

RETURNS

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Patricia Williams was my teacher. In the five stages of preparing for this day, I heard many of the phrases from *The Alchemy of Race and Rights* echo through my mind.¹ I felt *just like* that monkey Williams describes staring at the keyboard, as she puts it, “all those letters of the alphabet, full of random signification.”² And, of course, there was no shortage of news items vying for my attention on radio and TV. George Zimmerman’s brother, Robert, was interviewed by Michel Martin on NPR’s *Tell Me More*, explaining why growing up with his Afro-Peruvian mother in Virginia meant that race could not be a factor in his brother’s shooting of Trayvon Martin in Florida one year ago, their growing-up marked, as it was, by a difference of culture (of foods and how they spoke at home, he mentioned), while also ensuring, he suggested, his family’s color-blindness.³ The President of Emory University wrote confidently about the Three-Fifths Compromise as an historical example that might be useful in fending off the contemporary threat of sequester, avoiding the fiscal cliff, and getting the President and Congress (the only relevant social actors) to work together.⁴ In his response to criticism about his letter, he went on to apologize for the “hurt caused by not communicating more clearly [his] own beliefs.”⁵ And the State of Mississippi’s attempt to get rid of the sole abortion clinic remaining in the state through House Bill 1390, ostensibly making Mississippi an “abortion-free” state, as Governor Phil Bryant called it,⁶ could only recall Williams’ prescient words: “[T]he right to privacy might be a function of wealth.”⁷

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1 PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* (1991).

2 *Id.* at 4.

3 *Tell Me More* (National Public Radio broadcast Feb. 26, 2013).

4 James Wagner, *From the President: As American as . . . Compromise*, EMORY MAGAZINE, Winter 2013, at 42, available at http://www.emory.edu/EMORY_MAGAZINE/issues/2013/winter/register/president.html.

5 James Wagner, *Update from the Editor, February 24, 2013*, EMORY MAGAZINE, Winter 2013, available at http://www.emory.edu/EMORY_MAGAZINE/issues/2013/winter/register/president.html.

6 Laura Bassett, *Mississippi Abortion Bill May Force State’s Only Clinic To Close*, HUFFINGTON POST (Apr. 5, 2012), http://www.huffingtonpost.com/2012/04/05/mississippi-abortion-bill_n_1404705.html.

7 WILLIAMS, *supra* note 1, at 22.

Rejecting this low-hanging fruit, I tried to avoid the mistake of so many of my students, who embrace with great enthusiasm the form of Patricia Williams' brilliance, but ignore some of what I always took to be the most important invitations in her work. I reminded myself first of one of them—Williams' preference for induction as a critical method, which I found to be such a relief while in graduate school—and decided to start from where I was. For the past several weeks, I have been conducting an experiment with my graduate students. I am teaching a course in black feminisms (oh, yes, that's the experiment). I was surprised and grateful that any of them signed up for this adventure, given that the subject is treated as anachronistic in the world where I spend much of my time. I myself have become accustomed to living at a kind of temporal disjuncture in my United States-based academic life. My students are simply not exposed to this material because it is assumed by others, on their behalf, that what they would learn there they should already know, have moved through and beyond. They are confounded not by the newness of the materials they are confronting, but by the ways that the recursivity of these works redraws their larger relationship to knowledge. They begin, as it were, to see "her shape and his hand."⁸

One of their assignments was to read *The Alchemy of Race and Rights*. More than twenty years since its publication, I found that the students were immediately undone. And, suddenly, they were filled with *stories*. Inspired by the deterritorialization in Williams' writing—its breaking up of the conventions of owned objects and mapped terrain—they ceased their flag-wielding activities, no longer looking for new areas to conquer, name, and claim.

I myself was transported back to 1991, when I first read this book and soon after came to meet Pat when she arrived at Columbia. I have tried very hard to recall that first meeting. But it just seems that she was already everywhere, and perhaps it is the case that having read her words and anticipated, as encouraged by Kendall Thomas, her arrival, it was as if there really was no first meeting off the page. Somehow I remember always being around her office, and it seemed that everything happened there—we brainstormed about a conference we, graduate students in the English & Comparative Literature program, were planning (at which she was kind enough to speak); she brought her son Peter on his first day at home and we watched his long arms and legs extend already over the edges of the carriage with awe; we discussed everything that we were reading; we watched her plan for class; she allowed us to witness her thinking. There, I encountered the same openness and vulnerability that had overwhelmed me when reading *Alchemy*, so the bleeding of life into the page is perhaps not so surprising.

8 *Id.* at 19.

I began to see just how moving inductively as a means of revealing thinking *and* feeling in one's work was also honoring a cultural tradition. As Pat put it when describing the historical process of inspiring rights frameworks, "[t]he making of something out of nothing took immense alchemical fire."⁹

To say that blacks never fully believed in rights is true. Yet it is also true that blacks believed in them so much and so hard that we gave them life where there was none before; we held onto them, put the hope of them in our wombs, mothered them and not the notion of them. And this was not the dry process of reification, from which life is drained and reality fades as the cement of conceptual determinism hardens round—but its opposite. This was the resurrection of life from ashes four hundred years old.¹⁰

But how to breathe that life? I also recall that Pat taught me to stay close to the things that I loved. Sometimes this was more literal than one would think. On more than one occasion she mentioned reading a contracts textbook because she woke up in the middle of the night and it was next to her. She also once began an extensive conversation with me about a paper I had written and given her to read at her leisure. And when I inquired as to why it was so vividly in her mind, I learned that it was next to one of those textbooks. What made Pat a great teacher, and what makes her work so powerful for me, is that she immerses herself into all of the law's particularities with great love.

For the last ten years, I have taught an undergraduate course on Women and the Law, inspired by so many of the things that Pat taught me. My students also love the law—or so I accuse them. It is a different kind of love. Despite the fact that these students all have causes—we are in Santa Cruz, after all—and are often activists, they nonetheless believe in the end, like most of us, that bringing their causes to the attention of the courts and legislative bodies will eventually guarantee them the rights that they seek. The Violence Against Women Act gets reauthorized; gay marriage becomes legal. They are entirely passive in relationship to law; they are willing to succumb to its every flirtation. As they neglect the aspect of inspiring rights, to attend to the hypostatization of legal categories, to find culture and history in the law, becomes the project of the course. At first, these blows are crushing. The very prospect of all that hard work to make the relationship is too much. It is through the beauty and grace of reading Williams as she painstakingly exposes their quandaries in revealing her own that they begin to see how a new relationship might

9 *Id.* at 163.

10 *Id.*

be made, one that factors in the force of the state but also reveals an adjacent temporality, an adjunct relation to received histories, a nascent historicity that presses into the future without guarantees.

Much of the work is in getting the students to see how one significant site in which “women” as a category is produced is the law, and one way of accomplishing this is by producing a comparative and sometimes transnational frame that also considers other legal cultures. What I am reminded as I teach this course is that in cultural studies scholarship more broadly, law is often the domain without a culture. It is wielded as facticity, words, as Williams put it, equaling words, flattened into ground even when all else is deemed worthy of play.¹¹ I am reminded of a scene in Williams’ property course twenty years ago when I read these words in *Alchemy*:

[C]ontract is no longer a three-party transliterative code, in which law mediates between profit and relationship, and in which property therefore remains linked to notions of shared humanity. Instead, consumerism is locked into a two-party, bipolar code that is little more mediative than a mirror. Money reflects law and law reflects money, unattached to notions of humanity. The neat jurisprudence of interpretive transposition renders the whole into a system of equations in which money = money, words = words (or law = law). The worst sort of mindless materialism arises. The worst sort of punitive literalism puts down roots.¹²

To counter this description, Williams explained to students how contract in the U.S. has not always been understood without reference to community as mediator, how an exchange might have been challenged in a context where it might, in fact, imply more than two, and that the implication of this third, mediating term might introduce multiple categories of humanity, as well as other forms of life. Contract has a history. Law has a culture. *Alchemy* is possible.

My friend Leti Volpp, who was at Columbia Law School at the time, relayed another story to me recently of that time. Pat also taught a required course on Perspectives on Legal Thought and one day had assigned Kendall Thomas’s article *Shower/Closet*.¹³ As Leti tells it, she herself went to the bathroom, and having returned to find the room most severely

11 See *id.* at 41.

12 *Id.*

13 Kendall Thomas, *Shower/Closet*, 20 ASSEMBLAGE 80 (1993).

changed, she then noticed that her neighbor had scribbled on the side of her notebook that one of the male students, in attempting to justify straight male fear of showering with gay men, had asked if Pat would like to take a shower with him. Somehow, evidently without missing a beat, Pat had segued into a lecture on hate speech so powerful that many of the women-of-color left the room in tears—of relief, recognition, and horror simultaneously, having never before heard such a public acknowledgment of what had been their private pain. This was inspiring discourse.

I asked Pat to join my orals and dissertation committees, and together we learned these rituals. (She asked me, “What is an orals committee?” And I said, “I don’t really know, I haven’t done it yet.”) Returning to that experience after the span of twenty years, I find that I asked the same questions then that I ask still. Inasmuch as Williams had committed to memory many passages from those commercial law textbooks she so loves, I have a few passages committed to my own memory. They come from the canon of African American studies and literature, and since I am not in that familiar venue, I will read them. One of them comes from W.E.B. Du Bois, whose notion of double consciousness undergirds Pat’s own writing in *Alchemy*. But I want to read you the passage from which we derive that theory of double consciousness to mark the unevenness there, an unevenness that Pat helps us think through. Du Bois wrote in 1903:

[T]he Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world,—a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity. One ever feels his twoness,—an American, a Negro¹⁴

As I mentioned, this gives us the framework that many of us have come to use as double consciousness, but it was also importantly uneven. Du Bois was careful to describe that this double consciousness was not borne equally by all black subjects. While there was the more salient class distinction invoked by the phrase “the talented tenth,” he also mentions a gender divide, a difference between how boys and girls live inside of this world.¹⁵ This is one of the unevennesses that Pat’s work has helped us to think through over these many years. But *Alchemy* suggests more—that the relations of and between gender, race, and

14 W.E.B. DU BOIS, *THE SOULS OF BLACK FOLK* 12 (Arc Manor 2008) (1903).

15 *Id.* at 74.

class are not best thought of as independent strands to be objectively laid out before us in endless classificatory detail.

The other passage that I remember, and have been thinking about since that time, is one from Anna Julia Cooper, whose work *A Voice from the South* was published in 1892.¹⁶ As she wrote:

The most talked about of all the forces in this diversified civilization, they seemed the great American fact, the one objective reality, on which scholars sharpened their wits, at which orators and statesmen fired their eloquence, and from which, after so long a time, authors, with varied success and truthfulness have begun at last to draw subjects and models.¹⁷

Cooper refers there to the quintessential American object of the period, the fact of African Americans, of the Negro. But in this recursive gesture, in this return along the same route, they are also a *force* of facticity. They are objectified and never written in relationship *to*, but beginning again and moving along these same contours (*her shape, his hand*),¹⁸ their movement finds its form. These two passages, when set alongside Patricia Williams' work, are enlivened because of the many ways in which she allows us to remember that inspiring framework. Her returns allow us to think again about this form of facticity, perhaps best characterized in our most customary relationships to jurisprudence, to seek instead the cultural legacies that are hard to find when we limit ourselves to a colorblind discourse of race, to look for shapes and to write into negative space. I think of this often when I am teaching these questions, since everything that I seem to work on has to do with this problem of the dialectics of race and culture and the ways in which we continue to read past those complexities in contemporary life, knowing from when we start where we will end. What if we move inductively and cease to begin with race as the problem at hand? What if we move instead from the subordinated but nonetheless living cultural space of black life? What if we see *her shape*?

The ways that teachers enable us are often hard to recognize, so much of what they give arrives in us in ways that are also disembodied. Sometimes, when I meet particular resistance in my students, I move my own body into certain shapes. I find myself crossing my arms and nodding, which gives me a feeling of restraint and poise that almost nothing

16 ANNA JULIA COOPER, *A VOICE FROM THE SOUTH* (Oxford Univ. Press 1988) (1892).

17 *Id.* at 179.

18 WILLIAMS, *supra* note 1, at 19.

else will achieve. I can feel how much this bodily posture composes me. And I know that this shape is one of those gifts. Thank you.