions, the individual's breathing is an observed, an occupied breathing. It is combat breathing.

A "delegation" is formed to "paint every streetcar," and volunteers come forward to make their new desire for segregation a reality with "the fresh glinting yellow words: For Whites: Rear Section." Delegations segregate theaters and stores: "Limited Clientele: Right to serve customer revocable at any time." The people feel themselves becoming masters through the erection of more and more legal signs of mastery:

"Oh yes. We got to pass a law this afternoon; no intermarriages!" "That's right," said a lot of people. "All shoeshine boys quit their jobs today." "Quittin' right
now!" Some men threw down the rags they carried, in their excitement, all across town. "Got to pass a minimum wage law; don't we?" "Sure!" "Pay them white folks at least ten cents an hour."

When the mayor accuses him of forming a "mob," Willie Johnson answers, "We'll have an election and get a new mayor." The law's desires and the mob's desires are the same. They will elect a new government, and they will enact a complex racial choreography for everyday life. People will have their legal roles branded into their flesh by the various punishments and rewards of law. The law will be its own justification as it merges with our flesh. We become the legal roles we are assigned. The entire ensemble will sing the praises of the Spectacle. Those who worship the Rule of Law are those whose desires have already been textualized as the rule of law.

The moment arrives. "Across the sky, very high and beautiful, a rocket burned on a sweep of orange fire. A white man emerges from the rocket, and his voice was very tired and old and pale:

After you left the War came. We bombed all of the cities of the world. We destroyed New York and London and Moscow and Paris and Shanghai and Bombay and Alexandria. We ruined it all. And when we finished with the big cities we went to the little cities and atom-bombed and burned them.

All the sites of their humiliation have been destroyed: "So we destroyed everything and ruined everything, like fools that we were and the fools that we are. We killed millions."

The entire Earth, the former home of the blacks-when-they-were-blacks, is a city of corpses. The whites have been defeated by their own lives and by their own internal contradictions. In "And the Rock Cried Out," another Bradbury story on this theme, we read:

OCTOBER 4TH, 1963: UNITED STATES, EUROPE SILENT?

The radios of the U.S.A. and Europe are dead. There is a great silence. The War has spent itself. It is believed that most of the populations of the United States and of Europe, Russia, and Siberia, are equally decimated.

The day of the white people of the earth is over and finished.

The old white man from the rocket speaks of an utterly abject homeworld; moreover, he speaks from the subject position of utter abjection:

We deserve anything you want to do to us, but don't shut us out. We can't force you to act now. If you want I'll get into my ship and go back and that will be all there is to it. We won't bother you again. But we'll come here and we'll work for you and do the things you did for us—clean your houses, cook your meals, shine your shoes, and humble ourselves in the sight of God for the things we have done over the centuries to ourselves, to others, to you.

Groveling does not save the whites. Nothing can save them. Whether one stays or departs from the city of corpses, from the place of the inconsolable, matters little. The damage has already been done. The few survivors left on Earth are, says the old white man, "of all kinds and types." But it cannot be the happy rainbow of the flood. To see this white man, we must imagine ourselves as the ethnographers "discovering" this new race, homo atomicus:

What stunned me was the indescribably eerie color of his skin. The skin all over his body was like someone in the last stages of tuberculosis, and that color had been painted over with a more hopeless color, opaque like that of roasted eggplant. The skin around his eyes was tinted lightly, as if tattooed blue; his lips were ashen and dry. His hair was as thin as that of an eighty-year-old and had
turned the color of ash. His body was encrusted all over with spots—
pale blue, purple, dark blue—the size of beans.211

Whites are now the color of inconsolability. Willie Johnson concludes, "Now the white man’s as lonely as we’ve always been."212 All the sites of humiliation are gone:

Now he began to name cities and places, and streets. And as he named them a murmur rose up in his audience:
"We destroyed Natchez . . ."
A murmur.
"And Columbus, Georgia . . ."
Another murmur
"We burned New Orleans . . ."
A sigh.
"And Atlanta . . ."
Still another.
"And there was nothing left of Greenwater, Alabama."213

The place of Willie Johnson’s birth, Greenwater, is gone:

Willie stood with the rope in his hands. He was remembering Earth, the green Earth and the town where he was born and raised, and he was thinking now of that town, gone to pieces, to ruin, blown up and scattered, all of the landmarks with it, all of the supposed or certain evil scattered with it, all of the hard men gone, the stables, the ironworks, the curio shops the soda fountains, the gin mills, the river bridges, the lynching trees, the buckshot-covered hills, the roads, the cows, the mimosa, and his own house as well as those big-pillared houses down near the long river.214

The white man is saved because the White Man is dead. There are no more whites:

Gone, all gone, gone and never coming back. Now, for certain, all that civilization ripped into confetti and strewn at their feet. Nothing, nothing of it left to hate—not an empty brass gunshell, or a twisted hemp, or a tree, or even a hill of it to hate. Nothing but some alien people in a rocket, people who might shine his shoes and ride in the back of trolleys or sit fat up in movie theatres.215

All those lesions of memory were cauterized when “all that civilization [was] ripped into confetti and strewn at their feet.” Willie Johnson drops his lynching rope, his lynching identity, and realizes that he has “seen the white man” for the “first time.” Everyone agrees that “the Lord’s let us come through, a few here and a few there. And what happens next is up to all of us.”216 The obliteration of these hated sites provides an opening, a way clear to a new order of things—and, in Kayser’s words, “Who can resist an opening?”

The entire ensemble, the physical spaces and the order of things, the laws through which people perceived their races, spaces and places, all had to be “ripped into confetti” in order to reach a new starting point. When the system is utterly destroyed, then and only then will we walk with dignity. “Equal Justice under Law” will happen when the stones into which that message has been carved, like the texts on which it has been scripted and the flesh which has embodied it, are “strewn at our feet.” Or perhaps when the hearts of stone have been melted. At least, that seemed to be the prophecy of those who realized that the colorline concedes nothing on request.

The “necessities” of survival are produced, distributed, and legitimated by the spectacle of the colorline. Campanis’s notion of the “necessities” is useful in understanding how the spectacle of exclusion constitutes its own vindication. For Campanis, the exclusion of blacks from the quarterback position in football and from the pitching position in baseball legitimizes the exclusion of blacks from managerial positions in baseball (“How many quarterbacks do you have? How many pitchers do you have that are black? The same thing applies”). Exclusion is an ensemble. And the exclusion of blacks from swimming proves only that blacks lack the “necessities” (“So it might be that they—why are black people not good swimmers? Because they don’t have the buoyancy”). We are left excluded from the necessities for life, and
our exclusion is based on the idea that we lack the necessities to earn the necessities. And the spectacle of our exclusion itself becomes a commodity. Exclusion validates itself: The colorline validates itself. The spectacle is its own validation.

The absence of blacks and other Others from clerkship positions may not mean much in a macroeconomic sense; however, at the level of spectacle, it means a great deal. First, the numbers show that the justices of the U.S. Supreme Court have reached Campanis-like conclusions about black buoyancy in the applicant pool. Second, the reverence for that particular credential—the Supreme Court clerkship—in the legal academy and in the legal profession shows that Campanis’s notions hold water with lawyers everywhere. Third, the centrality of law in public discussions of right and wrong shows that notions of “buoyancy” and “necessity” are submerged in our feelings and desires and thoughts at levels too deep to be removed. The baby is the bathwater when it comes to the colorline. The entire ensemble validates itself by creating the mechanism for its own examination. The entire ensemble animates the bodies of those who live within its borders. Same as it ever was.

The dearth of black Supreme Court clerks creates a spectacle of black inferiority. If there are no blacks with the “necessities” to be clerks, then, according to the peculiar logic of the colorline, blacks are inferior. The elimination of blacks from other positions seems natural. It seems to reflect the general spectacle of black exclusion. No black clerks, no black justices, no black doctors, no black academics, no black police officers, no blacks anywhere save as menial laborers. And this does have an economic effect, as Sartre noted:

These wretched people pay as much for these miserable living quarters as a white worker pays for clean and ventilated rooms. The merchants—black and white—who set up their businesses in these reserved quarters sell their foodstuffs and basic necessities at higher prices than elsewhere. The housekeeper of a well-to-do woman in Chicago does her shopping in the rich quarters at the same time she does her patron’s because the prices are significantly less for those same products sold in the Negro quarter. Thus, even at an equal salary, the money does not have the same value for blacks and whites. All this takes place as if blacks receive dollars which are devalued.\textsuperscript{217}

And it all seems to just happen naturally. It happens naturally because the rules of exclusion are hidden from view. To demand an examination of the rules would, as we saw with \textit{Washington v. Davis}, expose the great fraud of the entire ensemble. The Supreme Court itself would not be able to declare the causes that compel them to separate themselves from blacks. Neither Chief Justice Rehnquist nor his eighty-two white clerks would be able to explain the separation. The horror is that they do not have to explain, as we saw with \textit{Dred Scott}.

One can, like Billy Pilgrim, the protagonist of Kurt Vonnegut’s novel \textit{Slaughterhouse-Five}, get unstuck in time thinking about the sheer inhumanity of it all. Vonnegut’s Pilgrim is kidnapped to the planet Tralfamadore, where he learns:

All moments, past, present, and future, always have existed, always will exist. The Tralfamadorians can look at all the different moments just the way we can look at a stretch of the Rocky Mountains, for instance. They can see how permanent all the moments are, and they can look at any moment that interests them. It is just an illusion we have here on Earth that one moment follows another one, like beads on a string, and that once a moment is gone it is gone forever.\textsuperscript{218}

In 1776, a Republic of Slavery is imagined in a document—the Declaration of Independence that declares “all men are created equal.” Nearly one hundred years later, the almost-free and now-segregated slaves are handed back to their captors for lynching,
dismemberment, and disfranchisement in a document—_Cranebank_ in 1875—that declares Reconstruction ended. A little more than one hundred years later, the almost-free and now-neo-segregated slaves are recaptured in a document—_Washington v. Davis_ in 1976—that declares:

A rule that a statute designed to serve neutral ends is nevertheless invalid, absent compelling justification, if in practice it benefits or burdens one race more than another would be far reaching and would raise serious questions about, and perhaps invalidate, a whole range of tax, welfare, public service, regulatory, and licensing statutes that may be more burdensome to the poor and average black than to the more affluent white.219

And on a school bus trip that same Bicentennial year, I learn a lesson that might have been obvious had I read _Dred Scott_:

They had for more than a century before [the Declaration of Independence] been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect.220

Since before 1676, “altogether unfit to associate with the white race”:

—“Look, A Negro!” I was responsible at the same time for my body, for my race, for my ancestors. I subjected myself to an objective examination, I discovered my blackness, my ethnic characteristics; and I was battered down by tom-toms, cannibalism, intellectual deficiency, fetishism, racial defects, slave ships, and above all else, above all: “Sho’ good eatin.”221

—All round me the white man, above the sky tears at its navel, the earth rasps under my feet, and there is a white song, a white song. All this whiteness that burns me. I sit down at the fire and I become aware of my uniform. I had not seen it. It is indeed ugly. I stop there, for who can tell me what beauty is? And where shall I find shelter from now on? I felt an easily identifiable flood mounting out of the countless facets of my being. I was about to be angry. The fire was long since out, and once more the nigger was trembling.222

—The evidence was there, unalterable. My blackness was there, dark and unarguable. And it tormented me, pursued me, disturbed me, angered me. Negroes are savages, brutes, illiterates. But in my own case I knew that these statements were false. There was a myth of the Negro that had to be destroyed at all costs.223

—I tell you, I was walled in. No exception was made for my refined manners, or my knowledge of literature, or my understanding of the quantum theory. I requested, I demanded explanations. Gently, in the tone that one uses with a child, they introduced me to the existence of a certain view that was held by certain people, but, I was always told, “We must hope that it will very soon disappear.” What was it? Color prejudice.224

And so I am brought back to myself across nearly four centuries, across a sea of time.

Our task seems less daunting when we remember that it is easy to destroy an illusion. The green light is an illusion. Time is an illusion. All we need to do is let go of our longing for the green light, and the entire physical universe can be melted like the clocks in Salvador Dali’s _The Persistence of Memory_. Our ideas about the “necessities” are illusions—illusions of the colorline and illusions that the current order of things is the permanent order of things. Like Gatsby, we are prisoners of love, but nothing needs to be the way it is.

“The Other Foot” shows us the hatred that is woven into the fabric of our hopes and dreams. By rearranging our settled expectations with violence of interplanetary exodus, nuclear holocaust, and the end of the colorline, Bradbury exposes the false necessity of the status quo. He also shows us just how invested our dreams are with law, and vice versa. In understanding the green
light to be the spectacle of our own undoing, we also come to understand that anything is possible. And recall that Hacienda must be built.

A Situationist jurisprudence is one that exchanges the pleasures of submission for the pleasures of disruption. It is a jurisprudence that takes the form of a "propaganda of desire" for things that the system, as now constituted, cannot and will not provide. It seeks that ecstatic moment, and it is a place as well as a time, in which the slave says "no".

We need to create our own minds, to behave as if the revolution has already taken place. Paint all the paintings black and celebrate the dead art. We have been living at a masqued ball; what we think of as our identity is a schooled set of notions, preconceptions that are imprisoning us in history. From our own belief in our own identity flows ceaseless misery—our isolation, our alienation and our belief that another man's life is more interesting than our own. It is only through valuing all the world equally that any of us will find liberation. An end to history is our rightful demand. To continue to produce art is to addict ourselves to our own repression. The refusal to create is the only alternative left to those who wish to change the world. Give up art. Save the starving.

Conclusion: Everything Must Go

The reactionary suicide is "wise," and the revolutionary suicide is a "fool," a fool for the revolution in the way that Paul meant when he spoke of being "a fool for Christ." That foolishness can move the mountain of oppression; it is our great leap and our commitment to the dead and the unborn. We will touch God's heart; we will touch the people's hearts, and together we will move the mountain.

—Huey P. Newton

Everything must go. A mid-1960s flyer from the International Werewolf Conspiracy regarding the student movement spoke in terms applicable to other oppressive situations:

The function of the student movement is not to make demands on the university, but to destroy the existence of the "student" as a social role and as a character structure. You must destroy the student within you. For only then can the struggle begin against the institutions and masters which have trained us for the submission and the slavery in which we now participate. Our goal is not to win concessions, but to kill our masters and create a life which is worth living ... and in Amerika life is the one demand that can't be filled.

Hegemony works by insinuating itself into the hearts and minds of the subaltern as an identity formation. The racialized body is one such identity formation:

The American blacks are the product of modern industry, just like electronics or advertising or the cyclotron. And they embody its contradictions. They are the people that the spectacle paradise must simultaneously integrate and reject, with the result that the antagonism between the spectacle and human activity is totally revealed through them. The spectacle is universal, it pervades the globe just as the commodity does. But since the world of the commodity is based on class conflict, the commodity itself is hierarchical. The necessity for the commodity (and hence for the spectacle, whose role is to inform the commodity world) is to be both universal and hierarchical leads to a universal hierarchization. But because this hierarchization must remain unavowed, it is expressed in the form of unavowable, because irrational, hierarchical value judgments in a world of irrational rationalization. It is this hierarchization that creates racisms everywhere.

Liberation requires a casting aside of everything, including one's subaltern identity. It requires a casting aside of the entire ensemble.
I have tried to show the law as inextricably bound to the colorline. Indeed, the law emerges from these pages as one of the ways in which the race-pleasure sensation is experienced. Law is a way of touching—of enjoying—the abjection of the Other. Law creates the space, the subjects, the choreography, the words, the incentives, and the pleasures of the everyday practices of domination and submission I have described. To show the law as a theater of cruelty, as a source of S/M pleasure, as spectacle is to highlight the defeat of the Civil Rights Movement. The race-pleasure imperative of our masters makes it necessary for them to “beat us down.” And we have been transfixed by the spectacle of our own undoing, like Gatsby before the green light. It does not have to be this way. Everything is possible, and nothing is forbidden once, we have left the Civil Rights Movement dream behind and exchanged the pleasures of submission for the pleasures of disruption. Civil rights will never bring about the raceless society. There are no responsible solutions. There are no safe words.

Octavia Butler’s novel Kindred is about the literal and involuntary transportation, back and forth, between the present and the past:

I could literally smell his sweat, hear every ragged breath, every cry, every cut of the whip. I could see his body jerking, convulsing, straining against the rope as his screaming went on and on. My stomach heaved, and I had to force myself to stay where I was and keep quiet. Why didn’t they stop?

“Please, Master,” the man begged.

“For God’s sake, Master, please… I shut my eyes and tensed my muscles against an urge to vomit.

I had seen people beaten on television and in the movies. I had seen the too-red blood substrate streaked across their back and heard their well-rehearsed screams. But I hadn’t lain nearby and smelled their sweat or heard them pleading and praying, shamed before their families and themselves. I was probably less prepared for the reality than the child crying not far from me.290

Butler’s protagonist (see boxed text) reflects on the “perforations in the membrane between here and there.”292

“Most of the time, I’m still an observer. It’s protection. It’s nineteen seventy-six shielding and cushioning eighteen nineteen for me. But now and then… I can’t maintain the distance. I’m drawn all the way into eighteen nineteen, and I don’t what to do. I ought to be doing something though. I know that.”293
Chief Justice Rehnquist sang Dixie at the 1999 Fourth Circuit Judicial Conference, Judge Luttig's Circuit, as had apparently been his custom. The words of this song, like bombs bursting in the air; like inexorable zero; like Luttig's requiem for social engineering; like sweat, toil, tears, or blood in the face gave proof of the perforations between here and there, between the past and the present, between the right and left columns above: "And who can resist an opening." We know, and the Chief Justice's pro-slavery song reminds us that it is easy to slip into a parallel universe. There are so many of them: worlds of the insane, the criminalized, the crippled, the dying, perhaps of the dead as well. These worlds exist alongside this world and resemble it, but are not in it.

After seeing slave children playing a game of "auction," Butler's protagonist, a black woman, shares her thoughts with her husband, a white man:

I closed my eyes and saw the children playing their game again. "The case seemed so frightening," I said. "Now I see why."

"What?"

"The case. Us, the children... I never realized how easily people could be trained to accept slavery."

The pair, wife and husband, black and white together, manage to resist slavery, then and now, as "kindred spirits." Identities are orientations. Some of us develop orientations that support the spectacle, and some of us develop other orientations that cannot be made spectacle. These latter orientations I call anti-spectacular orientations.

Suspended in an ocean of spit, buoyed by the wet results of a centuries-old crying game, motionlessly moving like water in water, the words of my late countryman Bob Marley reach my ears. He is singing a song made famous by Bob Dylan, but the words have changed: "Time like a scorpion stings without warning." The poison streams through my blood, "a tidal wave of blackness" breaks above my head and I roll, like a stone, to the bottom. I am without "buoyancy," and the "necessities" are all above the surface, somewhere before we "first picked out the green light at the end of Daisy's dock... somewhere in that vast obscurity... where the dark fields of the republic [roll] on into the night." There is no "West Egg," no "East Egg," there is just a monstrous world where I find that I myself am the monster. "Away, away, away down south in Dixie," a Confederate song sung by the Supreme Court in its Bicentennial moment:

A rule that a statute designed to serve neutral ends is nevertheless invalid, absent compelling justification, if in practice it benefits or burdens one race more than another would be far reaching and would raise serious questions about, and perhaps invalidate, a whole range of tax, welfare, public service, regulatory, and licensing statutes that may be more burdensome to the average black than to the more affluent white.

"Look, A Negro!" The song remains the same.

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2. The Carolina Freedom Fighters, "Hallelujah (I'm A-Travelin')," *Everybody Wants Freedom* (Battle Records, 1963). The words on the album cover shed revealing light on the idealism of the Civil Rights Movement: "The Carolina Freedom Fighters were all jailed in the spring of 1963, during the massive freedom marches in Greensboro. None of the singers can be named—their status in southern schools is too delicately balanced to be endangered in this way. The names that matter are in the songs. The singers truly believed that racial equality, the green light, would be their salvation.


5. There are many chapters written but yet to be written in the history of whiteness. I do not use the term "white" to discuss any of those chapters. Indeed, a reading of the black-white dynamic is not possible without a reading of those whom whites have branded with other subaltern labels: See Anthony Paul Farley, "All Flesh Shall See It Together," *Chicano-Latino Law Review* 19 (1998): 163.

6. Arab American, Native American, Asian American, and Latinx are just a few of the other labels. I hope that this writing will be read as an invitation to read and write the histories of other Others who struggle against white supremacy, just as I have read those histories as an invitation to do this writing. "Let us now emulate each other," said an anonymous Viet Cong woman a long time ago in an anti-colonial moment. I borrow her words from a pamphlet that I can no longer find, save in memory, for our current situation: Let us now emulate each other.

6. I use the term "colorline" throughout this chapter, but what follows will concern the myriad, interrelated boundaries of race, gender, sexuality, spirituality, physical ability, mental health, class, language, immigration status, nationality, and neighborhood that both fragment and frame our collective imagination. I do not suggest that these boundaries and their intersections can all be subsumed within a discussion of race. Rather, I make the more modest claim that an examination of the colorline shows its production and maintenance to be deeply implicated in the production and maintenance of the other boundaries of our society, and vice versa. This is an attempt to establish what Mary Ann Tolbert has called "a poetics of location"—that is, one that recognizes "the importance of self-consciously adopting different perspectives on a text at different times": Mary Ann Tolbert, "When Resistance Becomes Repression: Mark 13:9-27," in *Readings from this Place, Volume 2: Social Location and Biblical Interpretation*, ed. Fernando F. Segovia and Mary Ann Tolbert (Minneapolis: Fortress Press, 1993), 331-3. Such a poetics "eschews claims for universal readings in favor of local readings that are careful to indicate their context and limits." Finally, it "openly acknowledges its allegiance to the postmodern claim that language is constitutive of reality, rather than simply reflective of it": ibid. I use the term "colorline" to refer to scripts for and performances of racial identity.


13. Ibid.


18. Ibid., 11.

19. Ibid.

20. Ibid., 92.

21. Ibid., 93.

22. Ibid., 94.


25. Ibid., 96.
26. Ibid.
29. Ibid., 100.
30. Ibid.
31. Ibid., 100.
34. Ibid., 487.
35. Ibid., 491.
36. Ibid., 487-8.
37. Ibid., 494.
38. Ibid., 496.
39. Ibid.
40. Ibid., 498.
41. Ibid., 499.
42. Ibid., 499-500.
46. I do not mean to suggest that rape is not a devastating blow against one’s sense of self. Rather, I suggest that just as rape plays a role in the construction of gender and the gender line, so, too, does race play a role in the construction and the preservation of the color line. Race itself, like gender itself, should be thought of as a product of force. The racialized body, no less than the gendered body, is the product of a forced thematization that is similar to rape.
49. Orwell, Nineteen Eighty-Four, 239.
50. Farm, Black Skin, 112.
51. Orwell, Nineteen Eighty-Four, 239.
52. Ibid., 120-1.
56. Ibid.
57. Ibid., 93.
58. Ibid., 98.
66. Orwell, Nineteen Eighty-Four, 46.
67. Loving v. Virginia, 388 U.S. 1, 3 (1967), quoting the trial judge from the Circuit Court of Caroline County.
68. These were large fines. This can be seen in the fact that the University of Texas Law School, a whites-only institution, charged only $25 per semester in tuition during 1942-43. See University of Texas Publication, no. 4316, April 22, 1943, and no. 4299, August 1, 1942.
70. Ibid.
71. Ibid., 240-1.
72. Ibid., 241.
73. Ibid., 254.
75. Ibid., 145.


79. Ibid., 36.


82. Comments of NAACP Investigator Howard Kester, as quoted in ibid., 80.


85. The Slaughterhouse Cases, 83 U.S. 36 (1873).

86. Aviam Solomon, Law and the Company We Keep (Cambridge, Mass: Harvard University Press, 1995), 120.

87. Ibid.

88. Ibid.

89. Ibid., 120-1.

90. Dred Scott v. Sandford 60 U.S. 393 (1866).


93. Lino A. Graglia, Dalton Cross Professor of Law at the University of Texas Law School, as quoted in “University Professor Blasts Efforts for Diversity on Campus, Austin, Texas,” Houston Chronicle, September 11, 1997, A25.


97. U.S. Bureau of the Census, What We're Worth—Asset Ownership of Households: 1993, Statistical Brief (Washington, D.C.: U.S. Government Printing Office, 1995). Median net worth is the amount of financial resources, equaling the value of your assets minus any debts. Assets can include rental property; other real estate; motor vehicles; business or profession; U.S. savings bonds; IRA or KEOGH accounts; other financial investments, including mortgages held from sale of business; unit trusts; interest-earning assets at financial institutions and other interest-earning assets; homes; stocks and mutual-fund shares; and checking accounts: ibid.

98. Melvin L. Oliver and Thomas M. Shapiro, Black Wealth, White Wealth: A New Perspective on Racial Inequality (1995). 86. Financial assets include real estate, businesses, assets in banks and financial institutions, stocks, IRA and KEOGH accounts, bonds and mortgages, and stocks, and they exclude home and vehicle equity: ibid., 105.

99. Ibid., 100.


106. Lattig, as quoted in Mauro, "For Lawyers."


111. Roberts v. City of Boston, 5 Cush. 198, 59 Mass. 198, 204 (1849).

112. Ibid.

113. Ibid., 210.


115. Herman Melville, Moby-Dick (Harper & Brothers, 1851), 521.

116. Ibid., 383.

117. Ibid.


119. Melville, Moby-Dick, 521.

120. Harold Beaver, in his commentary to Moby-Dick, sees this Jim Crow metaphor in Melville’s descriptions of several events: See Harold Beaver, introduction and commentary to Herman Melville, Moby-Dick (New York: W. W. Norton, 1967 [1851]), 885, 966.

121. "Despite growing racial diversity within law schools and law reviews, white Justices of the U.S. Supreme Court have not included African-Americans within their ranks of law clerks. Consider that the majority of Justices—Justices Rehnquist, O’Connor (she has retained me as of late), Scalia, Kennedy, and Souter—have never hired an African-American law clerk. Indeed, even a liberal Justice like William Brennan never employed an African-American law clerk (on active duty in his chambers). It is hard to explain this all-white hiring. . . . Certainly, the all-white hiring of these white Justices conflicts with the record of Justice Thurgood Marshall. Justice Marshall hired seven (African-Americans) which equals the number hired by all other (white) Justices in the entire history of the Court": Winkfield Franklin Twyman, Jr., "A Critique of the California Civil Rights Initiative,” National Black Law Journal 14 (1997): 192.


124. "And again the devil took him up into an exceedingly high mountain, and showed him all the kingdoms of the world, and the glory of them; and saith unto him, All these things will I give thee, if thou wilt fall down and worship me": Matthew 4:8–10 KJV.


126. For an argument that blacks are culturally inferior to whites, see generally Dinshah D’Souza, The End of Racism (New York: Free Press, 1995). For an argument that blacks are genetically inferior to whites, see generally Richard J. Herrnstein and Charles Murray, The Bell Curve (New York: Free Press, 1995). For an argument that biocultural inferiority theories are a tactic of colonialism, see generally Fanon, Wretched of the Earth.


130. Ibid.


132. Ibid.

133. Ibid.

134. Ibid.


140. Ibid., 61.

141. Fanon, Black Skin, 29.


143. Ibid., 43.


146. Ibid., 86.

147. Ibid., 87.

149. Ibid.


151. Debord, Society of the Spectacle, 233.


153. This is the dilemma, writes George Orwell in another context: "To overthrow the Party: Resilience is necessary, though hopeless": George Orwell, Nineteen Eighty-Four (London: Secker & Warburg, 1987), 177. Orwell recognized that "we all rail against class-distinctions, but very few people seriously want to abolish them": George Orwell, The Road to Wigan Pier (New York: Harbrac, 1938), 157. Orwell continues, "The fact that has got to be faced is that to abolish class-distinctions means abolishing a part of yourself": Orwell, Wigan Pier, 161. What Orwell writes of class in Wigan Pier and what he writes of the party in Nineteen Eighty-Four can also be applied to the colorline.

154. It is difficult to tell grace from a fall when contemplating alienation and its opposite. Consider the "victory" at the end of Nineteen Eighty-Four:

The voice from the telescreen was still pouring forth its tale of prisoners and booty and slaughter, but the shouting outside had died down a little. . . . Winston, sitting in a blissful dream, paid no attention as his glass was filled up. He was not running or cheering any longer. He was back in the Ministry of Love, with everything forgiven, his soul white as snow. . . . The long-hoped-for bullet was entering his brain. But it was all right, everything was all right, the struggle was finished. He had won the victory over himself.

He loved Big Brother. (Orwell, Nineteen Eighty-Four, 245)

Or the beginning of Invisible Man:

It's so long ago and far away that here in my invisibility I wonder if it happened at all. Then in my mind's eye I see the bronze statue of the college Founder, the cold Father symbol, his hands out-stretched in the breathtaking gesture of lifting a veil that flutters in hard, metallic folds above the face of a kneeling slave; and I am standing puzzled, unable to decide whether the veil is really being lifted, or lowered more firmly in place; whether I am witnessing a revelation or a more efficient blinding. (Ralph Ellison, Invisible Man [New York: Modern Library, 1992], 36)

155. Debord, Society of the Spectacle, 29.

156. Ibid., 13.

157. Ibid., 33.


160. For more on the role of the Situationist International and the events of May 1968, see generally René Viénet, Enragés et Situationnistes, in The Occupation Movement, France, May '68 (New York: Grove Atlantic, 1992).


162. Melville, Moby-Dick, 384.


165. The Situationists mirrored Foucault's insight that "discourses are not once and for all subordinated to power or raised up against it, any more than silences are. We must make allowance for the complex and unstable process whereby discourse can be both an instrument and effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy. Discourse transmits and produces power; it reinforces it, but also undermines and exposes it; renders it fragile and makes it possible to thwart it": Foucault, History of Sexuality, 100–1.

166. Edward W. Said writes, "To a certain extent modern and primitive societies seem . . . to derive a sense of their identities negatively. A fifth-century Athenian was very likely to feel himself to be nonbarbarian as much as he positively felt himself to be Athenian. The geographic boundaries accompany the social, ethnic and cultural ones in expected ways. Yet often the sense in which someone feels himself to be non-foreign is based on a very unrigorous idea of what is 'out there,' beyond one's own territory. All kinds of suppositions, associations, and fictions appear to crowd the unfamiliar space outside one's own": Edward W. Said, Orientalism (New York: Random House, 1979), 54.

169. Ibid.
171. Ibid.
175. Ibid., 3.
178. Vache, Black Mask, 57.
180. I am, of course, paraphrasing the late Mary Joe Frug's statement about the category of woman. Frug writes, "Only when sex means more than male or female, only when the word 'woman' cannot be coherently understood, will oppression by sex be fatally undermined": Mary Joe Frug, "A Postmodern Feminist Legal Manifesto (An Unfinished Draft)," in Mary Joe Frug, Postmodern Legal Feminism, (New York: Routledge, 1992) 125. The article was originally published in Harvard Law Review 105 (1991): 1045, 1075. Frug was murdered on April 5, 1995, in Cambridge, Massachusetts, before she had a chance to complete her manifesto. On the first anniversary of her death, students on the editorial board of the Harvard Law Review chose to mock her death, her life, and her theories in a special "Law Review" show.
185. Ibid.
190. Ray Bradbury, "And the Rock Cried Out," in The Vintage Bradbury, ed. Ray Bradbury (New York: Vintage Books, 1990), 227. The invention will never come. The conversation takes place between white tourists from the United States and their Mexican taxi driver after a nuclear holocaust has destroyed the white nations of the Earth. The tourists, stripped of their white power, see themselves as they have always been seen by their Others. They see themselves, for the first time, in the mirror of their own exclusions. Having stepped through the looking glass, they see that they cannot live amidst the haze that they and their colorblind lifestyles created. The days of their future, they find out, are past.
191. Memmi, Domination and Man, 16.
199. Bradbury, "The Other Foot," 43.
200. Ibid., 45-46.
201. Ibid.
202. Ibid., 48.
204. Bradbury, "The Other Foot," 50.
205. Ibid.
207. Bradbury, "The Other Foot," 52.
208. Ibid., 53.
212. Ibid., 57.
213. Ibid., 52.
214. Ibid., 56.
215. Ibid.
216. Ibid.
221. Fanon, *Black Skin, Blue Eyed*, 112.
222. Ibid., 114.
223. Ibid., 117.
224. Ibid., 117-8.
229. Ken Knabb, "Situationist International," in *Public Secrets: Collected Skirmishes of Ken Knabb*, 1979-1987 (Berkeley, Calif.: Bureau of Public Secrets, 1997), 370. A similar comment was made by John O. Killens, who wrote, "The American Negro, then, is an Anglo-Saxon invention, a role the Anglo-Saxon gentlemen invented for the black man to play in this drama known euphemistically as the American Way of Life. It began as an economic expedient, frankly, because you wanted somebody to work for nothing. It is still that, but now it is much more than that. It has become a way of life, socially, economically, psychologically, [and] philosophically": John O. Killens, "Explanation of the 'Black Psyche,' " *New York Times*, June 94, 37-8, 42, 47-8, as quoted in "We Refuse to Look at Ourselves Through the Eyes of White America," in *Black Protest Thought in the Twentieth Century*, ed. August Meier, Elliott Rudwick, and Francis L. Broderick (Indianapolis: Bobbs-Merrill, 1973), 426.
233. Ibid.
235. Ibid.
240. See generally ibid.